

2019 HOUSE INDUSTRY, BUSINESS AND LABOR COMMITTEE

HB 1157

2019 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Peace Garden Room, State Capitol

HB 1157
1/15/2019
30846

- Subcommittee
 Conference Committee

Committee Clerk: Ellen LeTang

Explanation or reason for introduction of bill/resolution:

Regulation of low-voltage electrical systems.

Minutes:

Attachment 1, 2, 3

Chairman Keiser: Opens the hearing on HB 1157.

Rep Ben Koppelman~Representing District 16, West Fargo: Attachment 1.

5:20

Rep Adams: When you go to low voltage, when my IT guy comes in rewires my speakers, does he need a license?

Rep Koppelman: That's general right, my systems gain their power from something that is plugged in. When you are wiring for a receptacle, an electrician is required because it hooks to the line voltage service.

Rep C Johnson: I'm not an electrician & if I had an outlet or light switch that went bad, am I legally able to do that?

Rep Koppelman: For one receptacle doing maintenance, they probably won't be hounding you to have an electrician do it. The statute talks about anything that has do \$500 of receptacle changes would require a permit. Generally, nobody will force you.

Rep Richter: Section 1, how does that affect an apprenticeship program or someone hired to work with a licensed electrician? To me it reads that you can't have a 1st year or someone who is starting out in pursuing an electrical program cannot assist in wiring a building. Am I incorrect in that?

Rep B Koppelman: There are various levels of worker within the electrical trade & you can find it in chapter 24, in the administrative rules.

Rep Bosch: Does this apply to both residential & commercial fire detection systems?

Rep B Koppelman: Yes.

Rep Bosch: How would you handle the installation & the wiring of bringing up the fire alarm panel? Who would do that?

Rep B Koppelman: I work in the commercial trade & I do wiring either line or low voltage, that is involved in a fire alarm panel. They would hire a fire alarm monitoring company, but it's under the supervision of an electrician.

Rep Bosch: My understanding that in a commercial facility & it's not installed by the electrician. Am I wrong?

Rep B Koppelman: When they manufacture with the panels, I can't speak to what you're talking about.

Rep Bosch: When the panel is installed by the representative of the panel, who certifies that?

Rep B Koppelman: The electrician in conjunction with other trade inspectors, that they work together.

Rep Bosch: Was there a fire inspection.

Rep B Koppelman: Yes, there is a fire inspection.

Rep Ruby: Adding the fire detection system, adding it to all other types of wiring required. Is this changing anything to do with a self-wiring permit for a residential property? Is any of this going to change the ability of the self-wiring permits?

Rep B Koppelman: We do, in 24.106 0140, there is a section titles smoke, heat, carbon monoxide & fire alarm systems. Self-wire yes, I believe you can.

Chairman Keiser: Line 9, do you have a license, could you have an apprentice do these things? Apprentice can only observe?

Rep B Koppelman: I believe that's incorrect.

Chairman Keiser: This says you have to have a license.

Rep B Koppelman: The old language say that shall apply for a license. The original intent is the same. We're making it clear.

Rep Richter: An apprenticeship is a license?

Rep B Koppelman: No, you register as an apprentice that assists the master electrician.

Bill Kalamek~On behalf of the Dakota's Chapter of the National Electrical Contractors Association: The association supports the bill before you.

19:40

Chairman Keiser: Anyone else here to testify in support, opposition of HB 1157.

Doug Grinde~Director of Inspections, ND Electrical Board: Attachment 2.

22:15

Rep Laning: Are you saying that's outside of the regulation for sound system technician to install a system?

Doug Grinde: The executive director will be going through a lot of that. I would like to defer that question.

Rep Ruby: When you were an inspector, did you inspect some of the low voltage wiring, like doorbells?

Doug Grinde: We wouldn't look at that. To generalize low voltage.

Rep Bosch: Is there anywhere in code the definition of life safety?

Doug Grinde: I don't know.

Rep Schauer: Do you have a definition for low voltage system?

Doug Grinde: I don't know where you would put the definition. I don't know whether it's good to define low voltage. It's also where you are with the right conditions, it can kill you.

Scott Porsborg~Special Assistant Attorney General for the ND State Electrical Board: From the oil company, they had experts in the field but they had to hire electricians. That bill received a do not pass. This issue has been discussed. What they decided to do is they introduced a bill which is being heard in the senate & they killed that bill.

ND Electrical Board saw that issue & they formed a committee. That committee has been meeting for about the last 3 years. The product of the committee & board's decision on what to do with low voltage is in a bill that is being introduced in the senate. That bill has been vetted by the stake holders. The problem I have is the "as such as". We're coming in with a fix to the problem but this bill doesn't do it.

Rep Kasper: What I've heard today is the issue of "low voltage", there has to be a definition of "low voltage" out there somewhere. What is definition?

Scott Porsbog: I don't have one. This is not a simple issue.

James Schmidt~Executive Director of the ND State Electrical Board: Attachment 3.

40:50

Rep Bosch: When you were sending out the survey, did you get any responses back with some extra licensing?

James Schmidt: The trained individuals want that.

Chairman Keiser: Anyone else here to testify in opposition, neutral position on HB 1157.
Closes the hearing.

2019 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Peace Garden Room, State Capitol

HB 1157
1/23/2019
31336

- Subcommittee
 Conference Committee

Committee Clerk: Ellen LeTang

Explanation or reason for introduction of bill/resolution:

Regulation of low-voltage electrical systems.

Minutes:

Attachment 1

Chairman Keiser: Reopens the hearing on HB 1157.

Rep Bosch: Attachment 1. Goes over the amendment.

James Schmidt~Executive Director for the State Electrical Board Office: This is the 1st time that I've seen these amendments. I don't think these amendments do anything to help. I still think the board will be against this.

Chairman Keiser: Further discussions?

Rep D Ruby: Moves the adoption of the amendment.

Rep Schauer: Second.

Chairman Keiser: Further discussion?

Voice vote ~ motion carried.

Chairman Keiser: What are the wishes of the committee?

Rep Adams: Moves a Do Not Pass as Amended

Rep Richter: Second.

Rep Adams: I'm going to support the motion.

Rep D Ruby: I'm going to resist the motion. Some of these systems are pretty simple. Sometimes it could be speaker wire & those kinds of things. I don't think there is a problem of what they are asking for.

Rep Bosch: I resist the motion as well. By not defining these a little bit.

Chairman Keiser: Further discussion?

Roll call was taken for a Do Not Pass as Amended on HB 1157 with 4 yes, 7 no, 3 absent. Motion failed.

Rep D Ruby: Moves a Do Pass as Amended.

Rep Schauer: Second.

Chairman Keiser: Further discussion?

Roll call was taken for a Do Pass as Amended on HB 1157 with 7 yes, 4 no, 3 absent & Rep Bosch is the carrier.

DP 1/29/19

19.0606.01001
Title.02000

Prepared by the Legislative Council staff for
Representative Bosch
January 21, 2019

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1157

Page 1, line 2, remove "low-voltage"

Page 1, line 12, remove "fire detection system,"

Page 1, line 15, remove "low-voltage"

Page 1, line 16, remove "low-voltage"

Page 1, line 17, remove "fire detection system,"

Renumber accordingly

Date: Feb 23, 2019

Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 1157

House _____ Industry, Business and Labor _____ Committee

Subcommittee

Amendment LC# or Description: 19.60601.01001

Recommendation

- Adopt Amendment
- Do Pass Do Not Pass Without Committee Recommendation
- As Amended Rerefer to Appropriations
- Place on Consent Calendar

Other Actions Reconsider _____

Motion Made by Rep Ruby Seconded By Rep Schauer

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser			Rep O'Brien		
Vice Chairman Lefor			Rep Richter		
Rep Bosch			Rep Ruby		
Rep C Johnson			Rep Schauer		
Rep Kasper			Rep Adams		
Rep Laning			Rep P Anderson		
Rep Louser			Rep M Nelson		

Total (Yes) _____ No _____

Absent _____

Floor Assignment voice vote - motion carried

Date: Feb 23, 2019

Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. 1157

House _____ Industry, Business and Labor _____ Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation

- Adopt Amendment
- Do Pass Do Not Pass Without Committee Recommendation
- As Amended Rerefer to Appropriations
- Place on Consent Calendar

Other Actions Reconsider _____

Motion Made by Rep Adams Seconded By Rep Richter

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser		x	Rep O'Brien	x	
Vice Chairman Lefor	Ab		Rep Richter	x	
Rep Bosch		x	Rep Ruby		x
Rep C Johnson		x	Rep Schauer		x
Rep Kasper	Ab		Rep Adams	x	
Rep Laning		x	Rep P Anderson	x	
Rep Louser		x	Rep M Nelson	Ab	

Total (Yes) 4 No 7

Absent 3

Floor Assignment Motion failed

Date: Feb 23, 2019

Roll Call Vote #: 3

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 1157

House _____ Industry, Business and Labor _____ Committee

Subcommittee

Amendment LC# or
Description: _____

Recommendation

- Adopt Amendment
- Do Pass Do Not Pass Without Committee Recommendation
- As Amended Rerefer to Appropriations
- Place on Consent Calendar

Other Actions

- Reconsider

Motion Made by Rep Ruby Seconded By Rep Schauer

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	X		Rep O'Brien		X
Vice Chairman Lefor	Ab		Rep Richter		X
Rep Bosch	x		Rep Ruby	X	
Rep C Johnson	x		Rep Schauer	X	
Rep Kasper	Ab		Rep Adams		X
Rep Laning	x		Rep P Anderson		X
Rep Louser	x		Rep M Nelson	Ab	

Total (Yes) 7 No 4

Absent 3

Floor Assignment Rep Bosch

REPORT OF STANDING COMMITTEE

HB 1157: Industry, Business and Labor Committee (Rep. Keiser, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (7 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING). HB 1157 was placed
on the Sixth order on the calendar.

Page 1, line 2, remove "low-voltage"

Page 1, line 12, remove "fire detection system."

Page 1, line 15, remove "low-voltage"

Page 1, line 16, remove "low-voltage"

Page 1, line 17, remove "fire detection system."

Renumber accordingly

2019 SENATE INDUSTRY, BUSINESS AND LABOR

HB 1157

2019 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Roosevelt Park Room, State Capitol

HB 1157
3/20/2019
Job #34012

- Subcommittee
 Conference Committee

Committee Clerk: Amy Crane

Explanation or reason for introduction of bill/resolution:

relating to regulation of electrical systems.

Minutes:

Att. #1-2

Chairman Klein: Opened the hearing on HB 1157. All members were present.

Representative B. Koppleman, District 16: testified in support of the bill. There was a movement to transition the power limited technicians to the purview of the electricians, and I was not in favor of that. there are a few things that we need to look at. There are some situations, like dangerous areas, where the power limited technicians should be required to work with an electrician. Another niche area is the overlap, those trades that traditionally did low voltage stuff and now blurs the line into electrical work. In speaking with electricians, most of them do not want to do the work that these niche people are doing. The low voltage people don't want to be regulated by this niche work either. Creating another class of electrician's license. See attachment #1 for amendments brought to the committee.

Chairman Klein: Just so I understand the original intent, it was to take you out of the board to applying for licenses if you do, but the requirement wouldn't include planning laying out, and making alternations, and then the last line, if the system is not for electric light heat or power, aren't there things outside of light heat and power and some intertwined?

Representative Koppleman: The short answer is why we use this language, we had a very confusing law we started off with. The way it had been defined wasn't clear. The way the law read before, somebody could take a different interpretation.

Chairman Klein: Line 16 when you say, the system is not for light heat or power which precludes the line 12, which suggests you need a license?

Senator Burckhard: You refer to the niche group, is that a specific thing?

Representative Koppleman: The niche is the group that straddles both the black and the white sides. The spark that started the power limited movement was getting the oil field the labor they needed. What's the long-term goal? To create some sort of automation. They still

need the knowledge to be safe, but they are trained differently than your traditional electrician. Right now, we have electrician babysitters, we're trying to get away from that. Went over the amendments in attachment #1.

Chairman Klein: So a brand new approach to looking at the folks that deal with what you're talking about?

Representative Koppleman: This is trying to find the happy medium between needing an electrician babysitter and trained to handle this kind of thing.

(22:24) Senator Roers: I don't see any kind of requirements for this new position as it relates to certifications: hours of time, like journeyman need 8,000 hours. What's your expectation for that?

Representative Koppleman: We're a union model, you're indentured until you're ready to take a test and some guys should never take a test. The way I see it, as long as a certificate is a reasonable approach, it would still be reasonable now. On page 4 line 7, my vision was that the board could create another path. Maybe through so many hours or taking a certain test, other than getting a certificate.

Senator Roers: For clarification we did reduce from 900 hours to 576 hours, it seems to me you're going to want to define what it means to be experienced or trained.

Representative Kopplman: I was trying to allow more leeway for the board to do that. another approach could be, for the class B electrician, they take a different approach. A class B electrician is geared toward a niche, farm wiring, small town wiring, they just say 18 months' experience in their niche industry. The past bill was supposed to have some grandfathering provisions initially and then was gonna institute the hours down the road for people who didn't. And that could be one way of instituting it.

Vice Chairman Vedaa: While you're doing this clean up, I believe that should say alterations not alternations.

Representative Koppleman: That does appear to be a typo yes.

Senator Kreun: You've got one issue here, exceeding 60 volts. Volts aren't necessarily the issues it's the amperage that causes the heat and build up. In the design phase that would have these people look at what this is building up to, when using a certain conduit, could be dangerous. Is there going to be an architect or engineer or somebody who is going to design this and determine the amperage? If you run that main line, is this going to be an architectural design or who is going to oversee that?

Representative Koppleman: We were thinking class 1,2,3, circuit system. This is a lower electrician that will have to have understanding of the electrical code. Those heat coefficients. I'm not an electrician, we would have expected that of anyone who had an electrical license, that was something I was back and forth on.

Senator Kreun: In that context who would be the best person to decide that. Where does that overlap start? I don't see any defined area. Where does it start and end?

Representative Koppleman: I think we're looking at two different parts here. Nothing in this bill is going to govern an IT person and how often they plug something in to a power strip.

Senator Kreun: That's not what I'm asking. You're going to have a computer bank set up in a large home, all the lines that go to all the different places in the home. Where does that transition look like, where does it take over from the electrician to the power limited folks and how do we define that?

Representative Koppleman: My understanding is that when it comes to data wiring, that really isn't going to be effected by any version of, under current law the data guys aren't under heat light and power. As in proposing amendments, those are the people that are doing nonelectrical. Once it becomes beyond cord and plug, their limitation is decided by statute, and once you remove voltage, class 1, 2 or 3 circuits. It does not say they can do any electrical work. The board would probably use the national electrical code to define whether or not it was a class 1, 2, or 3 circuit or not. Then they would say this person's license is qualified but do they have the right training for this specific job. I don't think it's right in the law to define the niches. I think we're enabling the board to license for this niche. We're just trying to have a commonsense approach where we don't take over anybody else's industry but we fill a niche.

Chairman Klein: That was my concert, we're popping something in here at the last second that would affect those folks who filled the room last time.

Representative Koppleman: My intent, has them exempted and defined as a non-electrical system. There is only one area where there would be an overlap and that would be in like an explosive area. This is tough to get your head around, it is my intent if the committee is inclined, to wait until the end of the week to get these amendments figured out.

Chairman Klein: We're usually generally willing.

Brad Sanford, North Dakota resident: testified in support of the bill. The automation technician takes significant formal and field training; this is a separate trade from an electrician. But under today's laws, they are governed the same. I design and enable some of the most advanced technological systems in the oil field but legally, I can't do it without an electrician standing right next to me. The board has realized the issues with this. 1157 as amended meets both parties' intentions. It outlines the previously listed trades as nonelectrical systems and allows those in the automation business to receive licenses, but still allow the North Dakota state electrical board, inspections in hazardous areas such as the oil field, which I strongly agree with. The work we do requires perfection. We should be inspected and held to a standard.

40:58 Chairman Klein: I don't know if you've seen the changes, or have heard what Representative Koppleman proposed, I think we feel for what you're doing and are trying to make it work. What troubles me, is that the electrical board hasn't reach out to you, we're all

trying to get to the same spot. Folks that have been out there doing it for years and now we're going to make them get an education.

Brad: I'm one of those guys, where would I stand, could I pass a test? I don't have any certificates.

Chairman Klein: That does lead me to the even with the amendments. Board certifying, sometimes, boards do what they do and create hurdles. I know by putting it in here that's kind of good but could also be kind of bad.

Brad: I do like that it is vague and it should be up to the board to make changes.

Chairman Klein: Do you work with the board?

Brad: Yes

Chairman Klein: And they're easy to work with?

Brad: I would say I have no problems. They're very professional to deal with.

Chairman Klein: If you were going to say there is something in the field that isn't working right, we heard about an electrician sitter, is there anything that could be improved upon?

Brad: This is a big deal, the term light heat and power is such a broad term. To define that better, that's really up for interpretation there is a broad overreach.

Chairman Klein: The safety record on your team?

Brad: We've had a couple of guys cut fingers but other than that we have a clean record.

Senator Burckhard: I fully appreciate the service you provide, you suggested because of the service you provide, the automated pipelines and wall head. The threshold in the oil field went from \$45 to \$25?

Brad: Along with intelligent engineering, we've reduced the size of a well pad, and now because of our automation and modern day measuring methods, we can meter ten wells and put them into the same size facility. Which reduces the cost to build the facility by like millions of dollars. They pay a few hundred for automation and save three million dollars in facility.

Bill Kalanek, Dakotas Chapter, National Electrical Contractors Association: We're kind of on the fence we haven't seen the amendments, we did initially support the bill in the house.

James Schmidt, North Dakota Electrical Board: see attachment #2 for testimony in opposition to the bill. But providing we view the amendments, we may change.

Chairman Klein: Tell us why you oppose it in its present form.

James: The original bill had the term low voltage in there, that means 600 volts or less. That was bad. If you look at the bill line 16, you can say that anything that's got a wire through it requires power. Line 15, if you're going to exempt an audio system, that won't work. Like a theatre has a huge audio system. Visiting with Representative Koppleman, the intent was to exempt home audio systems, I get that. The same with video systems, computer networks. 100 watts of power is a lot, now they are developing 200-watt cable. If to exempt it in home is okay, but in classified areas, special occupancies, one of the amendments before would call these out. I think there is hope here to do something, but like I said we don't want to put voltage in there because that's just more confusion, we don't disagree that those guys are qualified.

Chairman Klein: We want you guys to work this out. If there is an opportunity that's what we want to do. We're disappointed that the board can't work this out amongst themselves. I'm just speculating that there are electricians that are concerned that a line is being crossed. Do we really need legislation?

James: I visited with our attorney several times, he says that there's no recourse, there's no requirement for licensure and there's no recourse for bad actors, so he felt that some sort of legislation is necessary.

Chairman Klein: We need some kind of legislation so you guys know what to follow.

James: We want to be reasonable.

Chairman Klein: Closed the hearing on HB 1157.

2019 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Roosevelt Park Room, State Capitol

HB 1157
3/25/2019
Job #34206

- Subcommittee
 Conference Committee

Committee Clerk: Amy Crane

Explanation or reason for introduction of bill/resolution:

relating to regulation of electrical systems.

Minutes:

Chairman Klein: Opened the committee work session on HB 1157. We're going to be creating a new class of electrician in the next week, and I decided that if we can't get the amendments in time and we don't have enough time to get everybody to look over this, then I think we shouldn't go through with it. I said it would also seem to me that the electrician's board had the ability inside their organization to craft something on their own.

Senator Roers: So I did visit with Jim at lunch with Representative B. Koppleman, and I asked him how it looked and he said it was starting to come around.

Chairman Klein: The only concern I have is how the PLT looked. The electricians are going to look out for the electricians. The phone guys were at my desk. Jim will say they're excluded; I just want to make sure there are no unintended consequences. The room was full of a lot more folks that didn't like the bill. This is 2359 reinvented, the only changes are that they're tweaking those hours.

Senator Kreun: One thing he did indicate was even if we vote, we're not going to have all the regulations put in place by August.

Chairman Klein: I confirmed that. After it passes on August 1st, the agency still has 9 months to promulgate the rules, so that pushes it a year from now. If the study would recognize these power limited technicians and put together a good legislative answer, we're only talking another year after that, and maybe sooner with an emergency clause. Once again, this a shall consider study not a shall study.

Senator Kreun: I did get a chance to visit with Senator Kannianen. I asked him what do you think is the best possible solution. I think this is going to be a big industry. We don't want to be able to just throw something out to get it off the table. I think he would be satisfied with a good study.

Chairman Klein: Adjourned the hearing.

2019 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Roosevelt Park Room, State Capitol

HB 1157
3/27/2019
Job #34261

- Subcommittee
 Conference Committee

Committee Clerk: Amy Crane

Explanation or reason for introduction of bill/resolution:

relating to regulation of electrical systems.

Minutes:

Att. #1

Chairman Klein: Opened the committee work session on HB 1157.

James Schmidt, Electricians Board: I've been working with Representative B. Koppleman on these amendments. They were dropped at legislative council this morning. This is just a word document of some of the changes we'd like to see. It's actually our chapter 43-09. In my opinion it's a short version of 2359. We visited with some of the players that had concerns with that previous bill. I visited with our attorney about this, his opinion is that he's nervous about the unintended consequences of people that don't know what's going on with 1157, knowing that 2359 was turned into a study. see attachment #1 for proposed amendments to the bill.

Chairman Klein: As we get this drafted, we're gonna have a bill that most folks that were in opposition to the bill we turned into a study are not here and thought we killed the issue. That's my concern. The study was an agreed upon compromise and we could reach both of the goals set by each side but now we have these huge amendments and they haven't really been discussed.

Senator Kreun: This is your chapter? Is it the whole chapter?

James: Yes, it is. That basically needs to be adjusted to make it all fit. I like what we've done. But I don't want to be accused of trying to sneak something in the eleventh hour. I just want to be open and upfront.

Senator Kreun: Did the house kill our bill?

Chairman Klein: I believe it passed as a may consider.

Senator Roers: Are you suggesting we move this to a study as well?

James: Well if that's what you want. If you study 2359, that's the whole gamut. We were trying to grab the whole industry originally. So if you study that, I'm not going to suggest you kill that but they are really one in the same. But this is an amended version so it would be pointless to study both of them.

Chairman Klein: Just for point of discussion, what qualifications would you be requiring for a power limited technician? What would be their hours of service?

James: For the requirements, we had that trade association. It passed the house 81-10. To issue a power limited technician, the board will have to do certain endorsements. Because as you heard from some of the people testifying in 2359, doing that electrical work is from one end of the spectrum to the other. You have Trinspin who does home automation and then you have Brad Sanford who works out in the oil field doing automation in classified location explosive type. So what I was thinking was, when this moves forward, we'd have to do like a power limited electrician's license with an endorsement. Because what they do is completely different. So you'd have to have different exams, different experience requirements. There is a lot to sort out. We can't have 50 different power limited licenses but I think we could get it down to like four, five, or six. We could make it so you get an endorsement. I think we added the trade association.

Chairman Klein: hold a valid tradesman certification?

James: Yes, number 4, hold a valid tradesman certification. That's wide open too, there are all kinds of kinds of things, and they are associated with certain categories of what they do. Or B possess necessary work experience and training approved by the board, by rule we'd have to come up with something. We talked about apprenticeship, I don't know. That would have to be sorted out by rule.

Senator Roers: This sounds like different endorsements for different types of class one licenses, or CDL licenses where you've got explosives, transporting people, you've got CDL licenses. You've got a whole bunch of different endorsements. If you do that, that makes sense. But who is going to monitor it. Right now we have a licensing department. Are you going to be the gatekeeper?

James: Yes, that's what we do now. We'd have to do programming. We have a reporting system. We'd have to change some content with our web manager. There are lots of create different tests, certifications.

Senator Roers: But you're capable of doing that, with the staff and everything?

James: Yes, I did talk to our office manager earlier this week about that very thing. And if this would move forward this quickly, we'll know what we need to do but I will tell you we'll never get this done by August 1st when this law goes into effect.

Chairman Klein: Well you have nine months since the pass date to craft rules.

Senator Kreun: We had this room full when they testified on the senate bill. A lot of them ran out of time to testify. To implement a whole chapter without input from at least half of the

people it would involve. I would be skeptical of passing this through because there is a lot of information we're all still asking for and it wasn't clarified to a degree that I don't feel comfortable putting in law. I would like to see the industry come together. To make this decision, I feel a little uncomfortable because I'm not a high or low voltage professional and to make this decision without their input, I can't do that. That would be my feelings, my thought process.

James: I agree. I think what we've done is a good thing, but I worry about just exactly what you said. On the first page number 7, we reference NEC code articles that end up in North Dakota law. I don't even know if that's appropriate, or should it say approved by the board? I don't know those things. There's those kinds of things to iron out too. Knowing that the national electrical code changes every three years.

Chairman Klein: When all these people were here, the electrical board is the gorilla in the room because you're the oversight. Can't you sit down and figure out how to help all these guys without crafting legislation. We've scolded you for years about the fence building. Isn't there something within your board's ability to do something?

James: I've asked our attorney that several times. We do have the ability to go inspect, but we don't license, we have no recourse to make them fix any corrections or pay any fees or fines. We need that legislative authority to be able to section that group. The only control we have right now is the master electricians, the journeymen, and the Class B which can do all this stuff anyways.

Chairman Klein: Does it have to be in code though, to pull the blue cable? Can't you internally allow for the blue cable. Just a bit of frustration.

James: I've had those same conversations with our lawyer and he's just said we don't have the authority to do that.

Senator Roers: Doesn't this bill give you that authority to create that new classification? And if so, getting the approval from the industry people that Senator Kreun is concerned about, wouldn't that happen during the implementation process. Wouldn't you work that out then?

James: That is what we tried to do with 2359. We sent out notice to all of the agencies to try and get feedback about this. The utilities were always exempt. So we had it out there and then it's like nobody heard of this.

Chairman Klein: Well once it's in code, it's a lot harder to roll it all back. It will be a long time before we're able to correct this.

Senator Roers: Is this going to help you or hinder you? What I thought you said was you don't have the authority to go out and create that classification as it sits as a study. With this, does it now give you the authority to go out and create that new class?

James: To the limited authority listed there. So there's code articles that relate to low voltage people, to list those in law. Number 7 is where we say as described to the board. This was that version you're looking at was the fifth version yesterday. The NEC changes every three

years. It's dangerous to do that in law when those code articles change so often. Well chapter 8 is the data people. We've never looked at the data people because they aren't electricians so we've never had the authority to. The only time we'd want to look at chapter 8 stuff was in the roughen stage for going through fireproof walls, etc.

Chairman Klein: But you would have the authority to go home and start working on a classification that you would bring before the legislature next session? Whether we have the study or not, there will have to be a lot of information gathered. We had two people there liked the classification, but we're not sure about the rest of them.

Senator Kreun: This is something that is going to be advancing to a high degree over a long period of time. If we don't get the input, I think it's going to be a lot harder if we pass this and have to keep amending it. And now that we've got the attention, and bring those people to the table. You put little teeth that you have to be here in order to help design this particular industry. If we don't do it right the first time it's going to be a lot more difficult the second and third time.

Senator Piepkorn: Every time we come back here there is a new set of amendments. I think it would be irresponsible of us to pass something, if we don't all know exactly what we're doing.

Chairman Klein: All the effort that is being made to craft something.

Bill Kalanek, Dakotas Chapter, National Electrical Contractors Association: I have not been privy to the amendments. We were comfortable with the study. Some efforts were made the previous interim. That's where we're at. I'd love to look at the amendments but at this point we haven't.

Chairman Klein: That's my worry too, none of the folks have looked at it yet.

Senator Roers: Do you normally weigh in on stuff like this?

Bill: We've been very vocal. There is a pretty free flow of dialogue.

Danette Welsh, ONEOK: Based on what Representative Koppleman brought in. we do probably agree with the approach of waiting and working with the board over the interim.

Chairman Klein: Adjourned the meeting.

2019 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Roosevelt Park Room, State Capitol

HB 1157
3/27/2019
Job #34265

- Subcommittee
 Conference Committee

Committee Clerk: Amy Crane

Explanation or reason for introduction of bill/resolution:

relating to regulation of electrical systems.

Minutes:

None.

Chairman Klein: Opened the committee work session on HB 1157.

Vice Chairman Vedaa: Moved a Do Not Pass.

Senator Piepkorn: Seconded.

Chairman Klein: I think we've had a lot of discussion on this bill. There has been valiant effort made to try to get to where we had hoped to be. Certainly we can try to work it out in conference committee but I think there's enough folks that were in opposition and supported the study.

Senator Roers: I know there is one section in here that deals with an issue that I am very close to so I would just encourage you to study that in the future.

Chairman Klein: I think it's been pointed out to the electrical board, I think there is flexibility within their rulemaking to be more flexible. During their next meeting I hope Mr. Schmidt will bring up our concerns and share with them.

A Roll Call Vote Was Taken: 6 yeas, 0 nays, 0 absent.

Motion Carried.

Chairman Klein will carry the bill.

2019 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Roosevelt Park Room, State Capitol

HB 1157
4/2/2019
Job #34450

- Subcommittee
 Conference Committee

Committee Clerk: Amy Crane

Explanation or reason for introduction of bill/resolution:

relating to regulation of electrical systems.

Minutes:

Att. #1-2

Chairman Klein: Opened the hearing on HB 1157.

Vice Chairman Vedaa: Move to reconsider the vote on HB 1157.

Senator Burckhard: Seconded.

A Voice Vote Was Taken: Motion Passed.

Representative Ben Koppleman, District 16: It takes components from 1157. The reason for the amendments was I saw merit in some of what the senate bill was attempting to do. Low voltage type wiring is done for heat light and power. Scrambles the differentiation. Aware of opposition from the electrical board. We started discussing is there some common ground? Tried to take care of some of the exemptions. As well as the considerations that would have to be made. The bill that's before you did have a hearing at the electrical board this morning. And it was agreed to. See attachment #1 for amendments. See attachment #2 for a Christmas tree version of the bill. You'll notice we use power limited electrician as opposed to power limited technician. This is not something that says that everybody in the formerly unregulated. This is a small group that chooses to go get this certification.

(12:24)Chairman Klein: You're anticipating an exam of some sort would be necessary to get this?

Representative Koppleman: I anticipate an exam going forward, but the board with the way the amendment is written, would have the authority to waive the exam if they so choose.

Chairman Klein: I'm reading you could have a certificate, so if I completed a certificate at BSC and I've got x amount of hours and I can install security systems, that certificate would allow me to move forward is that what I'm hearing?

Representative Koppleman: Security systems, unless they are in a dangerous area, probably wouldn't fall under the area of where you would need to be licensed. Because many of those are going to be class 2 and class 3 systems, some of them may have components because they are considered by the board to be power because they are higher voltage cameras and stuff like that. The idea is that if it's a board recognized certificate, whether they recognized it from BSC, which wasn't what I had in mind. Or if they had it from Seaman's power or something, so a national brand that has training to do a niche sort of work. I'm not an electrician, but maybe Mr. Sanford could tell you about the certificates that are out there. But that's the idea, a nationally recognized organization that teaches them to be specialists in things most of the electricians don't know how to do. It could be BSC but it probably won't be for a community system.

Senator Roers: Are we talking control systems? Like Seaman's control and Honeywell, the electronic control systems? Are these going to be taken care of under the limited technician's license?

Representative Koppleman: I want to be careful when we identify brands. The reason I chose the term Seaman's is because it's usually referring to electrician type equipment although they may do some low voltage. If its stuff that's defined as a power limited system in here, and not defined as non-electrical cause those are the guys that don't need to be licensed, then yes if its power limited system, then they would need a license. And if they need a license, one of those organizations may have a certification that the board would recognize.

Chairman Klein: Just to follow up on B, possessing the necessary work experience or training, but its approved by the board. We saw with 2359 what they were anticipating that was like a really high standard. Have you had discussion as to what that means?

Representative Koppleman: The word or is very important at the end of that sentence. Initially my logic was, the guys that want it, go get this license. They already have the incentive to get a certification in those niche trades, because they are going to become experts in their trade and they're going to realize that now that they want to do it, they need a license. B was to trade to make it so that individuals who weren't already experts, in that certain trade by maybe were trained in general electricity, this could be a benefit to those that are master electricians who have issues with workforce or supervision who they could say, and again the board would have to approve this, but if there is a path where the board says if you have this many apprenticeship hours and you can pass this test then that's equivalent to getting these certificates and passing this other think. I don't have prescriptive ideas of B and it doesn't matter to me if they make B a little tougher because that wasn't the primary path that I think the niche of people that we need to help, they are gonna go path A most likely.

Continues explaining amendments.

(23:28)Senator Burckhard: page 9 line 21 talks about a city with a population of 2500 or fewer, what does that have to do with anything?

Representative Koppleman: That's primarily clean up. If you back up to line 16 it talks about a class B electrician, and it talks about what they may or may not do, currently class B electricians are only allowed to operate in cities of 2500 or less or doing farm wiring. And so we got rid of like ten lines of code. The only that changes with class B was you were able to have only \$250,000 insurance and in speaking with the executive director of the board it seems there are very few class B electricians practicing. So we just made them all \$500,000. So that's the only change that would potentially effect the class B electrician.

Continues going through the amendments.

29:23 the concepts that are contemplated here are all, I believe all of the subject matter has been heard by all of the interested parties.

Chairman Klein: Because of all the discussion we had on the senate bill we turned that into a study. And all of the discussion we had on the house bill, we gave it a do not pass so I'm just trying to grasp the ramifications, the concerns especially now and I'm gonna ask folks if they've had an opportunity to look at this, we're trying to wade through and resolve this issue.

Representative Koppleman: I appreciate all the effort you've put into both of these bills. I'm just hoping there can be agreement. I think there is a tremendous amount of work that went into this and it would be a shame to let this die and have to rehash it next session.

Chairman Klein: I hope the committee would understand that there is often a lot of bills that had a lot of effort put into them that get brought up again in the next session and the session after that.

Senator Burckhard: This may or may not have anything to do with this hearing but earlier we talked about 6,000 hours for an apprentice power limited electrician, is that still in the play.

Representative Koppleman: That is not in this bill. I think 6,000 is a bit steep, but that's really a decision for the board.

Chairman Klein: I think that was one of the things that created a concern in the early version. Putting it in the hands of the electrical board which then could determine the 6,000 I understand that it's pretty wide open.

Representative Koppleman: My goal was not to paint the electrical board in a corner without any options. I want to have bright lines defining areas where the electrical board may not go. That was where my initial intent was and I believe that's why we have the terms non-electrical system, power limited system. We have given the board latitude to makes things more permissive so that we can deal with unintended consequences. We have not made it without wiggle room for that regard. We're trying to consider the small business or the industry, and do things that are not hindering but flexible.

Chairman Klein: When we had the discussion early on, and whoever pointed out that the blue cable needs an electrician to pull and the electrical board said our attorney says we can't do that. Cause some of us had suggested that they just make the rules internally. But what we heard was that they had to have it clearly laid out. They seem to suggest that without specific rules they can't do it. I would argue that's what the board does, that's why they have

administrative rules and go through the process. I'm glad that you've clearly defined it because they seem to suggest they have no direction.

Representative Koppleman: There were two extreme interpretations of what we had the law defining of what we allowed the electrical board to do before. One opinion had to do with heat, light, and power, some people would read that to be non-high voltage stuff. But it did not include the blue cable. That's one extreme. Closer to what the historic definition was being that we didn't have all these new industries, it was either data or telephone, or electricity. There have been some that have suggested that if it has a current we can regulate it. That would mean Mr. Crothers' constituency would be under the board's supervision. So all of a sudden you've got an extreme other definition. So all of those bills were trying to figure out what that definition really means. I believe this is the least harmful to the status quo. This respects the industries that have operated very professionally for many years and don't need to be regulated. But still creates an opportunity for the new industries that we have because of our ability to do more things with much less power.

Chairman Klein: That goes to Brad's concerns about an electrician sitter. He does insulation and he just needs someone to be there. To me that seems like something we could've worked out within the electrical board. But here we have it clearly defined?

Representative Koppleman: I believe we do.

Senator Kreun: On page 6 line 2, the tradesmen certification you are anticipating a requirement or exam or training through the electrical board? Cause it says or possess the necessary work experience?

Representative Koppleman: These both represent two options for prerequisites to being licensed as this power limited electrician. There likely would still be a test although the electrical board has some options but presumably there'd be a test.

Senator Kreun: But we don't have that yet and it will come, either the test or the training?

Representative Koppleman: One of the concerns I had when initially talking about this and then I shared it with Mr. Schmidt was how ready is the electrical board to create a test for a niche like Mr. Sanford. How equipped are they, what knowledge do they have because he clearly possesses knowledge more than some of the electricians on his niche? So this left them the flexibility if they want to not require a test, they could do that but they also certainly could require a test. I can tell you that people get licensed as journeyman and masters sometimes through reciprocity other ways where they don't actually take a test. The electrical board would maintain that latitude.

Chairman Klein: If the bill passes in August the board would have about nine months to promulgate the rules and have to go through the rules making process whereby there would be hearings and then they would have to run it by the committee and determine whether or not that was the intention of Representative Koppleman when we passed it. They're gonna have to determine some rules, its gonna take a little effort, they're gonna have to have a variety of meetings and try to figure this out.

Representative Koppleman: Don't you sit on that committee?

Chairman Klein: Yes.

Brad Sanford, North Dakotan, Automation company manager: testified in support of the bill. I testified in support of this bill a couple weeks ago and I'm back to do it again. When I testified a couple weeks ago I spoke of the decrease of production costs for producers, the increase in efficiencies we create for those producers, the decrease in environmental disasters, and an increase in workforce safety. All of these are accomplished through today's technology. My company uses that technology to create a better more sustainable industry for our future and the future of North Dakotans. SB 2359 was put forth by the electrical board and Senator Kannianen, some feared it would allow more government oversight than necessary and consequently was changed to a study. HB 1157 began as a bill to disallow this over regulation. These two parties, executive director Schmidt and Representative Koppleman began with contending bills and worked together to fit them into one. Today's outdated laws that makes a journeyman electrician to stand there while the educated technician wires and programs complicated measurement and analytical devices should be modernized. Those of us that have made significant efforts to become proficient in our technical trade, should be allowed to do our jobs provided they are done in a safe manner and meet the North Dakota electric board and national electric code regulations. We started with two contradicting bills, yet both parties were trying to do the right thing. This bill provides more than ample oversight. They will be allowed to tweak the power limited electrician rules to the point that this would see fit. The opponents of this bill may say that it's not properly vetted by the public. To that I counter, the court of public opinion would rule strongly in favor of more North Dakota jobs, more North Dakota oil production, dramatically fewer catastrophic spills and safe work environments throughout our industry. This is what you get when you allow those of us who have dedicated so much of our lives into learning this train to allow us to do what we do. Help slash this antiquated legislation, lets pass 1157.

Chairman Klein: No one is going to argue that its antiquated but the argument often comes back to the fact that day 57 is the first day we're really having a discussion about this. This whole concept of transparency and the public knowing. That's where we get in a jamb sometimes when we pass things at the end and people say we didn't know about it, we didn't get to testify, had you been working on this since the second week of January. It seems like a lot of effort has been done but only in the last week. We all understand that you provide a service that what you do needs to be tweaked. I think everybody knows that. I wish the electrical board would have known that and then we wouldn't be here. But nevertheless, we're making every effort to help you out. Thanks for coming back. The legislature as a whole looks at things and we're gonna do our best as a committee to get this straightened out.

James Schmidt, Executive Director, Electrical Board: testified in support of the bill. A lot of things have been said this morning. I feel your concern. The board had a special meeting this morning. They did give it a 3-2 pass. All our board members are here, if they feel they need to weigh in on what it is too. Ben and I did go back and forth quite a bit. It was a compromise. Personally, I'm okay with everything it says. I know you brought up the thing about the testing, we already have the educator guy working on it. If Brad needs a license, he works in a classified area which is explosion proof stuff. I still think we maybe want to give him some sort of a test to make sure he does understand the ceiling of conduits and all those

things. Which I visited with him and he seems to know what he's doing, I don't have any issues with that. I know Trinity Schaff was here on 2359, from TrinSPIN in Fargo. This will take care of his needs. I know Chairman Klein had asked if there was a way that we could provide some sort of licensure in the meantime if nothing happened, with this bill. I visited with our attorney and honestly, without the authority that this gives. There is no way we could do that without some sort of legislation passed. The board did support this. We got the last amendment last night, we went through it. There were minor changes. There are a couple of things we're hung up on but it's not a big deal. If it turns out to be a problem, we'll be back in two years.

Chairman Klein: I was told if we pass this you wouldn't be back for years. We appreciate all your hard work on this.

Senator Roers: I would like to ask your attorney why you couldn't do this without a bill?

Chairman Klein: I want to hear from everyone. Cameron are you good with this? Have you had a chance to look at it?

Cameron from the audience: Not really. When do you make a decision like today? I would like more time to look at it.

Chairman Klein: We'll probably do this tomorrow, we'll probably do it in the morning. I want to make sure that everybody has had a chance to look over the amendments and speak on this. Maybe at 9:00 tomorrow we'll come back and take more questions and comments. I just want everyone to have a chance to look at it and comment. I want to make sure its vetted.

Tom Paulson, Consumer Member, State Electrical Board: I'm one of the two in the 3-2 vote. I want to say that I believe it's a good compromise, and even though I am one of the two, I support it. I think it's a step forward and we as the board will stand behind it 100%. I would like to have seen it come earlier. But with the two different viewpoints on the overall bill, I think we've come to a good compromise. Again, I'd like to have seen it earlier. But it's something that needs to be done and its done in many other states and its just time to move forward.

Senator Piepkorn: What does the consumer member of the board mean?

Tom: I'm not an electrician. It's a governor appointed position. Will it make things safer for people? Sure. This is one step for the work field. Going forward, there are things we need to look at. This is something I understand the legislature has been against, for many reasons because of the cost, is bonding for various companies. With the underwriting bill that was eliminated some years ago, that would cover the cost of people abandoning work sites and jobs, and sifting the cost back to the consumer. With that abandonment, they proposed at the time bonding, but that did not fly. And I'd like to see that again, however would that hold up this bill? I don't think it should. I believe, that aside, this is a good thing.

Rod Mayer, Master Electrician/Board President, State Electrical Board: I voted no because the time was tight. It's a good bill. But the timing was just quick. However, at the end of the day the board voted for it so I support it.

Senator Kreun: Where is your business at?

Rod: I have a business in Minot and Bismarck.

Senator Kreun: How many electricians do you have?

Rod: Probably 15-18 journey man, 7-10 apprentices, 4 to full time data techs that do nothing but low voltage. That's purely a guess but I'm fairly close.

Senator Kreun: Looking to see how well rounded you are as far as looking at all the data. Are we being represented by someone who has various interests in different parts of this field?

Rod: Absolutely, I've been a master electrician since 1985.

Senator Kreun: But with your data tech individuals and your journeyman and all that?

Rod: we've gone through the certifications, like BICSI certifications, fire alarm certifications, our techs have those certs so I understand the Honeywell, Simplex, Seaman's fire alarm systems, I understand the approval of if a tech comes in and is certified on Honeywell, they're exempt. I understand all that and I get it. I'd rather have them do it on a liability standpoint than myself who's not certified, something goes wrong, the ball's in my court. Something goes wrong and their certified, It's a lot easier.

Senator Burckhard: You voted against it because it's such a short amount of time?

Rod: We had no time to think about it, we voted in the 23rd hour. Last night we were still amending. Is that a reason not to endorse it? No.

Chairman Klein: Most of the idea just came around in the last week. There's been some tweaking. And I think it works both ways. Representative Koppleman wanted to work with Jim on some of those issues and try to understand why.

Rod: It's a great compromise, bottom line everybody wins.

Scott Porsborg, Special Assistant Attorney General for the North Dakota State Electrical Board: That's something we have looked into, we've been looking into that for the past couple of sessions. The chair may recall that two sessions ago, Continental Oil came in and wanted to relax the voltage requirement for what they would be able to do for oil wells and we were concerned about that. That's what brought about the PLT studies that the Electrical Board did during the interim time period, that's what led to the Senate bill that the electrical board introduced. I was asked to speak to the point as to whether or not we can relax something. That's going to be very difficult if not impossible to get past the Ag's office. The Ag's office does review our rules for compliance with our statutory authority, we can only do what this body tells us we can do. If you look at 43.09-11, it defines your words it's in law, what experience is required to obtain an electrician license. The lowest form of license we have is class B. That's got nothing to do with special occupancies, or classified areas, or the

things that Mr. Sanford does. There is simply no way under the statutory language that we could grant any type of electrical license under the code as it exists to Mr. Sanford and the people like him. Keep in mind, we'd love to, we've looked at this. So then the question becomes, can he do what he does without an electrical license. That's more of a technical question, as to what he does in the field, that Mr. Schmidt has looked at and we've talked about. But what the committee has to recognize is that if we adopt a rule that allows that window for that type of work, then it applies to everybody. He'd be operating without an electrical license because 43.09-11 does not give us the authority to grant any kind of license. For that kind of work, so he would be working without a license and that would be the first time the Electrical Board has ever attempted to adopt a rule where someone could do whatever they wanted to do without a license. 43.09-16 lists the types of activities that can be done without a license in North Dakota and there's just nothing there that would fit. The bottom line is we'd love to, we've tried, we are limited by what you tell us to do any I think that's the way it should be.

Senator Roers: So passing this would help you move forward on the process and developing the power limited electrician scope of work, and rules and regulations, opposed to just a study which would just push it down the road in two years.

Scott: That's right. We've concluded that there is nothing we can do for the Brad Sanford's in the world. This statute would allow us to do it.

Chairman Klein: The study of the power limited electricians can continue because that's another thing that people would be able to do beyond what the PLE would be able to do, right? Do we need to continue with the PLT discussion if this would pass because we seem to be in a different sort of acronym with this bill?

Scott: I believe that bill passed both houses, so it's up for a study if it gets chosen. It may well be, just so the committee is prepared, in two years we may have to come back and tweak some things, so we can address all of the unintended consequences. That's what happens when things pass at the last minute like this. I've worked for the board for 16 years and they have been more than reasonable when it comes to adapting and helping electricians as much as they can, helping people like Mr. Sanford. It's when I say no that the brakes come on and they push me. If this passes we'll implement it as best we can, in two years we might have to come back and tweak some things.

Chairman Klein: That would be my concern, I heard you say unintended consequences that when we're going down the road, the folks that have been doing what they've been doing for all this time now, somehow get ratted out and no longer can do it. Because the fact that we passed this in such a short time period. And then what? Are you going to allow them to continue their efforts and the we have to say we didn't really think about this, we're gonna keep letting you do what you're doing and address it next session?

Scott: Some of this language is put there for that specific reason, as defined by the board. As long as my board has the authority to address a statute and to redefine it, in my experience, they've been lenient, they've been reasonable, they let the people do what they wanted to do within reason. So there may be some tweaks required but probably not to allow somebody to do something they wanted to do but we haven't been letting them do. We may be asking for

some strictures the other way. Someone might come to us and interpret this statute in a way that I haven't thought of and say I'm entitled to do this dangerous thing and the legislature told me so last session and the board as a matter of public policy might think that's not such a good idea. That's the kind of thing I'm thinking might be required in two years, cross your fingers.

Chairman Klein: That's where I'm at. I want to make sure the telephone coops, the oil industry the folks who have been doing this for years now. Because the passage of this would be stymied because of what we just heard was unintended consequences. But what I'm hearing you say, is that should there be an unintended consequence, there is nothing here that would restrict any of those folks from doing what they're doing currently under this provision. But you're just concerned about somebody who would think about moving in a direction that certainly wasn't intended.

Scott: Nothing I have seen in this bill would stop anybody from doing what they're currently doing.

Chairman Klein: That's been a fear for me and the industry. I had the testimony from 2359, wanted to see who was in opposition back then. We heard from Cameron Fleck, AVI was in opposition. But I'm hoping that allowing a day to allow this all to digest will settle out things and we can get an understanding. My idea is in committee discussion tomorrow, if we have a question and you're in the room we're gonna ask you. And if overnight you found something in the legislation that is going to create a hurdle, I want to know about that.

David Crothers, BAND: The language in the amendment clearly establishes a framework for the state electrical board to regulate power limited technicians. I would like to express appreciation to everyone in both of the parties for being so willing to work with us. I'm trying to seek a great understand of this. As Representative Koppleman stated, one page 8, the exemptions to who is required to be licensed is clearly laid out. On line 5, license is not required for people doing this various work. And then on lines 5-6 on nonelectrical systems or installing power limited systems. It isn't clear to us at the association, however, and even though we are included under that exemption on line 17, whether that is just to be licensed. It isn't clear that the other provisions of this amendment do not apply to us, in fact I think a plain reading of the amendment would indicate that. Specifically line 4 page 12 for advertising, there is no distinction about whether it would be for someone licensed or not. It talks about power limited systems. The same on inability to connect customers without notifying electric supplier. Page 10 line 12, that does not make a distinction between the work and those that are required to be licensed. Just the licensure is what we are exempt from. Our concern is, many of these provisions, we are not. I would make a final observation that is inspection for all power limited systems. Page 10 line 24 this amendment requires every power limited system to be expected by the state board. I noted the two exemptions at the bottom of page 8. For the power limited technician work and also for the installing nonelectrical system. The broader question would be, if everyone is exempt under this, specifically employees of public utilities, telecom carriers, satellite and cable system providers, dealers of household appliances. Why is the exemption needed if they all fall under provisions 5-6 on lines 29-30? If it is meant specifically for that industry, then they should be exempt from all the provisions of the amendment and not just simply the licensure. I think the telecom companies specifically, we see that we're exempt on line 17 from licensure and also the individuals on nonelectrical

systems, and it may be my lack of knowledge on what a nonelectrical system means, formerly referred to as low voltage and in the code here but I'm not so sure. Our wire line facilities run at 90 volts, that typically wouldn't be referred to. We do have some concerns. Perhaps it's just a lack of understanding on our part, but I'm not so sure all of these exemptions found on page 8 are not just from licensure and not the standards they are set forth within the amendments.

Chairman Klein: What I'm hearing is there may need to be some discussion or some tweaking. Just so we totally understand exactly where you're coming from and where the bill actually does or does not go. We've got till tomorrow morning to figure this out, it seems to me Representative Koppleman wants to exclude you and I think I also heard from their attorney that they don't want to hinder anybody that's doing what they're doing currently from continuing to do that. Anyone else have a concern or question as it might relate?

Bill Kalanek, Dakotas Chapter, National Electrical Contractors Association: we don't have an official position, but as far as the 07 version we're neutral. We have those who support and those who are against the 11th hour work. But there are those who want to support the ones they work with within the industry who do this type of work and want to see them taken care of. But officially kind of neutral.

Chairman Klein: The opposition even on the electrical board was against the timing.

Danette Welsh, OneOK: I'm standing in support or against, but I have spoken to a few of you about this just this morning. My folks haven't had a chance to take a look at this most recent amendment. I think we need to have a bit more discussion and hopefully we can get to the bottom of our concerns by tomorrow morning. I'm not going to be here tomorrow but I'll make sure you have comments from us tomorrow.

Chairman Klein: Anyone else here in opposition? How's AVI?

Cameron Fleck, New Vision: I was opposing the original bill. But I just need to take a look and I've been taking notes. As far as affecting the work, did get a call from the electrical board about a residential fire alarm that was on my website. That worries that if something passes, then something might happen as far as with a business like AVI or another business that they might be potentially affecting the business and moving forward. If we don't watch this closely and something happens.

Chairman Klein: You were here for the entire testimony and you heard what the attorney for the electrical board said that we don't want you to be dinged. We want to help some folks but we don't want the folks that are currently out there to be handcuffed by this. Scott could you come up and address some of our questions?

Scott: I don't know if I got every nuance to your question but I think the answer is if the electrical board, the way it interprets its statutory scheme and has been since I've been there and for the last 100 years, if we don't have the authority to inspect or the authority to license, we don't touch it. If we don't have the authority to license, someone can do electrical work without a license, with the exception of some self-wire issues, we don't inspect. If something can be done without an inspection than they don't need a license for it. I don't know if that answers your question, but if you thought the board wasn't going to require a license for

something but were going to inspect it, that would go contrary to what the board has done for as long as I've known it.

David: It seems to me you're referring to common practice. If we're going to establish a procedure or adopt a statute regulating this very thing, there is an opportunity now to put that in in language. If there are those that are exempt in page 8, shouldn't they not just be exempt from the provisions of, and then just go through what you seek to adopt?

Scott: I haven't had time since I got your question to look through our statutory scheme to see where that interpretation arose, but 43.09-16 says when license not required telecommunications, telephone companies have always been a subsection of that and we have never touched that. We have not required a license for that and we have not inspected that.

Chairman Klein: So if there are any tweaks that need to be done, I wanted us to hear the discussion. David do you want to work with Scott?

David: We'd be delighted to work with whoever, our preference would be for those but, we prefer to not leave it up to interpretation when everybody in this room agrees no, we don't mean that. Just an exemption from those you want to exempt from the provisions of this chapter would, in my opinion is the reasonable way to go and it eliminates all those questions that folks here acknowledge may come back in two years.

Scott: To a certain extent it's a practical issue as well. If we don't have the authority to license somebody, we have no hammer over them. So if somebody is out there doing something, and they are denying us the right to inspect the property and we don't have the ability to license them, we can't take action on their license which is how we discipline.

Chairman Klein: I think what we'll do is Representative Koppleman, we'll put you in the middle of this. Mr. Crothers wants to be clear in how that works. And I think you guys can work that out and we can then see what tweaks we need to make

David: The plain language as I understand it, says you do have that authority, to say that we don't do it, we would rather see it in language.

Representative Koppleman: To Mr. Crothers' point, the connection now that wasn't there before if this bill were to go through, is now we have what we used to call a low voltage connection. We've got power limited and the telecoms that do things that are often in power limited. A parallel you could use, is its well-recognized, if you're an REC, or a corporate owned utility that provides power like Xcel Energy, the electrical board can't tell you how to do anything. And if you look at page 8 line 1, that first section is providing, it says that employees of a public utility engaged in the manufacture and distribution of electrical energy are essentially exempt from licensure, which for the entirety of history, has always been an off-limits point. That's a PSC thing, it's a somebody else thing, it's not an electrical board thing. We've always had the electrical board doing electricity, but we've always had the electrical utilities off limits. So now if the electrical board is doing power limited and the exemption right after that deals with a utility of a power limited nature, the same is going to be true. But if we

wanted to put in there something when license not required or exempt from this chapter, we'll figure out a way to do that.

James: I just want to comment Mr. Crothers and I have had many conversations about that and I thought he understood that utilities were always exempt. So I don't understand the issue.

Chairman Klein: Closed the hearing on HB 1157.

2019 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Roosevelt Park Room, State Capitol

HB 1157
4/3/2019
Job #34468

- Subcommittee
 Conference Committee

Committee Clerk: Amy Crane

Explanation or reason for introduction of bill/resolution:

relating to regulation of electrical systems.

Minutes:

Att. #1-2

Chairman Klein: Opened the hearing on HB 1157. All members were present.

Chairman Klein: I know there's been some discussion. I have an email from Cameron and the lady from OneOK. We'll talk with Representative Koppleman when he gets here.

Senator Burckhard: When you heard from Cameron Fleck he was originally in opposition wasn't he? Has that been resolved?

Chairman Klein: Correct. We're gonna find out. I'll summarize what he sent to me. We're now looking at the 11 version. This is from Cameron, who suggested that it was a better written bill than it was before. However, I do have a hard time supporting due to the short timeframe for review. The second reason I worry about the electrical board overseeing low voltage industry is they have no low voltage expert actively sitting on the board. Even if we are not included in the bill, the unforeseen consequences worry me. Representative Koppleman do you have any comments on your conversation with him this morning?

Representative Koppleman, District 16: We've spoken about three times since yesterday. What I originally showed him was the exemptions in the bill that say the board doesn't have control over these things. He viewed the fact that we were creating another class of electrician, that is doing electrician work, as somehow being an assault on the low voltage industry, even though the electrician that we're creating is the very same work that the low voltage folks have to be baby sat to do today. So that's more of an opportunity. He brought up some concerns with fire alarm and possible lighting control, which I believe in the bill we've given the board latitude to work with those individuals on that. We have the electrical board on testimony yesterday saying their job is not to take work away from companies that are doing work now, but to work with them to figure it out and maybe somebody from the board can talk about how that might get worked out. When I talked to him just before I came in this morning, those were the two areas where he was unsure so he's still trying to figure out what

the catch is. As long as we can build from that premise. I don't think there is anything we can do to keep the electricians out of the low voltage industry. If we start controlling lights, you're doing the same thing with. This fixes that for guys like Cameron. I don't think he knows what he wants. All I can do is explain what the bill does do, and what it does not do. Most people are completely satisfied with this new version of the bill. This doesn't give the electrical board entire control of the low voltage industry. If we use the conservative low voltage definition that says it's not for heat light or power or the control thereof. I think it's fair for people to understand that if you're controlling a light with a wire instead of a switch, you're still doing electrical work, under a clear reading of a current law.

Went through the new changes to the amendments. See attachments #1-2 for proposed amendments and Christmas tree version.

I can tell you electricians believe the electrical board has jurisdiction over electrical installations and that they should be inspected. The OneOK lady wanted the bill to read may inspect instead of shall inspect, and give the electrical board the complete authority to choose when they inspect. I think that would be a difference in practice and not just in scope like we're looking at now. And I think you would have a few people upset with that. I spoke to the electrical board and then I spoke to Danette from OneOk one last time. What I was told is, guys like Mr. Sanford who work on installations very similar to the ones she's referring to. The current practice is that they have their electrician that I referred to as a babysitter. That electrician pulls a cert in and sends it in once the work is done. The power is turned on; the shack is operational. There is nobody holding anybody back, the electrical inspector calls and makes them aware that he is going to inspect and schedules a time to do so. They don't lose one day of their gadget working. So it's not a matter of waiting to be inspected in order for you to start work. I really believe that anyone that had an ask, got addressed as thoroughly as we could.

(11:56) James Schmidt, Executive Director, Electrical Board: I did have a conversation after the committee meeting yesterday with Cameron and Glen Bosch and Cameron was talking about wireless smoke detectors that they put up and I told him that I actually did rules for that 2359 and I had an exemption already for wireless fire alarms because I get it you don't need to be an electrician to screw in a wireless fire alarm in a house. I really feel that the board is lowering the fence here, allowing more people come into the electrical trade industry. You don't have to be a licensed electrician to do those things. When AT&T broke up, that's when we should have done something. The board wants to lower the fence, allow these trained technicians that are doing this stuff. It is crazy that Brad has to have an electrician follow him around. And to Danette's points from OneOK, that's a lot of the stuff Brad does is what she's referring to and that is in a classified area, explosion proof stuff, and you just can't ignore that. And those have to be inspected, and if you change that language to shall, then you're getting into a whole other realm of licensure. Right now we have reciprocity with other states, and when we look at those states that we want to reciprocate with, we look at do the inspect this or what code do they adopt and I don't think we want North Dakota to be a shall or may because that will affect reciprocity too.

Senator Roers: You mean you want to keep the shall, not change it to may?

James: Yeah.

Chairman Klein: I sense from these conversations on electrical boards and electricians, there's a fear of the electrical board. There is a concern amongst the industry that what I sense is that you are the electrical board, and you will stomp on them and shut them down and that's why when I asked Scott yesterday that if there are any unintended consequences to this bill, are you going to be able to suggest that you continue doing what you are currently doing, and we'll address it in the next session?

James: Yes, I don't know what they are we've kind of beat this thing to death, and I don't know what else there could be.

Chairman Klein: We have twelve pages of bill and I thought we were talking about a blue wire and that gets a little more complicated than what I thought was a simple fix and now we're creating and I think a lot of effort has put into this to create something that, just last week had a do not pass on it. Now we've gone from one up to twelve pages of law. I think what Representative Koppleman in visiting with Mr. Fleck, the fear of not knowing what the fear is.

James: I have been emailing Cameron too, I was at work early this morning thinking about some of the stuff he said and he didn't realize we were already doing some of this stuff already. He emailed me today and said I am unable to attend the meeting this morning, I'm available anytime to discuss future possibilities. I do think something needs to be done and my two biggest concerns are the small amount of time to fully digest the bill and no low voltage representation on the electrical board. Otherwise this is looking good and much better. Well that isn't true either, or maybe he doesn't realize it. Rod Mayer, the master electrician has been on the board for ten years and he runs a data department, so he's been instrumental in talking about all this stuff too. There is low voltage representation on there too.

Senator Burckhard: Yesterday during the hearing on the other amendment 02009 it was suggested that there had been common ground reached on what Representative Koppleman was presenting and the electrical board. Would you say that common ground has still been reached in this new amendment?

James: Yes, the change was to take care of. It doesn't change anything that we've already been doing it just emphasizes it.

Chairman Klein: Anyone else? David could you come up?

David Crothers, BAND: Representative Koppleman did reach out to me yesterday with the suggested language. That language is found on page 8 lines 6-7, I believe it was a sincere effort to address our concerns. Exactly what the state electrical board's intents would be, what they do and won't do, that was reinforced by the assistant attorney general in the discussion that he had with the committee yesterday. In total, we are willing to take everyone's word for it, that it does truly exempt us. The question is does the language adequately cover the exemption that everyone has agreed that should be there. We're willing to take everyone's word for it that it does.

Chairman Klein: You did tweak that major concern on the licensure, what that means. I do appreciate you hearing exactly what I heard, is that Scott saying there are no unintended consequences here. We're not going to hurt anyone that is currently doing business. Would that be fair?

David: That is how our organization is proceeding.

Senator Roers: Move to Adopt Amendment.

Senator Burckhard: Seconded.

A Roll Call Vote Was Taken: 6 yeas, 0 nays, 0 absent.

Motion Carried.

Senator Roers: Moved a Do Pass as Amended.

Senator Kreun: Seconded.

Senator Piepkorn: I'd like to get a little background from Representative Koppleman, it seems like the people that are heavily involved in this bill now were not in the beginning. I'd just like to find out how we got started down this path? I don't even think you knew Mr. Sanford when we started this and now he's one of those with heavy interest in the bill.

Representative Koppleman: When I introduced the house bill initially, the only people in the room that testified was myself, and Bill Kalanek, and the Electrical Board. Myself and Bill were in favor, the electrical board was against it, and the main reason they were against it was because they liked the approach of the senate bill they had to start with. When I came to your side to testify against the senate bill, it was on the premise that it was a bridge too far. I did not know Mr. Sanford before that meeting. He was told to come speak to me because I would work with him. That's what birthed the idea of trying to take care of something this session that had some urgency to it. Even though the other bill had been put into a study.

Senator Roers: Normally when we get a bill that has this many late changes in a bill we turn it into a study, but I'd like to remind you of one very important thing is when Scott Porsborg commented that without this bill he has no path forward, and I think it's imperative that we pass this bill today and let them do their thing, which is the reverse of what we usually do. But I think we need to move this forward.

Chairman Klein: I would have to agree there has been a lot of discussion on day 59. Once we got a couple of the little tweaks made here, having that discussion, just the words from the assistant attorney general provided me with the comfort, if it is a bridge too far, we're going to be throwing them lifelines to help them, so we're not going to be over regulating. I know Mr. Schmidt will have a lot of work to do to craft the rules and get them the way the industry had intended and I'm just guessing Representative Koppleman will be a part of that. I think that was the comfort I was looking for, is the unintended consequences thing, the transparency thing, this bill being the last minute thing; we just don't want to get scolded by

the public for doing something rash. And even the comments from the two members of the electrical board that voted no, were about the late timing. We've still got a week or two that's gonna happen on this, but nothing is going to happen beyond what we believe is providing help to this industry.

A Roll Call Vote Was Taken: 6 yeas, 0 nays, 0 absent.

Motion Carried.

Senator Roers will carry the bill.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1157

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 class II or class III control circuit system as defined by the national electrical code, as adopted by the board, which

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is not installed within an area of special occupancies as defined under articles 500 through 517 of the national electrical code, as adopted by the board, which is not for heat, light, or power or for the control of heat, light, or power. Although the board may expand this definition by rule, the board may not narrow this definition.

- 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 of the national electrical code, as adopted by the board. Although the board may adopt rules to 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 and be licensed by the board for a license.
- 2. The board shall examine ~~the~~ an 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 ~~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.~~

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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~~are 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 arewhile 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 factory cord connected to an existing receptacle.

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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~~ 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. ~~Ne~~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 ~~the~~ the corporate limits of the city. ~~City inspectors~~ A city shall register ~~their~~ 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

Date: 3/27
Roll Call Vote #: 1

**2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1157**

Senate Industry, Business and Labor Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
- Other Actions: Reconsider _____

Motion Made By Vedaa Seconded By Piepkorn

Senators	Yes	No	Senators	Yes	No
Chairman Klein	X		Senator Piepkorn	X	
Vice Chairman Vedaa	X				
Senator Burckhard	X				
Senator Kreun	X				
Senator Roers	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Klein

If the vote is on an amendment, briefly indicate intent:

Date: 4/2
 Roll Call Vote #: 1

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1157**

Senate Industry, Business and Labor Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Vedaa Seconded By Burckhard

Senators	Yes	No	Senators	Yes	No
Chairman Klein			Senator Piepkorn		
Vice Chairman Vedaa					
Senator Burckhard					
Senator Kreun					
Senator Roers					

*Voice Vote
 Motion Carried*

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 4/3
 Roll Call Vote #: 1

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1157**

Senate Industry, Business and Labor Committee

Subcommittee

Amendment LC# or Description: 19.0606.02011

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider

Motion Made By Roers Seconded By Burckhard

Senators	Yes	No	Senators	Yes	No
Chairman Klein	X		Senator Piepkorn	X	
Vice Chairman Vedaa	X				
Senator Burckhard	X				
Senator Kreun	X				
Senator Roers	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1157, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1157 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1157, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1157 was placed on the Sixth order on the calendar.

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 class II or class III control circuit system as defined by the national electrical code, as adopted by the board, which is not installed within an area of special occupancies as defined under articles 500 through 517 of the national electrical code, as adopted by the board, which is not for heat, light, or power or for the control of heat, light, or power. Although the board may expand this definition by rule, the board may not narrow this definition.
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 of the national electrical code, as adopted by the board. Although the board may adopt rules to 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~~ a 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 ~~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 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~~ 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~~ and 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 serviceelectric 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 factory cord connected to an existing 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 personAn 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 equipmentInstallations 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:

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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 the corporate limits of the city. City inspectors A city shall register their name the name of the inspector with the board within ten days after their appointment. A city may not require inspection of an installation that is outside the jurisdiction of the board.

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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

2019 CONFERENCE COMMITTEE

HB 1157

2019 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Peace Garden Room, State Capitol

HB 1157
4/12/2019
34710

- Subcommittee
 Conference Committee

Committee Clerk: Ellen LeTang

Explanation or reason for introduction of bill/resolution:

Regulation of low-voltage electrical systems.

Minutes:

Attachment 1

Chairman Bosch: What we have here is a large effort to solve a problem. I am going to suggest that we bring the electrical board up ask questions of them.

Sen J Roers: I agree. We need to listen to a few more concerns from the industry.

Chairman Bosch: It's my understanding that the bill in the format that it's in right now, isn't the way you want it to be. There are changes that you would like to make.

James Schmidt~President to the Electrical board: Attachment 1.

Vice Chairman Lefor: What problem are we trying to solve & what role did your state board have in pursuing this legislation?

James Schmidt: The problem we are trying to solve is creating a license for power limited work. There is no good definition for the term we like to use "low voltage". We don't have statutory authority right now.

Yes, our electrical board is aware of what the Senate passed. The Senate offered a bill, SB 2359, that was similar to how HB 1157 looks now. There were a few things that were taken out which we're fine. The board voted on version .02011 that became version .03000.

They had a special meeting & voted 3 to 2 to pass it as is. The two board members voted against did so because worried that some of the stake holders weren't aware of things happening. To my knowledge, all of the stakeholders are aware & there has been adjustments made. I hate to see this bill die.

Vice Chairman Lefor: Are you viewing this as a consumer protection issue? Can you give me a few examples where safety was compromised?

James Schmidt: Special occupancies and the national electrical identifies areas of work that has classifications. Several of those areas are classified locations within those. Gas pumps are an area where you have the tvs & they didn't have the proper seals. Oil field is another classified area, grain elevators that has dust, that's what we are trying to do.

As all those systems develop, no matter how small, there are areas that needs to be installed in the proper way. Right now, our office doesn't have the authority to regulate those people.

Vice Chairman Lefor: There seems to be a shortage of electrical inspector & how would we regulate it with the shortage of inspectors?

James Schmidt: There is no shortage.

Vice Chairman Lefor: You feel that you have enough labor to accomplish the regulating of the provisions of this new regulation?

James Schmidt: When construction was happening, I did talk to the board about hiring a few more guys. I'm not concerned about that at all.

Chairman Bosch: When you look at the qualifications of your inspectors, what are you going to need to do with the ones that are inspecting the power limited systems have the proper qualifications?

James Schmidt: They are seeing that stuff now. As it evolves, if we need to, I'm not concerned about that either. They are all master electricians.

Chairman Bosch: Let's take a look at the amendment that you brought forward. Seems there are definitions & that words matter but some words mean different for different people.

James Schmidt: I give you two options. Goes over the attachment he handed out.

Chairman Bosch: In that section, is remote control & powering. If you are ok with how it's stated in the electrical code book?

James Schmidt: That perfect. (continues reading the attachment). We removed that 500 through 517, everybody trusts the board to make those decisions in rule.

Chairman Bosch: I did hear that there were some concerns with that.

James Schmidt: A lot of those industry people don't know what those special occupancies are. Line 9, because isn't that the board's job to adopt & define? Isn't it obvious. That's what a board should do. Skip to the bottom paragraph was a complete oversight & that absolutely needs to be in there. The next page is the same as the first page only the 500 to 517 isn't struck. Then the last page is just making it just more sense when reading it. They are simple changes & it doesn't change the intent.

Chairman Bosch: Section 7, line 10 after the word "control", inserting the word direct. I understand that you didn't like the word. I received an email from the industry & there

question was “they wanted to add direct”. The email said, “without any qualifiers, this could be interpreted to include the whole internet. The cloud based control system”. I understand your situations that sometimes you have connections that aren’t direct & there is a device in-between. They look at the word “direct” differently. Do you have some thoughts on that?

James Schmidt: Direct, is the direct controller. That kind of data is in chapter 8. We don’t want to look inside a laptop or plug & play.

Chairman Bosch: Is it problematic that we are referencing the book in statute?

James Schmidt: Law has never references code that we are tied to. The articles 500 to 517, the special occupancies are defined. The only reason I wanted it out there is I don’t see those changing. I know in Chapter 8 where we reference, we’re told that the 2020 is going to have some articles added in chapter 8. We are going to have to pay attention to that. At some point that there is some give & take. I think we’ve beat this to death. We need to make this work.

Scott Porsborg~Attorney General for the Electrical Board: Gives a history of the Electrical Board in the oil industry & why this bill came about.

23:45

Sen Piepkorn: Where are the Continental Resources, the electricians operating that are operating, where are they not required here? Oklahoma is there home state, where are they doing the unimpeded in their point of view?

Scott Porsborg: I don’t know but there was an extreme shortage of electricians in the oil patch. They wanted their technician to come in & do this themselves. We are concerned in this bill with the special occupancies, classified locations, the dangerous areas. The people who wire audio in homes & that kind of thing, they are specifically exempted in this bill.

Sen J Roers: Can you address the need for article 500-517, would it be good to leave it or take it out?

Scott Porsborg: I was concerned about putting other code in our law. Century code is tied to another law, that another body can change. I was advised that it’s probably not that big of deal.

Sen J Roers: You suggest that the language stays in?

Scott Porsborg: What I would prefer is “what is defined by the board”. Then the board can determine what is special occupancy based on the current national electrical code.

Sen J Roers: Would you leave it at that?

Scott Porsborg: Yes, as it’s adopted & defined by the board. That gives the board more flexibility.

Chairman Bosch: We also not just say “as currently defined in the national electrical code”?

Scott Porsborg: I don’t know if legislative council would go for that? Then 30 years from now, what’s current? That may be a drafting issue.

Sen Piepkorn: What is the consequences of not creating this new license?

Scott Porsborg: That would maintain the status quo. There are people in the industry that have been asking us to do something to alleviate the burden on them from having to have electricians come out & look at oil field equipment. That’s the one on the top burner.

Chairman Bosch: Closes the hearing.

2019 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Peace Garden Room, State Capitol

HB 1157
4/16/2019
34789

- Subcommittee
 Conference Committee

Committee Clerk: Ellen LeTang

Explanation or reason for introduction of bill/resolution:

Regulation of low-voltage electrical systems.

Minutes:

Attachment 1, 2

Chairman Bosch: Attachment 1. We delved into the bill & we had some testimony from the electrical board. I put an amendment together but it still needs some work.

James Schmidt~Executive Director of the Electrical Board: Attachment 2.

6:13

Rep Lefor: I think we need to define where chapter 8 is originating from. If it's the national code or whatever, we need to look at that. I would certainly support "and defined by the board" because the chairman & I had a conversation at the last meeting to determine whether the 500-517 needed to be there.

We realize that national codes change. I thought that if we are going to go one way or the other, that we feel comfortable with the state electrical board saying "adopted & defined". You need that flexibility to be able to change things. If we have the definition where chapter 8 originates so there is some legislative intent there. What I'm seeing here, I'm comfortable with as far as your amendment is concerned.

James Schmidt: If you keep reading line 7, the whole sentence, "as defined by the electrical code". My intent was to try and encompass everything coming out of there. The chapter 8 is where those guys live.

Rep Lefor: I think Legislative Council should work with that language.

James Schmidt: Continues testimony on his amendments.

11:25

Sen J Roers: It takes you out of the realm having to worry about safety switches, where you want to be supervising or managing that.

James Schmidt: Correct.

Sen J Roers: I wanted to be clear about that.

Chairman Bosch: You have to read it a couple of times to get the sense of it.

James Schmidt: Continues testimony on his amendments.

12:30

Chairman Bosch: On the 500-517, what is it you sense for the comfort to give them?

James Schmidt: The picture probably painted in the past that the board is trying to get too much under their authority & they are not listening. I come from the industry & I get it. Brian is concerned that we are trying to define electrical systems that are not electrical.

Chairman Bosch: I'll asked James to talk to the other side of the industry before we take action on it. Closes the hearing.

2019 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Peace Garden Room, State Capitol

HB 1157
4/19/2019
34710

- Subcommittee
 Conference Committee

Committee Clerk: Ellen LeTang

Explanation or reason for introduction of bill/resolution:

Regulation of low-voltage electrical systems.

Minutes:

Attachment 1

Chairman Bosch: Attachment 1. Recaps where we came from to figure out definitions & language. We asked the parties to get together & come to some agreement on the languages that worked for industry & the electric board. I met with the bill sponsor & concur that the language was good. What you have in front of you is the final product & does what it needed to do. I'm ready for the committee to make a motion.

Sen J Roers: James, could you comment on the changes, especially the word "direct".

James Schmidt~Exective Director of the Electrical Board: The word "direct" was taken out of there. Page 3, line 7, everyone was good with that. I have one concern but I'm ok with the bill in general. I don't want the board to be hamstrung with the definition. I have the feeling that there will be some unintended consequences.

Sen Kreun: We should put it so that there will be no recourse for unintended consequences at this time. There are a few issues that are gray & need some liberal attention by the electrical board. We basically said to use your best judgment & give you the latitude needed.

Rep Lefor: I would concur with that. There has been a lot of work into this bill. It strikes a good balance.

Chairman Bosch: Members, what are your wishes?

Sen J Roers: Moves to recede & amends.

Sen Kreun: Second.

House Industry, Business and Labor Committee

HB 1157

Apr 19, 2019

Page 2

Roll call was taken on HB 1157 with a motion that the Senate recede from Senate amendments & amends amendment 19.0606.02016 with 6 yes, 0 no, 0 no & Chairman Bosch & Sen J Roers are the carriers.

Chairman Bosch: Thanks for your work. Closes the conference hearing on HB 1157.

DB 4/19/19
1089

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

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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.~~

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- 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.

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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.~~

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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:
 - 4-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 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~~

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2. If an individual's license is denied or whose license is suspended, or revoked by the board, or ~~whethat~~ 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 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

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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.

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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 the corporate limits of the city. ~~City inspectors~~ A city shall register their name 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.

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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

Date: 4/19/2019

Roll Call Vote: 1

2019 HOUSE CONFERENCE COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1157 as (re) engrossed

House Industry, Business & Labor Committee

- Action Taken
- HOUSE accede to Senate Amendments
 - HOUSE accede to Senate Amendments and further amend
 - SENATE recede from Senate amendments
 - SENATE recede from Senate amendments and amend as follows
 - Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Sen J Roers Seconded by: Sen Kreun

Representatives	4/12	4/16	4/19	Yes	No	Senators	4/12	4/16	4/19	Yes	No
Chairman Bosch	X	X	X	X		Sen J Roers	X	X	X	X	
Rep Louser	X	X	X	X		Sen Kreun	X	X	X	X	
Rep M Nelson	X	X	X	X		Sen Piepkorn	X	X	X	X	
Total Rep. Vote						Total Senate Vote					

Vote Count Yes: 6 No: 0 Absent: 0

House Carrier Chairman Bosch Senate Carrier Sen J Roers

LC Number 19.0606 . 02016 of amendment

LC Number . 04000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Adopt amendment .02016

Insert LC: 19.0606.02016
House Carrier: Bosch
Senate Carrier: J. Roers

REPORT OF CONFERENCE COMMITTEE

HB 1157, as engrossed: Your conference committee (Sens. J. Roers, Kreun, Piepkorn and Reps. Bosch, Lefor, M. Nelson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1489-1496, adopt amendments as follows, and place HB 1157 on the Seventh order:

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:

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5. "Licensee" means an individual who holds a valid license issued by the board.
6. "Master electrician" means a person havingan 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.

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3. Each licensee or permit holder shall report that ~~person's individual's~~ licensing or renewals to the electrical inspector, if there is one, in the ~~municipality~~ 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 ~~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:

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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~~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 ~~wh~~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~~

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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 personattendee 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 beare 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 whenwhile 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 serviceelectric 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 signalsis 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 arewhile 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 equipmentInstallations 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 inspectionfor inspections. Cities
4. A city may make provisions for inspection of all electrical work doneand 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.

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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

Engrossed HB 1157 was placed on the Seventh order of business on the calendar.

2019 TESTIMONY

HB 1157

HB 1157

Mr. Chairman and Members of the House Industry, Business, and Labor Committee,

My name is Rep. Ben Koppelman, and I represent District 16 in West Fargo. Thank you for the opportunity to introduce this bill to your committee. HB 1157 would clean up the century code to reflect how the State Electrical Board has been executing the law in conjunction with their administrative rules.

After serving 10 years on the Electrical board, I noticed several items in the electrical licensure portion of the Century Code. After reviewing my discoveries with legislative council, it was confirmed that, contrary to our practice, that those seeking to do electrical work only have to apply to the board for a license, but are not required to successfully acquire that license. Thus the language on line 9 and 10 of the bill corrects that oversight.

I also discovered that this section doesn't require that work being done on a fire alarm system be installed by an electrician even though that has been a requirement in administrative rule for quite some time and could be viewed as an expansion of what law currently allows. The changes on line 12 corrects this inconsistency.

It has been commonly accepted practice over the years by the public and the State Electrical Board, that low voltage wiring that isn't used in the defined scope of electrical work, as defined by law, not be required to be completed by an electrician. In other words, the work being performed isn't wiring for 'electric light, heat, power (and now fire alarm), than it does not require the employ of an electrician and thus is not regulated by the State Electrical Board. Thus the language in lines 13-17 codifies this longstanding practice in law to make it clear to the public when they need to acquire a license from the Electrical Board.

The remaining language in the bill is legislative council clean-up language and does not contain any changes that I am aware of.

In summery, this bill is targeted at aligning code with current practice by the State Electrical Board and the industry. I thank you for your consideration, and request a DO-PASS recommendation.

Testimony Against HB 1157

Presented by Doug Grinde

Director of Inspections, North Dakota Electrical Board

Mr. Chairman and Members of the Committee:

My name is Doug Grinde. I have been working in the Electrical Industry for 33 years. I have been a Master Electrician for 17 years, I was an electrical inspector for North Dakota State Electrical Board for 3 years and I am currently the Director of Inspections for NDSEB.

I am here to speak to you in opposition House Bill 1157.

The ND Laws Rules and Wiring Standards address the mission of the North Dakota State Electrical Board as follows: "The purpose of these standards is the practical safeguarding of persons and of buildings and building contents from electrical hazards arising from the use or control of electricity for light, heat, power, and control thereof and of the fire detection system."

HB 1157 does NOT define LOW-VOLTAGE. Is it 12 volts, 50 volts, 240 volts or 480 volts?

The low-voltage systems listed in HB 1157 are installed all over North Dakota including Houses, Schools, Hospitals, Nursing Homes, State Capital Buildings, Restaurants, Day Cares and Hazardous Locations such as Grain Elevators, Gas Stations and Oil Field Sites. These systems have codes and manufacturer guidelines that need be followed during installation for the safety of persons and property.

A low-voltage system that is not installed correctly could cause severe property damage and bodily harm or loss of life under the proper conditions. Do we want un-licensed, untrained people repairing, altering, making additions to, or installing these low-voltage systems where our children go to learn and play or where our friends and family and ourselves work or live, or installing low-voltage nurse call systems in our hospitals and nursing homes? I feel the passing of HOUSE BILL 1157 could put people's lives and property in danger from improper installations by un-licensed individuals with a lack of education and training on LOW-VOLTAGE SYSTEMS.

Mr. Chairman and members of the committee, this concludes my testimony against HB 1157. If there are any questions, I will try and answer them at this time.

Thank you.

Doug Grinde

TESTIMONY AGAINST HB 1157

PRESENTED BY JAMES SCHMIDT

EXECUTIVE DIRECTOR, NORTH DAKOTA STATE ELECTRICAL BOARD

Mr. Chairman, Members of the Committee:

HB 1157 was introduced without the knowledge of the North Dakota State Electrical Board. There have been discussions in board meetings for the last several years about creating a low voltage or power limited license.

HB 1157 is in conflict of a senate bill that will be introduced by Senator Kannianen, who is an electrical contractor, which the board will support. Currently Senator Kannianen's proposed senate bill is in the process of being filed this week that will clearly define what low voltage or power limited technician work is. The proposed senate bill will carve out the electrical work that is currently being installed by unlicensed and in some cases untrained individuals. The class of electrician will be known as power limited technicians. To further assure this committee of the soon to come senate bill, the legislative councils housekeeping language suggested will be the same as in this bill. With the shortage of electricians, Kannianen's senate bill will allow individuals already doing low-voltage or power limited work as it referred to, will assure individuals are trained, licensed and their work inspected to code standards such as done for electricians now.

I'm sure Representative Koppleman has good intentions in introducing HB 1157 but it falls short by not addressing and it exempts some electrical work that should be inspected and have trained individuals performing that work. The systems called out in this bill are of technical nature which may be hard for the average person to completely understand, but here are a few examples of where this bill falls short.

1. HB 1157 does not define what low-voltage systems are.
2. Power utilities call low-voltage anything under 600 volts.
3. Electricians refer to low-voltage class 2 or 3 wiring as defined by the National Electrical Code which is the code the board adopts and is the standard for the inspections it performs.
4. HB 1157 exempts from inspections and licensure audio, video, home automation and security systems when these systems can contain voltage considered above low-voltage or have conductors carrying power over Ethernet for a portion of their system which would require a licensed electrician to do that work.
5. By exempting the systems listed in this bill, several other code requirements would be overlooked such as grounding, bonding, using the proper cable type in plenum rated spaces, cable-tray & pipe conduit conductor fill, fire-stopping just to mention a few.
6. HB 1157 does not address classified locations or care facilities where presently power limited work is going on by unlicensed individuals.
7. Presently there are persons capable of doing power limited work in classified locations in the oil field which they cannot because of licensure which the board's proposed senate bill will address.
8. HB 1157 is incomplete as there are several other systems and classified locations out there that should be addressed.
9. Senator Kannianen's proposed senate bill, through administrative rule, will define systems as to which work is required to be inspected or which work is exempt per the National Electrical Code which this HB 1157 does not clearly do.
10. Senator Kannianen's proposed senate bill will clearly explain to the electrician or power limited technician the electrical work to be inspected, where HB 1157 creates confusion.

11. HB 1157 should be about assuring electrical inspections are performed for the safety of the public which it does not do.

Every 3 years the North Dakota State Electrical Board reviews, takes public comments on and adopts the revised or updated edition of the current National Electrical Code (NEC) NFPA 70 and the ND State Wiring Standards. The code articles of the NEC are what define the type of electrical work or systems and the installation requirements. These are the rules that our office uses ensure the safeguarding of the residents of North Dakota's buildings and building contents from electrical hazards arising from the use or control of electricity for light, heat, power, and control thereof and of the fire detection system. We therefore urge a do not pass vote on HB 1157 as it's not complete. Senator Kannianen's proposed senate bill is being filed this week which, if passed, will allow the board to do its job and have oversight on all electrical installations in North Dakota.

We thank the Committee for hearing our concerns and I would be happy to answer any questions the committee may have.

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Title.

Prepared by the Legislative Council staff for
Representative Bosch ~~21~~ 23
January ~~21~~, 2019

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1157

Page 1, line 2, remove "low-voltage"

Page 1, line 12, remove "fire detection system."

Page 1, line 15, remove "low-voltage"

Page 1, line 16, remove "low-voltage"

Page 1, line 17, remove "fire detection system."

Renumber accordingly

19.0606.02005

FIRST ENGROSSMENT

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1157

Introduced by

Representative B. Koppelman

1 A BILL for an Act to amend and reenact ~~sections~~ sections 43-09-01, 43-09-09, 43-09-10,
2 43-09-11, and 43-09-22 of the North Dakota Century Code, relating to regulation of electrical
3 and nonelectrical systems and licensure of electricians.

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

7 **43-09-01. Definitions.**

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

- 9 1. "Apprentice electrician" means a person having an individual learning the trade under the
10 personal supervision of a state-licensed electrician.
- 11 2. "Board" means the state electrical board.
- 12 3. "Class B electrician" means a person having an individual who has the necessary
13 qualifications, training, and technical knowledge to wire, install, and repair electrical
14 apparatus and equipment in accordance with the standard rules and regulations
15 governing such work, ~~and shall have~~ who has eighteen months' experience in
16 farmstead or residential wiring, and ~~shall have~~ passed an examination before the state
17 electrical board based upon the national electrical code as ~~the code~~ the code applies to
18 farmstead or residential wiring.
- 19 4. "Journeyman electrician" means a person having an individual who has the necessary
20 qualifications, training, and technical knowledge to wire, install, and repair electrical
21 apparatus and equipment in accordance with the standard rules and regulations
22 governing such work.
- 23 5. "Master electrician" means a person having an individual who has the necessary
24 qualifications, training, experience, and technical knowledge to plan, lay out, and

1 supervise the installation and repair of electrical wiring apparatus, and equipment for
2 electric light, heat, and power in accordance with the standard rules and regulations
3 governing such work.

4 6. "Nonelectrical system" means a system, such as an audio system, video system,
5 computer network system, home automation system, or security system, if the system
6 is not for electric light, heat, or power.

7 7. "Power limited electrician" means an individual who has the necessary qualifications
8 and technical knowledge to wire, install, make additions, make alterations, and repair
9 electrical apparatus and equipment composed of a class 1 circuit system that does not
10 exceed sixty volts, class 2 circuit system, or class 3 circuit system.

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

13 **43-09-09. License required - Examination - Board to issue license - Reporting.**

14 ~~Every person, partnership, company, corporation, limited liability company, or association~~
15 ~~that undertakes or offers~~

16 1. A person that does not have a valid license issued by the board may not undertake or
17 offer to undertake with another person to plan, lay out, supervise, install, make
18 additions, make alterations, or make repairs, in the installation of wiring, apparatus, or
19 equipment for electric light, heat, or power, shall apply to the board for a license. This
20 licensure requirement does not include the planning, laying out, supervising, installing,
21 making of additions to, making of alternations to, or making of repairs to a
22 nonelectrical system, such as an audio system, video system, computer network
23 system, home automation system, or security system, if the system is not for electric
24 light, heat, or power.

25 2. The board shall examine the an applicant for licensure and, if, upon a technical and
26 practical examination, the board determines the applicant is found to
27 possesspossesses the required knowledge and skill and to be is versed in the laws of
28 electricity, the applicantboard shall be issuedissue the applicant a license in the class
29 for which the applicant was examined. The board president shall sign the license shall
30 be signed by the president and the secretary of the board and attestedshall attest the
31 license by the seal of the board.

1 may be applied as a credit against the eight thousand hours' experience
2 requirement under this paragraph.

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

5 4. For licensure as a power limited electrician:

6 a. Hold a valid certificate by a board-approved certifying entity; or

7 b. Possess the necessary experience or training, or both, as approved by the board.

8 **SECTION 5. AMENDMENT.** Section 43-09-22 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **43-09-22. Inspection of installation - Nonelectrical system installations -**

11 **Condemnation.**

12 1. The board has jurisdiction over and shall provide inspection for a nonelectrical system
13 installation that occurs in an area classified under the national electrical code as a
14 class I, II, or III hazardous location and for all electrical installations.

15 2. Inspectors authorized by the board may condemn installations hazardous to life and
16 property or may order specific corrections to be made. Inspectors may order service
17 ~~thereto~~ to an installment discontinued after notice to the owner of the property. The
18 order is subject to the owner's right of appeal to the board. ~~No~~ A condemned
19 installation may not be reconnected for service until proof has been furnished that the
20 installation has been brought up to the required standards.

21 3. A nonelectrical system installation over which the board has jurisdiction under this
22 section must be conducted by or in conjunction with a licensed electrician.

23 4. The board may charge the master electrician responsible for the installation a fee to
24 cover the cost of inspection. ~~Cities~~

25 5. A city may make provisions for inspection of all electrical ~~work done~~ and nonelectrical
26 system installations over which the board has jurisdiction under this section which
27 occur within ~~their~~ the corporate limits of the city. ~~City inspectors~~ A city inspector shall
28 register ~~their names~~ the name of the inspector with the board within ten days ~~after~~
29 their of appointment.

TESTIMONY OPPOSED HB1157

PRESENTED BY JAMES SCHMIDT

EXECUTIVE DIRECTOR, NORTH DAKOTA STATE ELECTRICAL BOARD

Chairman Klein, Members of the Committee:

There have been discussions in board meetings for the last several years about creating a power limited license which the board supported SB 2359 which became a study.

The board met last Wednesday and there were no proposed amendments for HB 1157 available for review so the board instructed me to testify in opposition to HB 1157 in its present form.

Representative Koppleman's did offer to me late yesterday afternoon (03-19-19) amendments which we discussed. There are several factors of the industry that he addressed and more factors that need to be considered.

So at the time of this hearing there has not been sufficient time for the electrical board or its attorney to review the proposed amendments.

We therefore urge a do not pass vote on HB 1157 in its present form.

We thank the Committee for hearing our concerns and I would be happy to answer any questions the committee may have.

CHAPTER 43-09

ELECTRICIANS

43-09-01. Definitions. In this chapter, unless the context or subject matter otherwise requires:

1. "Apprentice electrician" means a person an individual 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 the code 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. "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.
6. "Power limited electrician" means an individual who has the necessary qualifications, training, experience, and technical knowledge to plan, lay out, and supervise the installation and repair of power limited systems.
7. "Power Limited Systems" means systems as defined by the National Electrical Code within the articles contained in chapter 8 and other articles as defined by the board by rule. These systems do not include a nonelectrical system.
8. "Licensee" means an individual who holds a valid license issued by the board.
9. "Nonelectrical system" means class II and III control circuit systems as defined within the National Electrical Code, that are not installed within areas of special occupancies as defined in Articles 500-517 of the National Electrical Code and are not for heat, light, power or the control thereof. Restrictions of a nonelectrical system may be relaxed by the board.

43-09-02. State electrical board - Members - Terms of office - Vacancies. The state electrical board must consist of five members appointed by the governor for a term of five years with their terms of office so arranged that one term and only one term expires on June thirtieth of each year. One member of the board shall represent the public and may not be directly associated with the electrical industry. The board must include a master electrician who is a contractor, a journeyman electrician, a consumer member of a rural electric cooperative, and a person associated with an investor-owned utility. A member of the board shall qualify by taking the oath of office required of civil officers and shall hold his office until his successor is appointed and qualified. The governor shall fill any vacancy by appointment for the unexpired term of office.

43-09-03. Qualifications of members of board. Repealed by S.L. 1949, ch. 287, § 11.

43-09-04. Officers of board - Compensation of members. The members of the board shall select from their members a president, a treasurer, and a secretary. Each appointive member of the board is entitled to

receive such amount as may be set by the board, and in addition thereto, each member shall receive the necessary and actual expenses incurred by the member in the discharge of the member's duties. The mileage and travel expense allowed may not exceed the amount provided for in section 54-06-09.

43-09-05. (Effective August 1, 2017) 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 installation involving a value of five hundred dollars or more, the inspector shall inspect the electrical or power limited systems installation and approve or condemn that installation. The inspector shall make a report of the inspection on forms prescribed by the board.

43-09-06. Meetings of board.

The board shall hold a meeting in the month of January of each year in the city of Bismarck, and may hold such other meetings as are necessary to conduct examinations and perform the other duties coming before it. Special meetings must be held at the time and place determined by the president, and upon ten days written notice given by him to each member of the board.

43-09-07. Expenses of board - How paid.

All reasonable and necessary expenses incurred in conducting the business of the board must be allowed and paid by the board.

43-09-08. Treasurer to hold moneys of board - Use - Disbursement.

Repealed by S.L. 1971, ch. 510, § 15.

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 offer~~ 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, ~~shall apply to the board for a license or power limited systems unless licensed by the board.~~
- 2. The board shall examine ~~the an~~ applicant for licensure and if, upon a technical and practical examination, ~~he the applicant~~ is found to possess the required knowledge and skill and to be versed in the laws of electricity, ~~heth board~~ shall be issued issue to the applicant a license in the class for which he 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 permit holder shall report that individual's his licensing or renewals to the electrical inspector, if there is one, in the municipality in which ~~he that individual~~ operates.

43-09-09.1. Conviction not bar to licensure - Exceptions.

Conviction of an offense does not disqualify a person from licensure under this chapter unless the board determines that the offense has a direct bearing upon a person's ability to serve the public as an electrician or that, following conviction of any offense, the person is not sufficiently rehabilitated under section 12.1-33-02. 1.

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 or power limited systems services without being licensed as or being associated with a class B, ~~or master electrician or power limited electrician~~ unless that person intends to contract ~~the electrical these~~ services with a licensed electrical or power limited contractor.
- 2. If a person associates with ~~an~~ class B, ~~or master electrician or power limited electrician~~ under subsection 1 and that association ends, that person is jointly and severally liable for any electrical or power limited 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.

43-09-10. Types of licenses. The classes of electricians professionals who may be licensed under section 43-09-09 are:

1. Master electrician.

2. Journeyman electrician.

3. Class B electrician.

4. Power limited electrician

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 this 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

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 he has had the required experience. ~~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.~~

43-09-13. License fees. Examination and annual license fees required to be paid for an electrician's license must be set by the board.

43-09-13.1. Apprentice electrician registration. An apprentice electrician shall register with the state electrical board within the first six months of employment and shall pay an annual registration fee in an amount set by the board. An apprentice electrician may work on installations only under the personal supervision of a licensed electrician as provided in section 43-09-18.

43-09-13.2. Electrical inspectors - License required - Exception. ~~A person~~ An individual employed by the state electrical board or a political subdivision to inspect electrical and power limited system installations must be licensed as a power limited, journeyman 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.~~

43-09-14. (Repealed effective August 1, 2017) Master electrician and class B electrician - Undertaking - Fund. ~~The board shall administer a special fund to be used for the completion of installations abandoned by master electricians and class B electricians, not to exceed the amount of twenty five thousand dollars for a master electrician and four thousand dollars for a class B electrician. Effective July 1, 2016, the board shall use any money remaining in the special fund to inform and educate electricians. The board may prescribe forms and make rules it deems necessary to carry out the intent of this section.~~

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 reexamination. 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. 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. Any cause for which the issuance of the license could have been refused had ~~it~~ the cause then existed and been known to the board.
3. 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. Material misstatement, misrepresentation, or fraud in obtaining the license.
5. 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. Failure or refusal to make deposit or acquire public liability insurance as required by sections ~~43-09-14~~ and 43-09-20.
7. Failure to ~~repay~~ 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. Failure to furnish certification of completion of continuing education as required under section 43-09-15.1.

by person whose

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

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 ~~lessfewer~~ 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 for each session.

43-09-16. When license not required. The following persons ~~may are not be~~ required to ~~hold an electrician's license be licensed by the board:~~

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 thereof. of their service or electric meters and measuring devices.
2. Employees or subcontractors of a company ~~that is a 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. telecommunication carrier as defined under section 57-34-01, or a satellite or cable systems provider while acting in the scope of employment or terms of contract.~~
3. Employees or subcontractors of dealers in household appliances, such as room air conditioners, clothes dryers, dishwashers, freezers, garbage disposals, refrigerators, stoves, washing machines, water heaters, ~~satellite systems~~ and similar appliances ~~when while~~ such employees individuals are 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 installer of a nonelectrical system.
6. An installer of a power limited system if the system is to be installed within a residential dwelling or is factory cord connected to an existing receptacle.
7. Maintenance personnel employed by the owner of a facility in the course of maintaining and making minor repairs to an existing electrical wiring device or appliance. This exemption does not include extending or changing the characteristics of an existing circuit, feeder, or other electrical apparatus.

43-09-17. Journeyman electrician's permit. The board, upon the recommendation of one master electrician and two journeyman electricians, may issue a permit for a journeyman electrician to engage in his trade until the next meeting of the board for the examination of applicants. Such permit shall not be renewable.

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 or power limited electrician may not allow an apprentice to work on any installation without personal supervision of a licensed electrician.

43-09-19. Report of work done by licensee. Every person licensed under the provisions of this chapter and doing electrical work shall report the same to the secretary of the board upon blanks furnished by the board for that purpose.

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

1. ~~_____ NoA~~ NeA contract, agreement, or undertaking with another for the installation of electrical or power limited wiring or the installation of electrical or power limited systems parts of other apparatus may not be entered into by anyone ~~not~~ other than a master, class B, or power limited electrician. ~~or power limited electrician.~~ A class B electrician, as herein defined, is authorized to may enter ~~into~~ a contract, undertaking, or agreement only for the installation of:

a. farmstead electrical wiring or

b. residential electrical wiring in one or two family dwellings located in municipalities with a population of two thousand five hundred or ~~less fewer~~ population.

~~, and the A class B 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 fewer 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~~

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 ~~For a master, class B or power limited electrician contractor~~ at least five hundred thousand dollars ~~for a master electrician, and two hundred fifty thousand dollars for a class B electrician.~~

43-09-21. Standards for electrical wiring 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~~ Although a city municipality may make more stringent requirements by ordinance, such ordinances may only apply to those 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.

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

1. The board has jurisdiction over and shall provide inspection for all electrical installations. The board also has jurisdiction over and shall provide inspections for and power limited systems installations within the in educational facilities and National Electrical Code Chapter 5, Special Occupancies as defined in Articles 500-517 as defined by the board. Inspector In the case of a disagreement with the code interpretation or a correction for code violation issued by any inspector, the executive director shall review such concerns and render a final decision. This decision may be appealed to the board.

2. The executive director, 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 master electrician, Class B electrician, or power limited electrician responsible for the installation a fee to cover the cost of for inspections.
4. ~~Cities~~A city may make provisions for inspection of all electrical and power limited systems work done within ~~their~~ the corporate limits of the city. A city City inspectors shall register ~~their names~~ the names of the inspectors with the board within ten days after of their appointment. A city may not require inspections of installations that are not within the jurisdiction of the board outlined in subsection 1 of this section.

43-09-23. Criminal penalty - Civil proceedings. Any person who 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 attorneys' 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 attorneys' fees may be taken to the district court under chapter 28-32.

43-09-24. Special emergency. Repealed by omission from this code.

43-09-25. License to nonresidents - Reciprocity. To the extent that other states which provide for the licensing of electricians provide for similar action, the state electrical board may grant licenses of the same grade or class to electricians licensed by other states, upon payment by the applicant of the required fee, after being furnished with proof that the qualifications of the applicant are equal to the qualifications of holders of similar licenses in North Dakota.

43-09-26. Exemption for coal mines. The jurisdiction of the board and other requirements of this chapter do not apply to installations, wiring, apparatus, or equipment that are part of a coal mine permitted by the public service commission and are subject to the jurisdiction of the federal mine safety and health administration.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1157

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 class II or class III control circuit system as defined by the national electrical code, as adopted by the board, which

is not installed within an area of special occupancies as defined under articles 500 through 517 of the national electrical code, as adopted by the board, which is not for heat, light, or power or for the control of heat, light, or power. Although the board may expand this definition by rule, the board may not narrow this definition.

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 of the national electrical code, as adopted by the board. Although the board may adopt rules to 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 an 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 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 ~~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~~ 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 ~~that~~ 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 ~~wh~~ 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:

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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~~are not required to hold an ~~electrician's~~license ~~licensed by the board~~:

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 arewhile 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 factory cord connected to an existing receptacle.

HB 1157 4/2/19 AH#1

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. ~~Ne~~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 name~~ 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~~ 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

19.0606.02009

FIRST ENGROSSMENT

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1157

Introduced by

Representative B. Koppelman

1 A BILL ~~for an Act to amend and reenact section 43-09-09 of the North Dakota Century Code,~~
2 ~~relating to regulation of electrical systems.~~ for an Act to amend and reenact sections 43-09-01,
3 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,
4 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
5 Dakota Century Code, relating to regulation by the state electrical board; and to provide a
6 penalty.

7 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

10 ~~43-09-09. License required - Examination - Board to issue license - Reporting.~~

11 ~~Every person, partnership, company, corporation, limited liability company, or association~~
12 ~~that undertakes or offers~~

13 ~~1. A person that does not have a valid license issued by the board may not undertake or~~
14 ~~offer to undertake with another person to plan, lay out, supervise, install, make~~
15 ~~additions, make alterations, or make repairs, in the installation of wiring, apparatus, or~~
16 ~~equipment for electric light, heat, or power, shall apply to the board for a license. This~~
17 ~~licensure requirement does not include the planning, laying out, supervising, installing,~~
18 ~~making of additions to, making of alternations to, or making of repairs to a system,~~
19 ~~such as an audio system, video system, computer network system, home automation~~
20 ~~system, or security system, if the system is not for electric light, heat, or power.~~

21 ~~2. The board shall examine the an applicant for licensure and, if, upon a technical and~~
22 ~~practical examination, the board determines the applicant is found to~~
23 ~~possesspossesses the required knowledge and skill and to be is versed in the laws of~~
24 ~~electricity, the applicantboard shall be issuedissue the applicant a license in the class~~

1 for which the applicant was examined. The board president shall sign the license shall
2 be signed by the president and the secretary of the board and attested shall attest the
3 license by the seal of the board.

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

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

8 **43-09-01. Definitions.**

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

- 10 1. "Apprentice electrician" means a person an individual who is learning the trade under
11 the personal supervision of a state-licensed electrician.
- 12 2. "Board" means the state electrical board.
- 13 3. "Class B electrician" means a person having an individual who has the necessary
14 qualifications, training, and technical knowledge to wire, install, and repair electrical
15 apparatus and equipment in accordance with the standard rules and regulations
16 governing such work, ~~and shall have~~ who has eighteen months' experience in
17 farmstead or residential wiring, and ~~shall have~~ passed an examination before the state
18 electrical board based upon the national electrical code as it applies to farmstead or
19 residential wiring.
- 20 4. "Journeyman electrician" means a person having an individual who has the necessary
21 qualifications, training, and technical knowledge to wire, install, and repair electrical
22 apparatus and equipment and power limited systems in accordance with the standard
23 rules and regulations governing such work.
- 24 5. "Licensee" means an individual who holds a valid license issued by the board.
- 25 ~~6.~~ "Master electrician" means a person having an individual who has the necessary
26 qualifications, training, experience, and technical knowledge to plan, lay out, and
27 supervise the installation and repair of electrical wiring apparatus, and equipment for
28 electric light, heat, ~~and power~~ and power limited systems, in accordance with the
29 standard rules and regulations governing such work.
- 30 7. "Nonelectrical system" means a class II or class III control circuit system as defined by
31 the national electrical code, as adopted by the board, which is not installed within an

1 area of special occupancies as defined under articles 500 through 517 of the national
2 electrical code, as adopted by the board, which is not for heat, light, or power or for the
3 control of heat, light, or power. Although the board may expand this definition by rule,
4 the board may not narrow this definition.

5 8. "Power limited electrician" means an individual who has the necessary qualifications,
6 training, experience, and technical knowledge to plan, layout, and supervise the
7 installation and repair of a power limited system.

8 9. "Power limited system" means a system as defined by the articles contained in
9 chapter 8 of the national electrical code, as adopted by the board. Although the board
10 may adopt rules to expand this definition, the term does not include a nonelectrical
11 system.

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

14 **43-09-05. Powers and duties of state electrical board - Biennial report.**

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

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

24 **43-09-09. License required - Examination - Board to issue license.**

25 ~~Every~~

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

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

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

11 **43-09-09.2. Advertising prohibited - Exceptions - Liability - Penalty.**

- 12 1. Except as provided in this section, if ~~an electrical~~a license is required under section
- 13 43-09-09 ~~or by local ordinance~~, a person may not advertise to contract for electrical
- 14 services without being licensed as or being associated with a class B ~~orelectrician~~,
- 15 master electrician, or power limited electrician, unless that person intends to contract
- 16 the electrical services with a licensed electrical contractor.
- 17 2. If a person associates with ~~a class B or master~~an electrician under subsection 1 and
- 18 that association ends, that person is jointly and severally liable for any ~~electrical~~
- 19 ~~services~~ contracts entered under that association.
- 20 3. a. A person violating this section is guilty of a class B misdemeanor for a first
- 21 conviction, but no fine in excess of one hundred dollars and no term of
- 22 imprisonment may be imposed.
- 23 b. A person violating this section is guilty of a class A misdemeanor for a second or
- 24 subsequent conviction, but the penalties are as follows:
- 25 (1) For a second conviction, no fine in excess of one thousand dollars and no
- 26 term of imprisonment may be imposed.
- 27 (2) For a third or subsequent conviction, a fine not to exceed one thousand
- 28 dollars, or imprisonment not to exceed thirty days, or both, may be imposed.

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

1 **43-09-10. Types of licenses.**

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

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

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

9 **43-09-11. Qualifications.**

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

- 11 1. For licensure as a master electrician, an applicant must have completed one year's
12 experience as a licensed journeyman electrician.
- 13 2. For licensure as a journeyman electrician, an applicant must have:
 - 14 a. Completed eight thousand hours' experience in installing and repairing electrical
15 wiring, apparatus, and equipment, which experience may not be obtained in less
16 than three years.
 - 17 b. Effective for an applicant who registered with the board as an apprentice after
18 January 31, 2008, completed at least one of the following:
 - 19 (1) Successfully completed apprenticeship training approved by the federal
20 bureau of apprenticeship and training and completed eight thousand hours'
21 experience in installing and repairing electrical wiring, apparatus, and
22 equipment.
 - 23 (2) Successfully completed an appropriate course of study, which may not be
24 less than two years or the equivalent of two years, at a board-approved
25 institution of higher education and completed eight thousand hours'
26 experience in installing and repairing electrical wiring, apparatus, and
27 equipment. The board may determine equivalent hours of education that
28 may be applied as a credit against the eight thousand hours' experience
29 requirement under this paragraph.
- 30 3. For licensure as a class B electrician, eighteen months' experience in farmstead or
31 residential wiring.

1 4. For licensure as a power limited electrician:

2 a. Hold a valid board-recognized tradesman certification; or

3 b. Possess the necessary work experience and training, as approved by the board.

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

6 **43-09-12. Examination - Requirements.**

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

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

13 **43-09-13.2. ~~Electrical inspectors~~ Inspectors - License required - Exception.**

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

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

20 **43-09-15. Renewal of license - Denial, suspension, or revocation of licenses.**

21 1. An electrician's license may be issued for a term of only one year, but may be
22 renewed without examination upon the payment of the proper fee. If the licensee fails
23 to renew the license for a period of three consecutive years or more, the licensee is
24 required to appear for re-examination. The state electrical board may deny, suspend,
25 revoke, or refuse to renew any license issued or applied for under the provisions of
26 this chapter for any of the following reasons:

27 1.a. Failure or refusal to maintain or adhere to the minimum standards set forth in the
28 electrical code referred to in section 43-09-21.

29 2.b. Any cause for which the issuance of the license could have been refused had
30 that information then existed and been known to the board.

- 1 3.c. Commitment of any act of gross negligence, incompetency, or misconduct in the
- 2 practice of ~~a master or journeyman electrician or the business of an electrical~~
- 3 ~~contractor~~ the profession regulated under this chapter.
- 4 4.d. Material misstatement, misrepresentation, or fraud in obtaining the license.
- 5 5.e. After due notice, failed or refused to correct, within the specified time, any
- 6 ~~electrical~~ installation not in compliance with the provisions of this chapter.
- 7 6.f. Failure or refusal to make a deposit or acquire public liability insurance as
- 8 required by ~~sections 43-09-14 and~~ section 43-09-20.
- 9 7.g. Failure to ~~repay~~ pay or enter ~~into~~ a written contract for repayment, under a
- 10 payment schedule acceptable to the board, ~~of money disbursed from the fund as~~
- 11 ~~provided under section 43-09-14, or failure to make timely payments under a~~
- 12 ~~payment contract entered into under the board's policy for administering the~~
- 13 ~~undertaking~~ fund any financial obligation to the board.
- 14 8.h. Failure to furnish certification of completion of continuing education as required
- 15 under section 43-09-15.1.

16 ~~Any person whose~~

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

20 **SECTION 10. AMENDMENT.** Section 43-09-15.1 of the North Dakota Century Code is

21 amended and reenacted as follows:

22 **43-09-15.1. Continuing education.**

23 ~~After March 31, 1990, each~~ An applicant for renewal of an electrician's license pursuant to

24 section 43-09-15 must have successfully completed ~~prior thereto~~ at least ~~four hours, and~~

25 ~~thereafter~~ eight hours each biennium, of continuing education relating to the standards set forth

26 in section 43-09-21 or as otherwise prescribed by the board. The board may not require more

27 than sixteen hours of continuing education in each biennium. The board shall conduct education

28 sessions ~~for licensees~~ each year at not ~~less~~ fewer than six locations throughout the state.

29 Attendance at such sessions, or attendance at other education sessions certified by the board

30 as approved, fulfills the educational requirements of this section. The board may charge a fee ~~to~~

1 ~~licensees~~ for attendance at the education sessions at an amount to be determined by the board,
2 but not to exceed ten dollars per ~~person~~attendee for each session.

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

5 **43-09-16. When license not required.**

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

- 8 1. Employees of public utilities engaged in the manufacture and distribution of electrical
9 energy ~~when~~while engaged in work directly pertaining to the manufacture and
10 distribution of electrical energy. This exemption terminates at the first point of service
11 attachment, except for the installing or testing of electric meters and measuring
12 devices and the maintenance of their service electric meters and measuring devices.
- 13 2. Employees, independent contractors, or subcontractors of a company that ~~operates or~~
14 ~~installs telephone and radio communication systems when engaged in work pertaining~~
15 ~~directly to the installation of telephone and radio communication conductors on~~
16 ~~premises where the installations are made for use exclusively for the transmission of~~
17 ~~telephone and radio signals~~is a telecommunication carrier as defined under section
18 57-34-01 or that is a satellite or cable systems provider, while acting in the scope of
19 employment or the terms of the contract.
- 20 3. Employees, independent contractors, or subcontractors of dealers in household
21 appliances, such as room air-conditioners, clothes dryers, dishwashers, freezers,
22 garbage disposals, refrigerators, stoves, washing machines, water heaters, and similar
23 appliances ~~when such employees are~~while installing and connecting such appliances
24 to an existing electrical receptacle.
- 25 4. A representative of a manufacturing firm that is installing or modifying controls of
26 wiring solely on industrial machinery that is for use by the firm itself, and performed by
27 or under the direction of a registered professional engineer who issues a
28 state-accepted evaluation, which is to be maintained with the equipment.
- 29 5. An individual who is installing a nonelectrical system.
- 30 6. An individual who is installing a power limited system that is installed within a
31 residential dwelling or is factory cord connected to an existing receptacle.

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

3 **43-09-18. Apprentice ~~to master electrician.~~**

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

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

9 **43-09-20. ~~Contract for installation of electrical wiring and installation of electrical~~**
10 **~~equipment~~Installations made with master electrician, class B electrician, or power limited**
11 **electrician - Requirement for liability insurance.**

12 ~~No~~

13 1. A contract, agreement, or undertaking with another person for the installation of
14 electrical wiring or power limited wiring or the installation of electrical or power limited
15 system parts of other apparatus may not be entered ~~into~~ by anyone ~~not other than~~ a
16 master electrician or power limited electrician. A class B electrician, ~~as herein defined,~~
17 ~~is authorized to~~ may not enter ~~into~~ a contract, undertaking, or agreement for the
18 installation of ~~farmstead~~electrical wiring, except for:

19 a. Farmstead electrical wiring; ~~or residential~~

20 b. Residential electrical wiring in one or two family dwellings located in
21 ~~municipalities~~a city with a population of two thousand five hundred or ~~less~~
22 ~~population, and the electrician's authority under the contract, undertaking, or~~
23 ~~agreement is limited to the actual installation by that electrician of farmstead~~
24 ~~electrical wiring or residential electrical wiring in one or two family dwellings~~
25 ~~located in municipalities of two thousand five hundred or less population, and the~~
26 ~~installation of electrical equipment, appliances, and apparatus used on~~
27 ~~farmsteads and such residences. Before an electrician referred to in this section~~
28 ~~enters into a contract for installation of electrical wiring, the electrician shall~~
29 ~~deposit with the board~~fewer.

30 2. If a licensee is acting as a contractor, that licensee shall submit to the board evidence
31 of the existence of public liability insurance with a licensed insurance carrier, with

1 policy limits of at least five hundred thousand dollars ~~for a master electrician, and two~~
2 ~~hundred fifty thousand dollars for a class B electrician.~~

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

5 **43-09-21. Standards for ~~electrical~~ wiring, apparatus, and equipment.**

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

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

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

23 1. The board has jurisdiction over and shall provide inspection for all electrical
24 installations. ~~Inspectors~~ The board has jurisdiction over and shall provide inspection for
25 all power limited system installations. If there is a disagreement between an electrician
26 and an inspector over interpretation or over a correction for violation issued by any
27 inspector, the executive director of the board shall review the identified disagreement
28 and render a final decision, which either party may appeal to the board.

29 2. The executive director of the board, as authorized by the board, may condemn
30 installations hazardous to life and property or may order specific corrections to be
31 made. ~~Inspectors~~ The executive director may order disconnection of service thereto

1 ~~discontinued~~ after notice to the owner of the property. The order is subject to the
2 owner's right of appeal to the board. ~~No~~A condemned installation may not be
3 reconnected for service until proof has been furnished that the installation has been
4 brought up to the required standards.

5 3. The board may charge ~~the~~a master electrician, class B electrician, or power limited
6 electrician responsible for the installation a fee ~~to cover the cost of inspection for~~
7 inspections. Cities

8 4. A city may make provisions for inspection of all electrical ~~work done and power limited~~
9 systems installed within ~~their~~the corporate limits of the city. City inspectorsA city shall
10 register ~~their names~~the name of the inspector with the board within ten days ~~after~~
11 ~~their~~of appointment. A city may not require inspection of an installation that is outside
12 the jurisdiction of the board.

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

15 **43-09-23. Criminal penalty - Civil proceedings.**

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

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

- 1 basis for issuing any temporary or permanent restraining order under this section
- 2 unless the court specifically orders and states the basis for requiring the security.
- 3 Upon a determination that a violation of section 43-09-09 or 43-09-09.2 has occurred,
- 4 the court may assess against the defendants the actual costs incurred and reasonable
- 5 attorney's fees necessary for the investigation and court proceedings against the
- 6 unlicensed person.
- 7 3. After an administrative hearing has been conducted by the board under chapter 28-32,
- 8 an appeal from an order of the board or from the assessment of costs and attorney's
- 9 fees may be taken to the district court under chapter 28-32.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1157

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 class II or class III control circuit system as defined by the national electrical code, as adopted by the board, which

is not installed within an area of special occupancies as defined under articles 500 through 517 of the national electrical code, as adopted by the board, which is not for heat, light, or power or for the control of heat, light, or power. Although the board may expand this definition by rule, the board may not narrow this definition.

- 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 of the national electrical code, as adopted by the board. Although the board may adopt rules to 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 ~~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 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 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 wh 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~~are 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~~ 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 factory cord connected to an existing 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~~fever.
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

19.0606.02011

FIRST ENGROSSMENT

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1157

Introduced by

Representative B. Koppelman

1 A BILL ~~for an Act to amend and reenact section 43-09-09 of the North Dakota Century Code,~~
2 ~~relating to regulation of electrical systems.~~ for an Act to amend and reenact sections 43-09-01,
3 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,
4 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
5 Dakota Century Code, relating to regulation by the state electrical board; and to provide a
6 penalty.

7 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

10 ~~43-09-09. License required - Examination - Board to issue license - Reporting.~~

11 ~~Every person, partnership, company, corporation, limited liability company, or association~~
12 ~~that undertakes or offers~~

13 ~~1. A person that does not have a valid license issued by the board may not undertake or~~
14 ~~offer to undertake with another person to plan, lay out, supervise, install, make~~
15 ~~additions, make alterations, or make repairs, in the installation of wiring, apparatus, or~~
16 ~~equipment for electric light, heat, or power, shall apply to the board for a license. This~~
17 ~~licensure requirement does not include the planning, laying out, supervising, installing,~~
18 ~~making of additions to, making of alternations to, or making of repairs to a system,~~
19 ~~such as an audio system, video system, computer network system, home automation~~
20 ~~system, or security system, if the system is not for electric light, heat, or power.~~

21 ~~2. The board shall examine thean applicant for licensure and, if, upon a technical and~~
22 ~~practical examination, the board determines the applicant is found to~~
23 ~~possesspossesses the required knowledge and skill and to beis versed in the laws of~~
24 ~~electricity, the applicantboard shall be issuedissue the applicant a license in the class~~

1 for which the applicant was examined. The board president shall sign the license shall
2 be signed by the president and the secretary of the board and attested shall attest the
3 license by the seal of the board.

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

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

8 **43-09-01. Definitions.**

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

- 10 1. "Apprentice electrician" means a person an individual who is learning the trade under
11 the personal supervision of a state-licensed electrician.
- 12 2. "Board" means the state electrical board.
- 13 3. "Class B electrician" means a person having an individual who has the necessary
14 qualifications, training, and technical knowledge to wire, install, and repair electrical
15 apparatus and equipment in accordance with the standard rules and regulations
16 governing such work, ~~and shall have~~ who has eighteen months' experience in
17 farmstead or residential wiring, and ~~shall have~~ passed an examination before the state
18 electrical board based upon the national electrical code as it applies to farmstead or
19 residential wiring.
- 20 4. "Journeyman electrician" means a person having an individual who has the necessary
21 qualifications, training, and technical knowledge to wire, install, and repair electrical
22 apparatus and equipment and power limited systems in accordance with the standard
23 rules and regulations governing such work.
- 24 5. "Licensee" means an individual who holds a valid license issued by the board.
- 25 6. "Master electrician" means a person having an individual who has the necessary
26 qualifications, training, experience, and technical knowledge to plan, lay out, and
27 supervise the installation and repair of electrical wiring apparatus, and equipment for
28 electric light, heat, ~~and power~~ and power limited systems, in accordance with the
29 standard rules and regulations governing such work.
- 30 7. "Nonelectrical system" means a class II or class III control circuit system as defined by
31 the national electrical code, as adopted by the board, which is not installed within an

1 area of special occupancies as defined under articles 500 through 517 of the national
2 electrical code, as adopted by the board, which is not for heat, light, or power or for the
3 control of heat, light, or power. Although the board may expand this definition by rule,
4 the board may not narrow this definition.

5 8. "Power limited electrician" means an individual who has the necessary qualifications,
6 training, experience, and technical knowledge to plan, layout, and supervise the
7 installation and repair of a power limited system.

8 9. "Power limited system" means a system as defined by the articles contained in
9 chapter 8 of the national electrical code, as adopted by the board. Although the board
10 may adopt rules to expand this definition, the term does not include a nonelectrical
11 system.

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

14 **43-09-05. Powers and duties of state electrical board - Biennial report.**

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

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

24 **43-09-09. License required - Examination - Board to issue license.**

25 ~~Every~~

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

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

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

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

11 **43-09-09.2. Advertising prohibited - Exceptions - Liability - Penalty.**

- 12 1. Except as provided in this section, if ~~an electrical~~a license is required under section
13 43-09-09 ~~or by local ordinance~~, a person may not advertise to contract for electrical
14 services without being licensed as or being associated with a class B ~~or~~electrician,
15 master electrician, or power limited electrician, unless that person intends to contract
16 the electrical services with a licensed electrical contractor.
- 17 2. If a person associates with ~~a class B or master~~an electrician under subsection 1 and
18 that association ends, that person is jointly and severally liable for any ~~electrical~~
19 ~~services~~ contracts entered under that association.
- 20 3. a. A person violating this section is guilty of a class B misdemeanor for a first
21 conviction, but no fine in excess of one hundred dollars and no term of
22 imprisonment may be imposed.
- 23 b. A person violating this section is guilty of a class A misdemeanor for a second or
24 subsequent conviction, but the penalties are as follows:
 - 25 (1) For a second conviction, no fine in excess of one thousand dollars and no
26 term of imprisonment may be imposed.
 - 27 (2) For a third or subsequent conviction, a fine not to exceed one thousand
28 dollars, or imprisonment not to exceed thirty days, or both, may be imposed.

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

1 **43-09-10. Types of licenses.**

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

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

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

9 **43-09-11. Qualifications.**

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

- 11 1. For licensure as a master electrician, an applicant must have completed one year's
12 experience as a licensed journeyman electrician.
- 13 2. For licensure as a journeyman electrician, an applicant must have:
 - 14 a. Completed eight thousand hours' experience in installing and repairing electrical
15 wiring, apparatus, and equipment, which experience may not be obtained in less
16 than three years.
 - 17 b. Effective for an applicant who registered with the board as an apprentice after
18 January 31, 2008, completed at least one of the following:
 - 19 (1) Successfully completed apprenticeship training approved by the federal
20 bureau of apprenticeship and training and completed eight thousand hours'
21 experience in installing and repairing electrical wiring, apparatus, and
22 equipment.
 - 23 (2) Successfully completed an appropriate course of study, which may not be
24 less than two years or the equivalent of two years, at a board-approved
25 institution of higher education and completed eight thousand hours'
26 experience in installing and repairing electrical wiring, apparatus, and
27 equipment. The board may determine equivalent hours of education that
28 may be applied as a credit against the eight thousand hours' experience
29 requirement under this paragraph.
- 30 3. For licensure as a class B electrician, eighteen months' experience in farmstead or
31 residential wiring.

- 1 4. For licensure as a power limited electrician:
- 2 a. Hold a valid board-recognized tradesman certification; or
- 3 b. Possess the necessary work experience and training, as approved by the board.

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

6 **43-09-12. Examination - Requirements.**

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

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

13 **43-09-13.2. Electrical inspectors Inspectors - License required - Exception.**

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

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

20 **43-09-15. Renewal of license - Denial, suspension, or revocation of licenses.**

21 1. An electrician's license may be issued for a term of only one year, but may be
 22 renewed without examination upon the payment of the proper fee. If the licensee fails
 23 to renew the license for a period of three consecutive years or more, the licensee is
 24 required to appear for re-examination. The state electrical board may deny, suspend,
 25 revoke, or refuse to renew any license issued or applied for under the provisions of
 26 this chapter for any of the following reasons:

27 1-a. Failure or refusal to maintain or adhere to the minimum standards set forth in the
 28 electrical code referred to in section 43-09-21.

29 2-b. Any cause for which the issuance of the license could have been refused had
 30 ~~that~~ that information then existed and been known to the board.

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- 1 ~~3.c.~~ Commitment of any act of gross negligence, incompetency, or misconduct in the
- 2 practice of ~~a master or journeyman electrician or the business of an electrical~~
- 3 ~~contractor~~ the profession regulated under this chapter.
- 4 ~~4.d.~~ Material misstatement, misrepresentation, or fraud in obtaining the license.
- 5 ~~5.e.~~ After due notice, failed or refused to correct, within the specified time, any
- 6 ~~electrical~~ installation not in compliance with the provisions of this chapter.
- 7 ~~6.f.~~ Failure or refusal to make a deposit or acquire public liability insurance as
- 8 required by ~~sections 43-09-14 and~~ section 43-09-20.
- 9 ~~7.g.~~ Failure to ~~repay~~ pay or enter ~~into~~ a written contract for repayment, under a
- 10 payment schedule acceptable to the board, ~~of money disbursed from the fund as~~
- 11 ~~provided under section 43-09-14, or failure to make timely payments under a~~
- 12 ~~payment contract entered into under the board's policy for administering the~~
- 13 ~~undertaking fund~~ any financial obligation to the board.
- 14 ~~8.h.~~ Failure to furnish certification of completion of continuing education as required
- 15 under section 43-09-15.1.

16 ~~Any person whose~~

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

20 **SECTION 10. AMENDMENT.** Section 43-09-15.1 of the North Dakota Century Code is

21 amended and reenacted as follows:

22 **43-09-15.1. Continuing education.**

23 ~~After March 31, 1990, each~~ An applicant for renewal of an electrician's license pursuant to

24 section 43-09-15 must have successfully completed ~~prior thereto~~ at least ~~four hours, and~~

25 ~~thereafter~~ eight hours each biennium, of continuing education relating to the standards set forth

26 in section 43-09-21 or as otherwise prescribed by the board. The board may not require more

27 than sixteen hours of continuing education in each biennium. The board shall conduct education

28 sessions ~~for licensees~~ each year at not ~~less~~ fewer than six locations throughout the state.

29 Attendance at such sessions, or attendance at other education sessions certified by the board

30 as approved, fulfills the educational requirements of this section. The board may charge a ~~fee to~~

1 ~~licensees~~ for attendance at the education sessions at an amount to be determined by the board,
2 but not to exceed ten dollars per ~~person~~attendee for each session.

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

5 **43-09-16. When license not required.**

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

- 8 1. Employees of public utilities engaged in the manufacture and distribution of electrical
9 energy ~~when~~while engaged in work directly pertaining to the manufacture and
10 distribution of electrical energy. This exemption terminates at the first point of service
11 attachment, except for the installing or testing of electric meters and measuring
12 devices and the maintenance of ~~their service~~electric meters and measuring devices.
- 13 2. Employees, independent contractors, or subcontractors of a company that ~~operates or~~
14 ~~installs telephone and radio communication systems when engaged in work pertaining~~
15 ~~directly to the installation of telephone and radio communication conductors on~~
16 ~~premises where the installations are made for use exclusively for the transmission of~~
17 ~~telephone and radio signals~~is a telecommunication carrier as defined under section
18 57-34-01 or that is a satellite or cable systems provider, while acting in the scope of
19 employment or the terms of the contract.
- 20 3. Employees, independent contractors, or subcontractors of dealers in household
21 appliances, such as room air-conditioners, clothes dryers, dishwashers, freezers,
22 garbage disposals, refrigerators, stoves, washing machines, water heaters, and similar
23 appliances ~~when such employees are~~while installing and connecting such appliances
24 to an existing electrical receptacle.
- 25 4. A representative of a manufacturing firm that is installing or modifying controls of
26 wiring solely on industrial machinery that is for use by the firm itself, and performed by
27 or under the direction of a registered professional engineer who issues a
28 state-accepted evaluation, which is to be maintained with the equipment.
- 29 5. An individual who is installing a nonelectrical system.
- 30 6. An individual who is installing a power limited system that is installed within a
31 residential dwelling or is factory cord connected to an existing receptacle.

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

3 **43-09-18. Apprentice ~~to master electrician.~~**

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

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

9 **43-09-20. ~~Contract for installation of electrical wiring and installation of electrical~~**
10 **~~equipment~~Installations made with master electrician, class B electrician, or power limited**
11 **electrician - Requirement for liability insurance.**

12 ~~No~~

13 1. A contract, agreement, or undertaking with another person for the installation of
14 electrical wiring or power limited wiring or the installation of electrical or power limited
15 system parts of other apparatus may not be entered into by anyone ~~not other than a~~
16 master electrician or power limited electrician. A class B electrician, ~~as herein defined,~~
17 ~~is authorized to~~ may not enter into a contract, undertaking, or agreement for the
18 installation of farmstead electrical wiring, except for:

19 a. Farmstead electrical wiring; ~~or residential~~

20 b. Residential electrical wiring in one or two family dwellings located in
21 municipalities a city with a population of two thousand five hundred or less-
22 population, and the electrician's authority under the contract, undertaking, or
23 agreement is limited to the actual installation by that electrician of farmstead-
24 electrical wiring or residential electrical wiring in one or two family dwellings
25 located in municipalities of two thousand five hundred or less population, and the
26 installation of electrical equipment, appliances, and apparatus used on
27 farmsteads and such residences. Before an electrician referred to in this section
28 enters into a contract for installation of electrical wiring, the electrician shall
29 deposit with the board fewer.

30 2. If a licensee is acting as a contractor, that licensee shall submit to the board evidence
31 of the existence of public liability insurance with a licensed insurance carrier, with

1 policy limits of at least five hundred thousand dollars ~~for a master electrician, and two~~
2 ~~hundred fifty thousand dollars for a class B electrician.~~

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

5 **43-09-21. Standards for ~~electrical~~ wiring, ~~apparatus~~, and equipment.**

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

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

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

23 1. The board has jurisdiction over and shall provide inspection for all electrical
24 installations. ~~Inspectors~~The board has jurisdiction over and shall provide inspection for
25 all power limited system installations. If there is a disagreement between an electrician
26 and an inspector over interpretation or over a correction for violation issued by any
27 inspector, the executive director of the board shall review the identified disagreement
28 and render a final decision, which either party may appeal to the board.

29 2. The executive director of the board, as authorized by the board, may condemn
30 installations hazardous to life and property or may order specific corrections to be
31 made. ~~Inspectors~~The executive director may order disconnection of service thereto

1 ~~discontinued~~ after notice to the owner of the property. The order is subject to the
2 owner's right of appeal to the board. ~~No~~ A condemned installation may not be
3 reconnected for service until proof has been furnished that the installation has been
4 brought up to the required standards.

5 3. The board may charge ~~the~~ a master electrician, class B electrician, or power limited
6 electrician responsible for the installation a fee ~~to cover the cost of inspection for~~
7 inspections. Cities

8 4. A city may make provisions for inspection of all electrical ~~work done and power limited~~
9 systems installed within ~~their~~ the corporate limits of the city. City inspectors A city shall
10 register ~~their names~~ the name of the inspector with the board within ten days ~~after~~
11 ~~their~~ of appointment. A city may not require inspection of an installation that is outside
12 the jurisdiction of the board.

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

15 **43-09-23. Criminal penalty - Civil proceedings.**

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

19 1. The board may issue a cease and desist order against a person allegedly making or
20 offering to make ~~electrical~~ installations in violation of section 43-09-09 or 43-09-09.2
21 based upon information provided to the board by its ~~electrical~~ inspectors or other
22 persons, by investigation reports, affidavits, complaints of witnesses, or oral testimony
23 given to the board at a regular or special board meeting. Violation of the cease and
24 desist order may be considered by the court in issuing a temporary or permanent
25 restraining order and in ordering the payment of costs and attorney's fees in
26 proceedings authorized under this section.

27 2. The board may apply to the district court in the county in which the violations have
28 occurred for a temporary or permanent injunction under chapter 32-06, enjoining
29 persons from performing, advertising, or contracting for making ~~electrical~~ installations
30 without a valid license issued by the board in violation of section 43-09-09 or
31 43-09-09.2. The court may not require a written undertaking, security, or bond as a

- 1 basis for issuing any temporary or permanent restraining order under this section
2 unless the court specifically orders and states the basis for requiring the security.
3 Upon a determination that a violation of section 43-09-09 or 43-09-09.2 has occurred,
4 the court may assess against the defendants the actual costs incurred and reasonable
5 attorney's fees necessary for the investigation and court proceedings against the
6 unlicensed person.
- 7 3. After an administrative hearing has been conducted by the board under chapter 28-32,
8 an appeal from an order of the board or from the assessment of costs and attorney's
9 fees may be taken to the district court under chapter 28-32.

Apr 12, 2019

HB 1157

Attachment 1

1st Choice Option

HB 1157 NDSEB Offered Amendments
19.0606.03000

SECTION 1. AMENDMENT

Page 2 Line 6, 8, 9, 16, 17 Revise Text

6 | 7. "Nonelectrical system" means a class II or class III remote-control, signaling circuit systems
7 | as defined by the national electrical code, as adopted by the board, which is not installed within
8 | an area of special occupancies as defined under articles ~~500 through 517~~ of the national
9 | electrical code, as adopted and defined by the board, which is not for heat, light, or power or for
10 | the control of heat, light, or power. Although the board may expand this definition by rule, the
11 | board may not narrow this definition.

12 | 8. "Power limited electrician" means an individual who has the necessary qualifications, training,
13 | experience, and technical knowledge to plan, layout, and supervise the installation and repair of
14 | a power limited system.

15 | 9. "Power limited system" means a system as defined by the articles contained in chapter 8 and
16 | other articles containing class II and class III circuits of the national electrical code, as adopted
17 | and defined by the board. Although the board may adopt rules to expand this definition, the term
18 | does not include a nonelectrical system.

Apr 12, 2019

HB 1157

Attachment 1

2nd Choice Option

HB 1157 NDSEB Offered Amendments
19.0606.03000

SECTION 1. AMENDMENT

Page 2 Line 6, 9, 16, 17 Revise Text

6 | 7. "Nonelectrical system" means a class II or class III remote-control, signaling circuit systems
7 | as defined by the national electrical code, as adopted by the board, which is not installed within
8 | an area of special occupancies as defined under articles 500 through 517 of the national
9 | electrical code, as adopted and defined by the board, which is not for heat, light, or power or for
10 | the control of heat, light, or power. Although the board may expand this definition by rule, the
11 | board may not narrow this definition.

12 | 8. "Power limited electrician" means an individual who has the necessary qualifications, training,
13 | experience, and technical knowledge to plan, layout, and supervise the installation and repair of
14 | a power limited system.

15 | 9. "Power limited system" means a system as defined by the articles contained in chapter 8 and
16 | other articles containing class II and class III circuits of the national electrical code, as adopted
17 | and defined by the board. Although the board may adopt rules to expand this definition, the term
18 | does not include a nonelectrical system.

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Attachment 1

HB 1157 NDSEB Offered Amendments
19.0606.03000

SECTION 11. AMENDMENT

Page 8 Line 5 Revise Text

- 4 6. An individual who is installing a power limited system that is installed within a residential
5 dwelling or is installed with a factor cord connected to an existing electrical receptacle.

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

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

- 7. "Nonelectrical system" means a class II or class III remote control, signaling, or power limited circuit as defined by the national electrical code, as adopted by the board, which is not installed within an area of special occupancies as defined under articles 500 through 517 of the national electrical code, as adopted by the board, which is not for heat, light, or power or for the direct control of heat, light, or power. Although the board may expand this definition by rule, the board may not narrow this definition.
- 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 containing class II and class III circuits of the national electrical code, as adopted by the board. Although the board may adopt rules to 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 an~~ 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.

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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 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 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 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:

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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 ~~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 ~~wh~~ 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:

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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~~are 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.

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- 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:

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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 ~~the~~ 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:

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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

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pg 1

19.0606.02014 Amendments

HB 1157 NDSEB Amendments
19.0606.02014

SECTION 1. AMENDMENT

Page 2 Line 30, 31 Revise Text

7. "Nonelectrical system" means a [chapter 8](#), class II or class III remote-control, signaling power-limited circuits [and systems](#) as defined by the national electrical code, as adopted by the board,

Page 3 Line 1, 2, 3, 9, 10 Revise Text

which is not installed within an area of special occupancies as defined under articles [500 through 517](#) of the national electrical code, as adopted [and defined](#) by the board, which is not for heat, light, or power or the [direct](#) for the control of heat, light, or power. Although the board may expand this definition by rule, the board may not narrow this definition.

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 containing class II and class III circuits [and systems](#) of the national electrical code, as adopted [and defined](#) by the board. Although the board may adopt rules to expand this definition, the term does not include a nonelectrical system.

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19.0606.02016
Title.

Prepared by the Legislative Council staff for
Representative B. Koppelman
April 18, 2019

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~~ an 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~~ a 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.

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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.~~

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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 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.

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43-09-16. When license not required.

The following persons ~~may not be~~are 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 arewhile 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.

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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.

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Attachment 1

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