

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 electrical installations; and provide for a legislative management study.

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

7 ~~— **SECTION 1. AMENDMENT.** Section 43-09-14 of the North Dakota Century Code is~~
8 ~~amended and reenacted as follows:~~

9 ~~— **43-09-14. Master electrician and class B electrician - Undertaking - Fund**Bond.~~

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 undertaking a bond, unless such~~
13 ~~a bond has already been deposited, in the sum of fivethirty 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~~

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 undertaking bond 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 ~~— **43-09-15. Renewal of license -- Denial, suspension, or revocation of licenses.**~~

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 ~~— 1. Failure or refusal to maintain or adhere to the minimum standards set forth in the~~
14 ~~electrical code referred to in section 43-09-21.~~

15 ~~— 2. Any cause for which the issuance of the license could have been refused had it then~~
16 ~~existed and been known to the board.~~

17 ~~— 3. Commitment of any act of gross negligence, incompetency, or misconduct in the~~
18 ~~practice of a master or journeyman electrician or the business of an electrical~~
19 ~~contractor.~~

20 ~~— 4. Material misstatement, misrepresentation, or fraud in obtaining the license.~~

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 ~~— 7. Failure to repay or enter into a written contract for repayment, under a payment~~
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 ~~— 8. Failure to furnish certification of completion of continuing education as required under~~
30 ~~section 43-09-15.1.~~

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 required under section
7 43-09-09 or by local ordinance, ~~no~~ a person may not advertise to contract 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 subsection 1, that
12 person is jointly and severally liable for any electrical services contracts 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 misdemeanor for a first
16 conviction, but no fine in excess of one hundred dollars and no term of
17 imprisonment may be imposed.

18 b. ~~A person violating this section is guilty of a~~ class A misdemeanor 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 thousand dollars and no
21 term of imprisonment may be imposed.

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

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

26 **43-09-14. Master electrician and class B electrician - Undertaking - Fund.**

27 1. Before entering ~~into~~ a contract agreement or undertaking with ~~another~~ a person for the
28 installation of electrical wiring or installation of electrical parts of other apparatus, a
29 master electrician or a class B electrician shall execute and deposit with the board an
30 initial undertaking in the ~~sum of five thousand~~ amount of one hundred fifty dollars ~~for a~~
31 ~~master electrician or four thousand dollars for a class B electrician~~ conditioned on the

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 ~~the an~~ 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 bond~~ not 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 electricians~~ all 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 ~~deposit~~ requirement for a renewal ~~of license by electricians who have made an initial~~
15 ~~deposit under this section~~ undertaking if at the beginning of the renewal year the fund
16 exceeds ~~fifty~~ two 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 4. 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 the sixty-fifth legislative assembly.