Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

HOUSE BILL NO. 1229
(Representatives B. Koppelman, Froseth, Karls, Kasper, Keiser, Rohr)
(Senators Campbell, Dever, Klein, Poolman)

AN ACT to amend and reenact sections 43-09-09.2 and 43-09-14 of the North Dakota Century Code, relating to contracting for electrical services and undertaking for electricians contracting for electrical installations; to repeal section 43-09-14 of the North Dakota Century Code, relating to the electricians special fund; to provide a penalty; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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, ~~no~~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.

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 - Fund.

~~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 in the sum of 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 ~~five~~twenty-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~~ and make rules it deems necessary to carry out the intent of this section.

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 Section 43-09-14 of the North Dakota Century Code is repealed.

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1229.

House Vote:	Yeas 91	Nays 0	Absent 3
Senate Vote:	Yeas 44	Nays 1	Absent 2

Chief Clerk of the House

Received by the Governor at 9:52A M. on April 21, 2015.

Approved at 10:17 A M. on April 22, 2015.

Governor

Filed in this office this 22nd day of April, 2015,

at 2:42 o'clock P. M.

Secretary of State