

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 undertaking for electricians
3 contracting for electrical installations; to repeal section 43-09-14 of the North Dakota Century
4 Code, relating to the electricians special fund; to provide a penalty; and to provide an effective
5 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 association ends, that person is jointly and severally liable for any electrical services
17 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.

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

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 REPEAL.** Section 43-09-14 of the North Dakota Century Code is repealed.

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