

## **CHAPTER 43-09 ELECTRICIANS**

### **43-09-01. Definitions.**

In this chapter, unless the context or subject matter otherwise requires:

1. "Apprentice electrician" means a person learning the trade under the personal supervision of a state-licensed electrician.
2. "Board" means the state electrical board.
3. "Class B electrician" means a person having the necessary qualifications, training, and technical knowledge to wire, install, and repair electrical apparatus and equipment in accordance with the standard rules and regulations governing such work, and shall have eighteen months' experience in farmstead or residential wiring, and shall have passed an examination before the state electrical board based upon the national electrical code as it applies to farmstead or residential wiring.
4. "Journeyman electrician" means a person having the necessary qualifications, training, and technical knowledge to wire, install, and repair electrical apparatus and equipment in accordance with the standard rules and regulations governing such work.
5. "Master electrician" means a person having the necessary qualifications, training, experience, and technical knowledge to plan, lay out, and supervise the installation and repair of electrical wiring apparatus, and equipment for electric light, heat, and power in accordance with the standard rules and regulations governing such work.

### **43-09-02. State electrical board - Members - Terms of office - Vacancies.**

The state electrical board must consist of five members appointed by the governor for a term of five years with their terms of office so arranged that one term and only one term expires on June thirtieth of each year. One member of the board shall represent the public and may not be directly associated with the electrical industry. The board must include a master electrician who is a contractor, a journeyman electrician, a consumer member of a rural electric cooperative, and a person associated with an investor-owned utility. A member of the board shall qualify by taking the oath of office required of civil officers and shall hold office until that member's successor is appointed and qualified. The governor shall fill any vacancy by appointment for the unexpired term of office.

### **43-09-03. Qualifications of members of board.**

Repealed by S.L. 1949, ch. 287, § 11.

### **43-09-04. Officers of board - Compensation of members.**

The members of the board shall select from their members a president, a treasurer, and a secretary. Each appointive member of the board is entitled to receive such amount as may be set by the board, and in addition thereto, each member shall receive the necessary and actual expenses incurred by the member in the discharge of the member's duties. The mileage and travel expense allowed may not exceed the amount provided for in section 54-06-09.

### **43-09-05. Powers and duties of state electrical board - Biennial report.**

The board shall adopt a seal and may adopt reasonable rules to carry out this chapter. The board may submit a biennial report to the governor and the secretary of state in accordance with section 54-06-04. The board shall appoint qualified inspectors. The inspectors shall inspect, within fifteen days after notice of completion of any electrical wiring installation involving a value of three hundred dollars or more in municipalities having ordinances requiring such inspection, the electrical installation and approve or condemn the same. The inspector shall make a report of the inspection on forms prescribed by the board.

### **43-09-06. Meetings of board.**

The board shall hold a meeting in January of each year in Bismarck and may hold such other meetings as are necessary to conduct examinations and perform the other duties coming

before it. Special meetings must be held at the time and place determined by the president, and upon ten days' written notice given by the president to each member of the board.

**43-09-07. Expenses of board - How paid.**

All reasonable and necessary expenses incurred in conducting the business of the board must be allowed and paid by the board.

**43-09-08. Treasurer to hold moneys of board - Use - Disbursement.**

Repealed by S.L. 1971, ch. 510, § 15.

**43-09-09. License required - Examination - Board to issue license.**

Every person, partnership, company, corporation, limited liability company, or association that undertakes or offers to undertake with another to plan, lay out, supervise, install, make additions, make alterations, or make repairs, in the installation of wiring, apparatus, or equipment for electric light, heat, or power, shall apply to the board for a license. The board shall examine the applicant and if, upon a technical and practical examination, the applicant is found to possess the required knowledge and skill and to be versed in the laws of electricity, the applicant shall be issued a license in the class for which the applicant was examined. The license shall be signed by the president and the secretary of the board and attested by the seal of the board. Each licensee or permit holder shall report that person's licensing or renewals to the electrical inspector, if there is one, in the municipality in which that person operates.

**43-09-09.1. Conviction not bar to licensure - Exceptions.**

Conviction of an offense does not disqualify a person from licensure under this chapter unless the board determines that the offense has a direct bearing upon a person's ability to serve the public as an electrician or that, following conviction of any offense, the person is not sufficiently rehabilitated under section 12.1-33-02.1.

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

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

**43-09-10. Types of licenses.**

The classes of electricians who may be licensed under section 43-09-09 are:

1. Master electrician.
2. Journeyman electrician.
3. Class B electrician.

**43-09-11. Qualifications.**

An applicant for an electrician's license must have the following experience and training:

1. For licensure as a master electrician, an applicant must have completed one year's experience as a licensed journeyman electrician.
2. For licensure as a journeyman electrician, an applicant must have:
  - a. Completed eight thousand hours' experience in installing and repairing electrical wiring, apparatus, and equipment, which experience may not be obtained in less than three years.
  - b. Effective for an applicant who registered with the board as an apprentice after January 31, 2008, completed at least one of the following:
    - (1) Successfully completed apprenticeship training approved by the federal bureau of apprenticeship and training and completed eight thousand hours' experience in installing and repairing electrical wiring, apparatus, and equipment.
    - (2) Successfully completed an appropriate course of study, which may not be less than two years or the equivalent of two years, at a board-approved institution of higher education and completed eight thousand hours' experience in installing and repairing electrical wiring, apparatus, and equipment. The board may determine equivalent hours of education that may be applied as a credit against the eight thousand hours' experience requirement under this paragraph.
3. For licensure as a class B electrician, eighteen months' experience in farmstead or residential wiring.

#### **43-09-12. Examination - Requirements.**

Each applicant for an electrician's license shall pay the examination fee and shall take an oath and submit written evidence that the applicant has had the required experience. If a partnership, corporation, or limited liability company applies for a license, an officer or manager thereof shall make the application and take the oath and submit evidence as to experience.

#### **43-09-13. License fees.**

Examination and annual license fees required to be paid for an electrician's license must be set by the board.

#### **43-09-13.1. Apprentice electrician registration.**

An apprentice electrician shall register with the state electrical board within the first six months of employment and shall pay an annual registration fee in an amount set by the board. An apprentice electrician may work on installations only under the personal supervision of a licensed electrician as provided in section 43-09-18.

#### **43-09-13.2. Electrical inspectors - License required - Exception.**

A person employed by the state electrical board or a political subdivision to inspect electrical installations must be licensed as a journeyman or master electrician. This section does not apply to an inspector employed by the electrical board or a political subdivision as of July 2, 1989.

#### **43-09-14. (Repealed effective August 1, 2017) Master electrician and class B electrician - Undertaking - Fund.**

The board shall administer a special fund to be used for the completion of installations abandoned by master electricians and class B electricians, not to exceed the amount of twenty-five thousand dollars for a master electrician and four thousand dollars for a class B electrician. Effective July 1, 2016, the board shall use any money remaining in the special fund to inform and educate electricians. The board may prescribe forms and make rules it deems necessary to carry out the intent of this section.

### **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 re-examination. The state electrical board may deny, suspend, revoke, or refuse to renew any license issued or applied for under the provisions of this chapter for any of the following reasons:

1. Failure or refusal to maintain or adhere to the minimum standards set forth in the electrical code referred to in section 43-09-21.
2. Any cause for which the issuance of the license could have been refused had it then existed and been known to the board.
3. Commitment of any act of gross negligence, incompetency, or misconduct in the practice of a master or journeyman electrician or the business of an electrical contractor.
4. Material misstatement, misrepresentation, or fraud in obtaining the license.
5. After due notice, failed or refused to correct, within the specified time, any electrical installation not in compliance with the provisions of this chapter.
6. Failure or refusal to make deposit or acquire public liability insurance as required by sections 43-09-14 and 43-09-20.
7. Failure to repay or enter into a written contract for repayment, under a payment schedule acceptable to the board, of money disbursed from the fund as provided under section 43-09-14, or failure to make timely payments under a payment contract entered into under the board's policy for administering the undertaking fund.
8. Failure to furnish certification of completion of continuing education as required under section 43-09-15.1.

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

#### **43-09-15.1. Continuing education.**

After March 31, 1990, each applicant for renewal of an electrician's license pursuant to section 43-09-15 must have successfully completed prior thereto at least four hours, and thereafter eight hours each biennium, of continuing education relating to the standards set forth in section 43-09-21 or as otherwise prescribed by the board. The board may not require more than sixteen hours of continuing education in each biennium. The board shall conduct education sessions for licensees each year at not less than six locations throughout the state. Attendance at such sessions, or attendance at other education sessions certified by the board as approved, fulfills the educational requirements of this section. The board may charge a fee to licensees for attendance at the education sessions at an amount to be determined by the board, but not to exceed ten dollars per person for each session.

#### **43-09-16. When license not required.**

The following persons may not be required to hold an electrician's license:

1. Employees of public utilities engaged in the manufacture and distribution of electrical energy when engaged in work directly pertaining to the manufacture and distribution of electrical energy. This exemption terminates at the first point of service attachment, except for the installing or testing of electric meters and measuring devices and the maintenance of their service.
2. Employees of a company that operates or installs telephone and radio communication systems when engaged in work pertaining directly to the installation of telephone and radio communication conductors on premises where the installations are made for use exclusively for the transmission of telephone and radio signals.
3. Employees of dealers in household appliances, such as room air-conditioners, clothes dryers, dishwashers, freezers, garbage disposals, refrigerators, stoves, washing machines, water heaters, and similar appliances when such employees are installing and connecting such appliances to an existing electrical receptacle.

4. A representative of a manufacturing firm that is installing or modifying controls of wiring solely on industrial machinery that is for use by the firm itself, and performed by or under the direction of a registered professional engineer who issues a state-accepted evaluation which is to be maintained with the equipment.

**43-09-17. Journeyman electrician's permit.**

The board, upon the recommendation of one master electrician and two journeyman electricians, may issue a permit for a journeyman electrician to engage in the journeyman electrician's trade until the next meeting of the board for the examination of applicants. Such permit is not renewable.

**43-09-18. Apprentice to master electrician.**

Any person may serve as an apprentice under a licensed master electrician, but a master electrician may not allow an apprentice to work on any installation without personal supervision of a licensed electrician.

**43-09-19. Report of work done by licensee.**

Every person licensed under the provisions of this chapter and doing electrical work shall report the same to the secretary of the board upon blanks furnished by the board for that purpose.

**43-09-20. Contract for installation of electrical wiring and installation of electrical equipment made with master electrician - Requirement for liability insurance.**

No contract, agreement, or undertaking with another for the installation of electrical wiring or the installation of electrical parts of other apparatus may be entered into by anyone not a master electrician. A class B electrician, as herein defined, is authorized to enter into a contract, undertaking, or agreement for the installation of farmstead electrical wiring or residential electrical wiring in one or two family dwellings located in municipalities of two thousand five hundred or less population, and the electrician's authority under the contract, undertaking, or agreement is limited to the actual installation by that electrician of farmstead electrical wiring or residential electrical wiring in one or two family dwellings located in municipalities of two thousand five hundred or less population, and the installation of electrical equipment, appliances, and apparatus used on farmsteads and such residences. Before an electrician referred to in this section enters into a contract for installation of electrical wiring, the electrician shall deposit with the board evidence of the existence of public liability insurance with a licensed insurance carrier, with policy limits of at least five hundred thousand dollars for a master electrician, and two hundred fifty thousand dollars for a class B electrician.

**43-09-21. Standards for electrical wiring and equipment.**

All electrical wiring, apparatus, or equipment must comply with the rules of the board made under authority of the laws of this state and in conformity with the approved methods of construction for safety to life and property. The regulations in the national electrical code and the national electrical safety code as approved by the American national standards institute are prima facie evidence of these approved methods. Any municipality may make more stringent requirements. An electrical installation may not be connected for use until proof has been furnished to the person, firm, corporation, or limited liability company supplying electrical energy that there is compliance with the applicable regulations. The manufacturer of a new manufactured building or modular unit shall make any changes required for the proof within fourteen days from the notice that the building or unit does not comply with the applicable regulations. This section does not apply to the movement of a new manufactured building or modular unit into or within this state before the process of being connected for use.

**43-09-22. Inspection of installation - Condemnation.**

The board has jurisdiction over and shall provide inspection for all electrical installations. Inspectors authorized by the board may condemn installations hazardous to life and property or

may order specific corrections to be made. Inspectors may order service thereto discontinued after notice to the owner of the property. The order is subject to the owner's right of appeal to the board. No condemned installation may be reconnected for service until proof has been furnished that the installation has been brought up to the required standards. The board may charge the master electrician responsible for the installation a fee to cover the cost of inspection. Cities may make provisions for inspection of all electrical work done within their corporate limits. City inspectors shall register their names with the board within ten days after their appointment.

#### **43-09-23. Criminal penalty - Civil proceedings.**

Any person who violates any of the provisions of this chapter is guilty of a class B misdemeanor. In addition to criminal proceedings, the board may commence administrative or civil court proceedings as follows:

1. The board may issue a cease and desist order against a person allegedly making or offering to make electrical installations in violation of section 43-09-09 or 43-09-09.2 based upon information provided to the board by its electrical inspectors or other persons, by investigation reports, affidavits, complaints of witnesses, or oral testimony given to the board at a regular or special board meeting. Violation of the cease and desist order may be considered by the court in issuing a temporary or permanent restraining order and in ordering the payment of costs and attorney's fees in proceedings authorized under this section.
2. The board may apply to the district court in the county in which the violations have occurred for a temporary or permanent injunction under chapter 32-06, enjoining persons from performing, advertising, or contracting for making electrical installations without a valid license issued by the board in violation of section 43-09-09 or 43-09-09.2. The court may not require a written undertaking, security, or bond as a basis for issuing any temporary or permanent restraining order under this section unless the court specifically orders and states the basis for requiring the security. Upon a determination that a violation of section 43-09-09 or 43-09-09.2 has occurred, the court may assess against the defendants the actual costs incurred and reasonable attorney's fees necessary for the investigation and court proceedings against the unlicensed person.
3. After an administrative hearing has been conducted by the board under chapter 28-32, an appeal from an order of the board or from the assessment of costs and attorney's fees may be taken to the district court under chapter 28-32.

#### **43-09-24. Special emergency.**

Repealed by omission from this code.

#### **43-09-25. License to nonresidents - Reciprocity.**

To the extent that other states which provide for the licensing of electricians provide for similar action, the state electrical board may grant licenses of the same grade or class to electricians licensed by other states, upon payment by the applicant of the required fee, after being furnished with proof that the qualifications of the applicant are equal to the qualifications of holders of similar licenses in North Dakota.

#### **43-09-26. Exemption for coal mines.**

The jurisdiction of the board and other requirements of this chapter do not apply to installations, wiring, apparatus, or equipment that are part of a coal mine permitted by the public service commission and are subject to the jurisdiction of the federal mine safety and health administration.