Sixty-fourth Legislative Assembly of North Dakota

HOUSE BILL NO. 1229

Introduced by

Representatives B. Koppelman, Froseth, Karls, Kasper, Keiser, Rohr Senators Campbell, Dever, Klein, Poolman

- 1 A BILL for an Act to amend and reenact sections 43-09-14 and 43-09-15 of the North Dakota
- 2 Century Code, relating to bonds for electricians contracting for electrical installations.for an Act
- 3 to amend and reenact sections 43-09-09.2 and 43-09-14 of the North Dakota Century Code,
- 4 relating to contracting for electrical services and undertakings for electricians contracting for
- 5 <u>electrical installations; and provide for a legislative management study.</u>

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

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SECTION 1. AMENDMENT. Section 43-09-14 of the North Dakota Century Code isamended and reenacted as follows:

43-09-14. Master electrician and class B electrician - Undertaking - FundBond.

10 Before entering into a contract agreement or undertaking with another for the installation of 11 electrical wiring or installation of electrical parts of other apparatus, a master electrician or a 12 class B electrician shall execute and deposit with the board an undertakinga bond, unless such 13 a bond has already been deposited, in the sum of five thousand dollars for a master-14 electrician or four thousand dollars for a class B electrician conditioned on the faithful-15 performance of all electrical work undertaken by the electrician, on strict compliance with the 16 provisions of this chapter, and on the requirements of the board. In addition, a deposit must be-17 made with the board in the amount of fifty dollars by a master electrician and in the amount of 18 forty dollars by a class B electrician, in lieu of a surety bond. The deposit so made must be-19 accumulated by the board in a special fund to be used for the completion of installations-20 abandoned by electricians referred to in this section, not to exceed the amount of five thousand-21 dollars for a master electrician and four thousand dollars for a class B electrician. The board-22 shall waive the deposit for a renewal of license by electricians who have made an initial deposit 23 under this section if at the beginning of the renewal year the fund exceeds fifty thousand dollars. 24 Funds in excess of fifty thousand dollars at the end of each year may be committed and used at

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Sixty-fourth Legislative Assembly

1	the direction of the board to inform and educate electricians concerning the requirements of the		
2	electrical code. The board may prescribe forms for the undertakingbond and make rules it		
3	deems necessary to carry out the intent of this section.		
4	SECTION 2. AMENDMENT. Section 43-09-15 of the North Dakota Century Code is-		
5	amended and reenacted as follows:		
6			
7	An electrician's license may be issued for a term of only one year, but may be renewed		
8	without examination upon the payment of the proper fee. If the licensee fails to renew the		
9	license for a period of three consecutive years or more, the licensee is required to appear for-		
10	reexamination. The state electrical board may deny, suspend, revoke, or refuse to renew any-		
11	license issued or applied for under the provisions of this chapter for any of the following		
12	reasons:		
13			
14	electrical code referred to in section 43-09-21.		
15			
16	existed and been known to the board.		
17			
18	practice of a master or journeyman electrician or the business of an electrical		
19	contractor.		
20			
21	5. After due notice, failed or refused to correct, within the specified time, any electrical		
22	installation not in compliance with the provisions of this chapter.		
23	6. Failure or refusal to make deposit a bond or acquire public liability insurance as		
24	required by sections 43-09-14 and 43-09-20.		
25			
26	schedule acceptable to the board, of money disbursed from the fund as provided		
27	under section 43-09-14, or failure to make timely payments under a payment contract		
28	entered into under the board's policy for administering the undertaking fund.		
29			
30	section 43-09-15.1.		

Sixty-fourth Legislative Assembly

1	Any person whose license is denied or whose license is suspended or revoked by the board, or-		
2	who is refused a license by the board, may appeal to the appropriate court.		
3	SECTION 1. AMENDMENT. Section 43-09-09.2 of the North Dakota Century Code is		
4	amended and reenacted as follows:		
5	43-09-09.2. Advertising prohibited - Exceptions - Liability - Penalty.		
6	1. Except as provided in this section, if an electrical license is require	ed under section	
7	43-09-09 or by local ordinance, <u>nea</u> person may <u>not</u> advertise to c	ontract for electrical	
8	services without being licensed as or being associated with a class B or master		
9	electrician unless that person intends to contract the electrical services with a licensed		
10	electrical contractor.		
11	2. If a person associates with a class B or master electrician under s	ubsection 1, that	
12	person is jointly and severally liable for any electrical services con	tracts entered under	
13	that association.		
14	3. A person that violates subsection 1 is guilty of		
15	a. A person violating this section is guilty of a class B misdemea	anor for a first	
16	conviction, but no fine in excess of one hundred dollars and i	no term of	
17	imprisonment may be imposed.		
18	b. A person violating this section is guilty of a class A misdemea	nor for a second or	
19	subsequent conviction, but the penalties are as follows:		
20	(1) For a second conviction, no fine in excess of one thous	and dollars and no	
21	term of imprisonment may be imposed.		
22	(2) For a third or subsequent conviction, a fine not to excee	d one thousand	
23	dollars, or imprisonment not to exceed thirty days, or bo	th, may be imposed.	
24	SECTION 2. AMENDMENT. Section 43-09-14 of the North Dakota Cen	tury Code is	
25	amended and reenacted as follows:		
26	43-09-14. Master electrician and class B electrician - Undertaking -	Fund.	
27	<u>1.</u> Before entering into a contract agreement or undertaking with and	thera person for the	
28	installation of electrical wiring or installation of electrical parts of o	her apparatus, a	
29	master electrician or a class B electrician shall execute and depos	it with the board an	
30	initial undertaking in the sum of five thousandamount of one hundred fifty dollars for a		
31	master electrician or four thousand dollars for a class B electrician	-conditioned on the	

Sixty-fourth Legislative Assembly

1	faithful performance of all electrical work undertaken by the electrician, on strict			
2	compliance with the provisions of this chapter, and on the requirements of the board.			
3	In addition, a deposit must be made with as a term of licensure renewal for an			
4	electrician who made an initial undertaking under this section, the board may require a			
5	renewal undertaking in thean amount of fifty dollars by a master electrician and in the			
6	amount of forty dollars by a class B electrician, in lieu of a surety bondnot to exceed			
7	one hundred fifty dollars.			
8	2. The deposit so made must be accumulated by the board shall deposit in a special fund			
9	to be used for the completion of installations abandoned by electriciansall money			
10	collected under this section. The board shall use this fund to make code compliant an			
11	installation abandoned by an electrician referred to in this section, not to exceed the			
12	amount of five fifty thousand dollars for a master electrician and four thousand dollars			
13	for a class B electrician per contracting electrician. The board shall waive the			
14	depositrequirement for a renewal of license by electricians who have made an initial-			
15	deposit under this sectionundertaking if at the beginning of the renewal year the fund			
16	exceeds fiftytwo hundred thousand dollars. Funds in excess of fifty thousand dollars at			
17	the end of each year may be committed and used at the direction of			
18	3. Annually, the board may use from the fund an amount not to exceed ten percent of the			
19	fund's year-end balance to inform and educate electricians concerning the			
20	requirements of the electrical code.			
21	<u>4.</u> The board may prescribe forms for the undertaking and make rules it the board deems			
22	necessary to carry out the intent of this section.			
23	SECTION 3. LEGISLATIVE MANAGEMENT STUDY. During the 2015-16 interim, the			
24	legislative management shall consider studying the current process used by the state electrical			
25	board to address abandoned electrical installations and the feasibility and desirability of			
26	changing this process. The legislative management shall report its findings and			
27	recommendations, together with any legislation required to implement the recommendations, to			
28	3 the sixty-fifth legislative assembly.			