

HOUSE BILL NO. 1229
with Conference Committee 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 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 fifty 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 fifty 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~~ fifty thousand dollars for a master electrician and four thousand dollars
23 ~~for a class B electrician~~ per contracting electrician. The board shall waive the
24 ~~deposit 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.** During the 2015-16 interim, the
4 legislative management shall consider studying the current process used by the state electrical
5 board to address abandoned electrical installations and the feasibility and desirability of
6 changing this process. The legislative management shall report its findings and
7 recommendations, together with any legislation required to implement the recommendations, to
8 the sixty-fifth legislative assembly.