

**HOUSE BILL NO. 1229**  
**with Senate Amendments**  
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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 43-09-09.2 and 43-09-14 of the North Dakota  
2 Century Code, relating to contracting for electrical services and undertakings for electricians  
3 contracting for electrical installations; and to provide for a legislative management study.

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

5 **SECTION 1. AMENDMENT.** Section 43-09-09.2 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **43-09-09.2. Advertising prohibited - Exceptions - Liability - Penalty.**

- 8 1. Except as provided in this section, if an electrical license is required under section  
9 43-09-09 or by local ordinance, ~~no~~ a person may not advertise to contract for electrical  
10 services without being licensed as or being associated with a class B or master  
11 electrician unless that person intends to contract the electrical services with a licensed  
12 electrical contractor.
- 13 2. If a person associates with a class B or master electrician under subsection 1, that  
14 person is jointly and severally liable for any electrical services contracts entered under  
15 that association.
- 16 3. A person that violates subsection 1 is guilty of:
- 17 a. ~~A person violating this section is guilty of~~ a class B misdemeanor for a first  
18 conviction, but no fine in excess of one hundred dollars and no term of  
19 imprisonment may be imposed.
- 20 b. ~~A person violating this section is guilty of~~ a class A misdemeanor for a second or  
21 subsequent conviction, but the penalties are as follows:
- 22 (1) For a second conviction, no fine in excess of one thousand dollars and no  
23 term of imprisonment may be imposed.

1                   (2) For a third or subsequent conviction, a fine not to exceed one thousand  
2                   dollars, or imprisonment not to exceed thirty days, or both, may be imposed.

3                   **SECTION 2. AMENDMENT.** Section 43-09-14 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5                   **43-09-14. Master electrician and class B electrician - Undertaking - Fund.**

- 6                   1. ~~Before entering into a contract agreement or undertaking with another person for the~~  
7                   installation of electrical wiring or installation of electrical parts of other apparatus, a  
8                   master electrician or a class B electrician shall execute and deposit with the board an  
9                   initial undertaking in the sum of five thousand amount of one hundred dollars for a  
10                  ~~master electrician or four thousand dollars for a class B electrician~~ conditioned on the  
11                  faithful performance of all electrical work undertaken by the electrician, on strict  
12                  compliance with the provisions of this chapter, and on the requirements of the board.  
13                  ~~In addition, a deposit must be made with~~ a term of licensure renewal for an  
14                  electrician who made an initial undertaking under this section, the board may require a  
15                  renewal undertaking in the an amount of fifty dollars by a master electrician and in the  
16                  ~~amount of forty dollars by a class B electrician, in lieu of a surety bond~~ not to exceed  
17                  one hundred dollars.
- 18                  2. ~~The deposit so made must be accumulated by the board~~ shall deposit in a special fund  
19                  ~~to be used for the completion of installations abandoned by electricians~~ all money  
20                  collected under this section. The board shall use this fund to make code compliant an  
21                  installation abandoned by an electrician referred to in this section, not to exceed the  
22                  amount of ~~five~~ thirty-five thousand dollars ~~for a master electrician and four thousand~~  
23                  ~~dollars for a class B electrician~~ per electrician. The board shall waive the deposit  
24                  ~~for~~ requirement for a renewal of license by electricians who have made an initial  
25                  ~~deposit under this section~~ undertaking if at the beginning of the renewal year the fund  
26                  exceeds ~~fifty~~ two hundred thousand dollars. ~~Funds in excess of fifty thousand dollars at~~  
27                  ~~the end of each year may be committed and used at the direction of~~
- 28                  3. Annually, the board may use from the fund an amount not to exceed ten percent of the  
29                  fund's year-end balance to inform and educate electricians concerning the  
30                  requirements of the electrical code.

1           4.    The board may prescribe forms for the undertaking and make rules if the board deems  
2                    necessary to carry out the intent of this section.

3           **SECTION 3. LEGISLATIVE MANAGEMENT STUDY - ABANDONED ELECTRICAL**

4   **INSTALLATIONS.** During the 2015-16 interim, the legislative management shall consider  
5   studying the current process used by the state electrical board to address abandoned electrical  
6   installations and the feasibility and desirability of changing this process. The legislative  
7   management shall report its findings and recommendations, together with any legislation  
8   required to implement the recommendations, to the sixty-fifth legislative assembly.