

**FIRST ENGROSSMENT
with Senate Amendments**

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1384

Introduced by

Representative Bernstein

Senator Heitkamp

1 A BILL for an Act to amend and reenact sections 43-09-22 and 43-09-23 of the North Dakota
2 Century Code, relating to the inspections of electrical installations and administrative actions by
3 the state electrical board.

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

5 **SECTION 1. AMENDMENT.** Section 43-09-22 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **43-09-22. Inspection of installation - Condemnation.** The board has jurisdiction
8 over and shall provide inspection for all electrical installations. Inspectors authorized by the
9 board may condemn installations hazardous to life and property ~~and or may order specific~~
10 ~~corrections to be made. Inspectors may order service thereto discontinued. Such action may~~
11 ~~not be taken except~~ after notice to the owner of the property ~~and~~. The order is subject to the
12 owner's right of appeal to the board. No condemned installation may be reconnected for
13 service until proof has been furnished that the installation has been brought up to the required
14 standards. The board may charge the master electrician responsible for the installation a fee to
15 cover the cost of inspection. Cities may make provisions for inspection of all electrical work
16 done within their corporate limits. City inspectors shall register their names with the board
17 within ten days after their appointment.

18 **SECTION 2. AMENDMENT.** Section 43-09-23 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **43-09-23. ~~Penalty~~ Criminal penalty - Civil proceedings.** Any person who violates
21 any of the provisions of this chapter is guilty of a class B misdemeanor. In addition to criminal
22 proceedings, the board may commence administrative or civil court proceedings as follows:

23 1. The board may issue a cease and desist order against a person allegedly making
24 or offering to make electrical installations in violation of section 43-09-09 or

1 43-09-09.2 based upon information provided to the board by its electrical
2 inspectors or other persons, by investigation reports, affidavits, complaints of
3 witnesses, or oral testimony given to the board at a regular or special board
4 meeting. Violation of the cease and desist order may be considered by the court in
5 issuing a temporary or permanent restraining order and in ordering the payment of
6 costs and attorney's fees in proceedings authorized under this section.

7 2. The board may apply to the district court in the county in which the violations have
8 occurred for a temporary or permanent injunction under chapter 32-06, enjoining
9 persons from performing, advertising, or contracting for making electrical
10 installations without a valid license issued by the board in violation of section
11 43-09-09 or 43-09-09.2. The court may not require a written undertaking, security,
12 or bond as a basis for issuing any temporary or permanent restraining order under
13 this section unless the court specifically orders and states the basis for requiring
14 the security. Upon a determination that a violation of section 43-09-09 or
15 43-09-09.2 has occurred, the court may assess against the defendants the actual
16 costs incurred and reasonable attorneys' fees necessary for the investigation and
17 court proceedings against the unlicensed person.

18 3. After an administrative hearing has been conducted by the board under chapter
19 28-32, an appeal from an order of the board or from the assessment of costs and
20 attorneys' fees may be taken to the district court under chapter 28-32.