

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 43-09-09.2 and 43-09-14 ~~and 43-09-15~~ of the
2 North Dakota Century Code, relating to ~~bonds~~ contracting for electrical services and undertaking
3 for electricians contracting for electrical installations; to repeal section 43-09-14 of the North
4 Dakota Century Code, relating to the electricians special fund; to provide a penalty; and to
5 provide an effective date.

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

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

9 **43-09-09.2. Advertising prohibited - Exceptions - Liability - Penalty.**

10 1. Except as provided in this section, if an electrical license is required under section
11 43-09-09 or by local ordinance, ~~no~~ a person may not advertise to contract for electrical
12 services without being licensed as or being associated with a class B or master
13 electrician unless that person intends to contract the electrical services with a licensed
14 electrical contractor.

15 2. If a person associates with a class B or master electrician under subsection 1 and that
16 person association ends, that person is jointly and severally liable for any electrical
17 services contracts entered under that association.

18 3. a. A person violating this section is guilty of a class B misdemeanor for a first
19 conviction, but no fine in excess of one hundred dollars and no term of
20 imprisonment may be imposed.

21 b. A person violating this section is guilty of a class A misdemeanor for a second or
22 subsequent conviction, but the penalties are as follows:

23 (1) For a second conviction, no fine in excess of one thousand dollars and no
24 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.

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

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

~~Before entering into a contract agreement or undertaking with another for the installation of electrical wiring or installation of electrical parts of other apparatus, a master electrician or a class B electrician shall execute and deposit with the board an undertaking a bond, unless such a bond has already been deposited, in the sum of fivethirty-five thousand dollars for a master electrician or four thousand dollars for a class B electrician conditioned on the faithful performance of all electrical work undertaken by the electrician, on strict compliance with the provisions of this chapter, and on the requirements of the board.~~ In addition, a deposit must be made with the board in the amount of fifty dollars by a master electrician and in the amount of forty dollars by a class B electrician, in lieu of a surety bond. The deposit so made must be accumulated by the board in The board shall administer a special fund to be used for the completion of installations abandoned by master electricians referred to in this section and class B electricians, not to exceed the amount of fivetwenty-five thousand dollars for a master electrician and four thousand dollars for a class B electrician. The board shall waive the deposit for a renewal of license by electricians who have made an initial deposit under this section if at the beginning of the renewal year the fund exceeds fifty thousand dollars. Funds in excess of fifty thousand dollars at the end of each year may be committed and used at the direction of Effective July 1, 2016, the board shall use any money remaining in the special fund to inform and educate electricians concerning the requirements of the electrical code. The board may prescribe forms ~~for the undertaking bond~~ and make rules it deems necessary to carry out the intent of this section.

~~SECTION 3. AMENDMENT.~~ Section ~~43-09-15~~ of the North Dakota Century Code is ~~amended and reenacted as follows:~~

~~43-09-15. Renewal of license -- Denial, suspension, or revocation of licenses.~~

~~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~~

1 ~~reexamination. The state electrical board may deny, suspend, revoke, or refuse to renew any~~
2 ~~license issued or applied for under the provisions of this chapter for any of the following~~
3 ~~reasons:~~

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

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

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

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

12 ~~— 5. After due notice, failed or refused to correct, within the specified time, any electrical~~
13 ~~installation not in compliance with the provisions of this chapter.~~

14 ~~— 6. Failure or refusal to make deposit a bond or acquire public liability insurance as~~
15 ~~required by sections 43-09-14 and 43-09-20.~~

16 ~~— 7. Failure to repay or enter into a written contract for repayment, under a payment~~
17 ~~schedule acceptable to the board, of money disbursed from the fund as provided~~
18 ~~under section 43-09-14, or failure to make timely payments under a payment contract~~
19 ~~entered into under the board's policy for administering the undertaking fund.~~

20 ~~— 8. Failure to furnish certification of completion of continuing education as required under~~
21 ~~section 43-09-15.1.~~

22 ~~Any person whose license is denied or whose license is suspended or revoked by the board, or~~
23 ~~who is refused a license by the board, may appeal to the appropriate court.~~

24 **SECTION 3. REPEAL.** Section 43-09-14 of the North Dakota Century Code is repealed.

25 **SECTION 4. EFFECTIVE DATE.** Section 3 of this Act becomes effective on August 1, 2017.