

April 8, 2015

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1229

That the Senate recede from its amendments as printed on pages 1302 and 1303 of the House Journal and pages 1039 and 1040 of the Senate Journal and that House Bill No. 1229 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for 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 undertakings for electricians contracting for electrical installations; and provide for a legislative management study.

**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, that person is jointly and severally liable for any electrical services contracts entered under that association.
3. A person that violates subsection 1 is guilty of
  - 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.**

1. ~~Before entering into a contract agreement or undertaking with another a person 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 initial undertaking in the sum of five thousand amount of one hundred fifty 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 a term of licensure renewal for an electrician who made an initial undertaking under this section, the board may require a renewal undertaking 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 not to exceed one hundred fifty dollars.~~
2. ~~The deposit so made must be accumulated by the board shall deposit in a special fund to be used for the completion of installations abandoned by electricians all money collected under this section. The board shall use this fund to make code compliant an installation abandoned by an electrician referred to in this section, not to exceed the amount of five fifty thousand dollars for a master electrician and four thousand dollars for a class B electrician per contracting electrician. The board shall waive the deposit requirement for a renewal of license by electricians who have made an initial deposit under this section undertaking if at the beginning of the renewal year the fund exceeds fifty two hundred thousand dollars. Funds in excess of fifty thousand dollars at the end of each year may be committed and used at the direction of-~~
3. ~~Annually, the board may use from the fund an amount not to exceed ten percent of the fund's year-end balance to inform and educate electricians concerning the requirements of the electrical code.~~
4. ~~The board may prescribe forms for the undertaking and make rules the board deems necessary to carry out the intent of this section.~~

**SECTION 3. LEGISLATIVE MANAGEMENT STUDY.** During the 2015-16 interim, the legislative management shall consider studying the current process used by the state electrical board to address abandoned electrical installations and the feasibility and desirability of changing this process. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Renumber accordingly