CHAPTER 43-09
ELECTRICIANS

43-09-01. Definitions.

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

1. "Alteration" means any substantial change to a conveyance and any part, component, or subsystem of the conveyance, but does not include routine maintenance of a conveyance.
2. "Apprentice electrician" means an individual who is learning the trade under the personal supervision of a state-licensed electrician.
3. "Board" means the state electrical board.
4. "Class B electrician" means 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, who has eighteen months' experience in farmstead or residential wiring, and passed an examination before the state electrical board based upon the national electrical code as it applies to farmstead or residential wiring.
5. "Conveyance" means an elevator, escalator, stairway chairlift, platform lift, stage lift, orchestra lift, hoist, dumbwaiter, moving walk, automated people mover, automated-type parking structure, wind turbine elevator, or other device used for moving individuals, materials, equipment, or other objects from one landing or location to another.
6. "Elevator contractor" means any person engaged in the business of constructing, installing, altering, replacing, decommissioning, dismantling, demolishing, removing from service, repairing, servicing, inspecting, or testing a conveyance.
7. "Elevator inspector" means an individual, approved by the board, to inspect and witness a test of a conveyance.
8. "Elevator mechanic" means an individual engaged in elevator contracting.
9. "Journeyman electrician" means 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.
10. "Licensee" means an individual who holds a valid license issued by the board.
11. "Master 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 electrical wiring apparatus, and equipment for electric light, heat, power, and power limited systems, in accordance with the standard rules and regulations governing such work.
12. "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.
13. "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.
14. "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.

43-09-02. State electrical board - Members - Terms of office - Vacancies.

The state electrical board must consist of six members appointed by the governor for a term of five years. 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, an elevator mechanic, 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 office until that member's 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. 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.

43-09-06. Meetings of board.

The board shall hold a meeting in January of each year in 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 the president 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.

1. A person 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, unless licensed by the board.
2. The board shall examine 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 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 individual's licensing or renewals to the electrical inspector, if there is one, in the city in which 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 a license is required under section 43-09-09, 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 an electrician under subsection 1 and that association ends, that person is jointly and severally liable for any 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 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 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 board 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 the applicant has had the required 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. Inspectors - License required - Exception.

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.

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

Repealed by S.L. 2015, ch. 292, §3.

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 this chapter for any of the following reasons:
   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.
   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.
   c. Commitment of any act of gross negligence, incompetency, or misconduct in the practice of the profession regulated under this chapter.
   d. Material misstatement, misrepresentation, or fraud in obtaining the license.
   e. After due notice, failed or refused to correct, within the specified time, any installation not in compliance with this chapter.
   f. Failure or refusal to make a deposit or acquire public liability insurance as required by section 43-09-20.
   g. Failure to pay or enter a written contract for repayment, under a payment schedule acceptable to the board, any financial obligation to the board.
   h. Failure to furnish certification of completion of education as required under section 43-09-15.1.
2. If an individual's license is denied, suspended, or revoked by the board, or that individual is refused a license by the board, that individual may appeal to the appropriate court.

43-09-15.1. Education.

An applicant for renewal of an electrician's license pursuant to section 43-09-15 must have successfully completed at least eight hours each biennium, of 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 each year at not 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 for attendance at the education sessions at an amount to be determined by the board, but not to exceed ten dollars per attendee for each session. The board may expend funds to educate and encourage potential electricians into the trade.

43-09-16. When license not required.

The following persons are not required to 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 electric meters and measuring devices.
2. Employees, independent contractors, or subcontractors of a company that 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 while installing and connecting such appliances to an existing electrical receptacle.
4. A representative of a manufacturing firm that is installing or modifying controls of wiring solely on industrial machinery that is for use by the firm itself, and performed by or under the direction of a registered professional engineer who issues a state-accepted evaluation, which is to be maintained with the equipment.
5. An individual who is installing a nonelectrical system.
6. An individual who is installing a power limited system that is installed within a residential dwelling or is installed with a factory connector or cord powered by an existing electrical receptacle.

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 the journeyman electrician's trade until the next meeting of the board for the examination of applicants. Such permit is not renewable.

43-09-18. Apprentice.

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.

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. Installations made with master electrician, class B electrician, or power limited electrician - Requirement for liability insurance.

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 by anyone other than a master

electrician or power limited electrician. A class B electrician may not enter a contract, undertaking, or agreement for the installation of electrical wiring, except for:

a. Farmstead electrical wiring; or
b. Residential electrical wiring in one or two family dwellings located in a city with a population of two thousand five hundred or 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.

43-09-21. Standards for 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. 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 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 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. The executive director may order disconnection of service after notice to the owner of the property. The order is subject to the owner's right of appeal to the board. 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 a master electrician, class B electrician, or power limited electrician responsible for the installation a fee for inspections.
4. A city may make provisions for inspection of all electrical and power limited systems installed within the corporate limits of the city. A city shall register the name of the inspector with the board within ten days of appointment. A city may not require inspection of an installation that is outside the jurisdiction of the board.

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

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 installations in violation of section 43-09-09 or 43-09-09.2 based upon information provided to the board by its 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 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.

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.

43-09-27. Powers and duties of the board - Regulation of conveyances - Exceptions.

1. The board shall adopt rules to regulate the inspection and testing of conveyances and to implement applicable standards published by the American society of mechanical engineers. The board shall publish testing and inspection forms based on the rules and standards adopted by the board.
2. The board shall establish procedures for monitoring compliance with this chapter and receiving and investigating complaints.
3. The board may grant an exception or variance from the requirements of board rules if the exception or variance will not jeopardize the public safety and welfare.
4. The board shall hold hearings and hear appeals on disciplinary matters under sections 43-09-28 through 43-09-34.
5. The board shall establish fee schedules for permits, certificates, inspections, and tests. The fees must reflect the actual costs and expenses to conduct the duties of the board.
6. The rules adopted by the board may not apply to an elevator located in a single-family private residence, a facility used for the purpose of energy generation, an industrial conveyance the primary purpose of which is not the movement of individuals, or a conveyance used in an agricultural facility.

43-09-28. Conveyance permit required.

1. a. Within six months from July 1, 2025, the owner of a conveyance shall register the conveyance with the board.

b. The owner of a new elevator or other conveyance must register the conveyance with the board within thirty days after the conveyance has been inspected and approved.
c. When registering a conveyance, the owner shall provide to the board the type of the conveyance, the rated load, the number of landings and speed of the conveyance, the name of the manufacturer of the conveyance, the location of the conveyance, the purpose for which the conveyance is used, and any additional information the board may require.
d. When a conveyance subject to this chapter is decommissioned or otherwise taken out of service, the owner responsible for the equipment shall notify the board within six months to request the conveyance be removed from the registration list.

2. Before an installation or alteration may be commenced on a conveyance, an elevator contractor shall apply to the board for a permit.
3. An application for a permit must include:
   a. A copy of the specifications for the conveyance and must be accurately scaled and include fully dimensional plans showing the location of the installation in relation to the plans and elevation of the building.
   b. An illustration of each detail of construction and design, including electrical drawings.
   c. The location of the machinery space, machine room, control space, or control room and the equipment to be installed, relocated, or altered.
   d. All structural supporting members of the conveyance, including foundations.
   e. A description of the materials to be employed and all loads to be supported or conveyed.
   f. A copy of the written maintenance control program for the conveyance.
4. The elevator contractor shall post the permit at the site of the conveyance while work is in progress. The elevator contractor obtaining the permit shall be responsible for the complete scope of work covered by the permit and ensure any alteration is performed only by a licensed elevator mechanic and performed in accordance the requirements of this chapter and any rules adopted by the board.

43-09-29. Conveyance permit revocation or suspension.

The board may revoke or suspend a permit upon a finding:

1. Of a false statement, omission, or misrepresentation of material fact in the permit application or the plans or specifications on which the permit was based.
2. The work detailed under the permit has not been performed in accordance with the application, plans, specifications, or conditions of the permit.
3. The elevator contractor failed or refused to comply with a stop work order from the board.
4. The board determines revocation is necessary to ensure the proper enforcement of this chapter or to protect public or worker safety.

43-09-30. Conveyance permit expiration.

1. A permit is deemed expired if:
   a. The work authorized by the permit is not commenced within six months after the date on which the permit is issued or within a shorter period as specified on the permit; or
   b. After the work has commenced, the work is suspended or abandoned for sixty days or a shorter time specified on the permit.
2. The board may allow an extension under subsection 1.

43-09-31. Certificate of operation - Penalty.

1. Upon installation of a conveyance, an elevator contractor responsible for the work shall certify compliance with this chapter, rules of the board, and any applicable industry code or standard.
2. Before a conveyance is placed in operation, the owner of the conveyance shall obtain a certificate of operation from the board. The board may impose a penalty of not less than fifty dollars for the failure to obtain a certificate of operation.
3. A certificate of operation is valid for one year and must be renewed annually. The owner of the conveyance shall pay the required fee before the board may issue a certificate of operation and renewal of a certificate.
4. The owner of the conveyance shall clearly display the certificate on or in each conveyance or in the machine room.

43-09-32. Reporting of accidents.

If an incident occurs involving an elevator or other conveyance which results in death or bodily injury to any person which requires hospitalization or other treatment by a medical professional, the owner of the conveyance shall submit to the board a report, on a form prescribed by the board, within forty-eight hours. The report must include the date, time, and place of accident.

43-09-33. Inspection and testing of conveyances - Removal from service.

1. The owner of a conveyance shall ensure each conveyance is inspected and tested as required by the board.
2. All work required for inspections and tests of conveyances must be performed by an elevator mechanic and must be witnessed by an elevator inspector.
3. Upon completion of an inspection, the elevator inspector shall provide the owner of the conveyance and the board a written inspection report verifying code compliance or describing any code violations found. If a conveyance fails an inspection, the owner of the conveyance shall remove the conveyance from service until the violations are remedied to the satisfaction of the board.
4. The board shall develop a schedule for required testing and inspection of elevators and conveyances in the state.

43-09-34. Elevator inspector and contractor registration.

1. An individual may not inspect any conveyance unless the individual is registered with the board. An individual may apply for registration by completing an application form provided by the board, submitting the application fee, and submitting documentation demonstrating the applicant meets the requirements established by the board by rule.
2. A person may not perform, contract to perform, or advertise to perform alteration or maintenance of conveyances unless that person is registered as an elevator contractor with the board. A registered elevator contractor shall employ at least one elevator mechanic.
3. The board shall create and maintain a list of all registered elevator contractors operating in North Dakota.