

LEGISLATIVE BILL 525

Approved by the Governor May 27, 1975

Introduced by Miscellaneous Subjects Committee; Murphy, 17; Barnett, 26; Mahoney, 5; Nichol, 48; Skarda, 7; Luedtke, 28; F. Lewis, 45

AN ACT to adopt the State Electrical Act; and to repeal sections 81-553 to 81-570, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

Be it enacted by the people of the State of Nebraska,

Section 1. This act shall be known as the State Electrical Act.

Sec. 2. As used in this act, unless the context otherwise requires:

- (1) Board shall mean the State Electrical Board;
- (2) Farm shall mean any tract of land over twenty acres in area used for or devoted to agricultural purposes;
- (3) Class A master electrician shall mean a person having the necessary qualifications, training, experience, and technical knowledge to properly plan, lay out, and supervise the installation of wiring, apparatus, and equipment for electric light, heat, power, and other purposes and who is licensed as such by the State Electrical Board;
- (4) Class A journeyman electrician shall mean a person having the necessary qualifications, training, experience, and technical knowledge to wire for or install electrical wiring, apparatus, and equipment and who is licensed as such by the State Electrical Board;
- (5) Special electrician shall mean a person having the necessary qualifications, training, and experience in wiring for installing special classes of electrical wiring, apparatus, or equipment or for special classes of electrical wiring installations located in any town or municipality which has a population of less than one hundred thousand inhabitants and who is licensed as such by the State Electrical Board. Such special classes of electrical wiring installations shall include, but not be limited to, fire alarm installation, well pump wiring, irrigation system wiring, and security system installation;

(6) Class B master electrician shall mean a person having the necessary qualifications, training, experience, and technical knowledge to properly plan, lay out, and supervise the installation of wiring, apparatus, and equipment for systems of not over four hundred ampere capacity for light, heat, power, and other purposes in any structure used and maintained as a residential dwelling but not larger than a four-family dwelling located in any town or municipality which has a population of less than one hundred thousand inhabitants and who is licensed as such by the State Electrical Board;

(7) Class B journeyman electrician shall mean a person having the necessary qualifications, training, experience, and technical knowledge to wire for or install electrical wiring, apparatus, and equipment for systems of not over four hundred ampere capacity for light, heat, power, and other purposes in any structure used and maintained as a residential dwelling but not larger than a four-family dwelling located in any town or municipality which has a population of less than one hundred thousand inhabitants and who is licensed as such by the State Electrical Board;

(8) Installer shall mean a person who has the necessary qualifications, training, experience, and technical knowledge to properly lay out and install electrical wiring, apparatus, and equipment for major electrical home equipment on the load side of the main service in any town or municipality which has a population of less than one hundred thousand inhabitants and who is licensed as such by the State Electrical Board; and

(9) Inspector shall mean a person certified as an electrical inspector by the board upon such reasonable conditions as may be adopted by the board from time to time. All state inspectors shall be approved as such by the board. The board may permit more than one class of electrical inspector.

All Class A master and Class A journeyman licenses shall be mandatory and all special electrician, Class B master, Class B journeyman, and installer licenses shall be permissive.

Sec. 3. There is hereby established, within the office of the State Fire Marshal, a State Electrical Division which shall be under the administrative control of the State Fire Marshal and under the operative control of the executive director of such division. The division shall include a seven-member State Electrical Board,

appointed by the Governor, with the consent of the Legislature, all of whom shall be residents of the State of Nebraska. The board shall direct the efforts of the executive director and set the policy of the division. One of such members shall be a journeyman electrician, one shall be a master electrician, one shall be a certified electrical inspector, one shall be a general building or housing contractor, one shall be a registered professional engineer, one shall be a representative of the rural electric systems in the state, and one shall be a representative of the municipal electric systems in the state. The original members of the board shall be appointed within twenty days after the effective date of this act, one member for a term of one year, two for a term of three years, two for a term of four years and two for a term of five years, as determined by the Governor at the time of the original appointments, and all appointments thereafter shall be for a term of five years. Any vacancy occurring in the membership of the board shall be filled by the Governor for the unexpired term. Each member of the State Electrical Board, before entering on the discharge of his duties, and within thirty days from the effective date of his appointment, shall subscribe to an oath for the faithful performance of his duties before any officer authorized to administer oaths in this state and shall file the same with the Secretary of State. The State Fire Marshal shall be the executive secretary of the board and shall be responsible for all books, records, and transcripts of proceedings of the board.

Sec. 4. Members of the State Electrical Board serving on the effective date of this act shall remain in office until their successors are appointed. Existing rules, regulations, forms, policies, and classifications of special electricians not in conflict with this act shall continue until lawfully modified or repealed.

Sec. 5. The board shall have power to:

- (1) Elect its own officers;
- (2) Engage and fix the compensation of such officers, inspectors, and employees as may be required in the performance of its duties;
- (3) Pay such other expenses as may be necessary in the performance of its duties;
- (4) Provide upon request such additional voluntary inspections and reviews as it may deem appropriate;

(5) Adopt and revise rules and regulations necessary to enable it to carry into effect the provisions of this act and, in adopting such rules and regulations, the board shall be governed by the minimum standards set forth in the National Electrical Code, issued and adopted by the National Fire Protection Association in 1975, Publication Number 70-1975, which code shall be filed in the offices of the Secretary of State and the board and shall be a public record;

(6) Revoke, suspend, or refuse to renew any license granted pursuant to this act when the holder of such a license: (a) Violates any provision of this act or any rule or regulation adopted pursuant to this act; (b) fails or refuses to pay any examination or license renewal fee required by law; or (c) is a master electrician and fails or refuses to provide and keep in force a public liability insurance policy as required by the board;

(7) Provide for the amount and collection of fees for inspection and other services; and

(8) Adopt a seal, and the executive secretary shall have the care and custody thereof.

Sec. 6. There is hereby established in the state treasury the Electrical Division Fund. All money received under the provisions of this act shall be deposited in the state treasury and by the State Treasurer credited to the Electrical Division Fund. Each member of the board shall receive the actual and necessary expenses incurred in the performance of his duties, to be paid out of the Electrical Division Fund.

Sec. 7. Except as provided in section 11, 13, or 43 of this act, no person shall, for another, plan, lay out, or supervise the installation of wiring, apparatus, or equipment for electrical light, heat, power, and other purposes unless he is licensed by the board as a master electrician.

Sec. 8. (1) An applicant for a Class A master electrician's license shall either (a) be a graduate of a four-year electrical course in an accredited college or university, (b) have had at least one year's experience, acceptable to the board, as a licensed journeyman, or (c) have had at least five years' experience, acceptable to the board, in planning for, laying out, supervising and installing wiring, apparatus, or equipment for electrical light, heat, and power.

(2) An applicant for a Class B master electrician's license shall have had at least three years' experience, acceptable to the board, in electrical work. No Class B master electrician's license shall be valid except in regard to systems of not over four hundred amperes in capacity in structures used and maintained as residential dwellings but not larger than four-family dwellings located in any town or municipality which has a population of less than one hundred thousand inhabitants.

Sec. 9. Except as provided in section 11, 13, or 43 of this act, no person shall, for another, wire for or install electrical wiring, apparatus, or equipment unless he is licensed by the board as a master electrician or journeyman electrician.

Sec. 10. (1) An applicant for a Class A journeyman electrician's license shall have had at least four years' experience, acceptable to the board, in wiring for and installing electrical wiring, apparatus, or equipment. The board may by rule or regulation provide for the allowance of one year of experience credit for successful completion of a two-year post-high school electrical course approved by the board.

(2) An applicant for a Class B journeyman electrician's license shall have had at least two years' experience, acceptable to the board, in wiring for and installing electrical wiring, apparatus, or equipment. No Class B journeyman's license shall be valid except for electrical systems of not over four hundred amperes in capacity in structures used and maintained as residential dwellings but not larger than four-family dwellings located in any town or municipality which has a population of less than one hundred thousand inhabitants.

Sec. 11. Any person holding an installer license may lay out and install electrical wiring, apparatus, and equipment for major electrical home equipment on the load side of the main service.

Sec. 12. An applicant for an installer license shall have completed a post-high school course in electricity, acceptable to the board, or shall have had at least one year's experience, acceptable to the board, in electrical wiring.

Sec. 13. The board shall by rule or regulation provide for the issuance of special electrician licenses empowering the licensee to engage in a limited class or classes of electrical work, which class or classes shall be specified on the license. Each licensee shall have

experience, acceptable to the board, in each such limited class of work for which he is licensed.

Sec. 14. Any person may work as an apprentice to a licensed electrician, but shall do no electrical wiring except under the personal on-the-job supervision of such licensed electrician.

Sec. 15. The State Electrical Division shall:

(1) Provide training sessions for electricians applying for licenses pursuant to this act, which sessions shall be held two consecutive evenings before each licensing examination is given. The purpose of the training sessions shall be to review electrical theory, current rules, regulations, codes, and laws pertaining to electricians and other subjects deemed necessary by the division. The Electrical Division Fund shall be utilized in carrying out the provisions of this section; and

(2) Designate six training sites in the state which sites shall be the most convenient and easily accessible locations in the state for those individuals who attend to take the licensing examination and who desire to attend training sessions. Such training sites shall be changed by the division before each examination if such change is necessary to make the training programs more accessible to the applicants.

Sec. 16. In addition to the education and experience requirements imposed in this act and except as otherwise provided in sections 17 and 18 of this act, each applicant shall, prior to issuance of an electrician's license, pass a written examination given by the board to insure his competence. Such examination shall contain reasonable questions based upon the then current National Electrical Code and upon electrical theory. When answering questions based upon the National Electric Code, applicants may refer to an open copy of such code. Examinations shall be given at least twice yearly. No person failing an examination may retake it for six months thereafter, but within such six months he may take an examination for a lesser grade of license. Any licensee failing to renew his license for two years or more after its expiration shall be required to retake the examination before he is issued a new license.

Sec. 17. Any person having been examined or having submitted satisfactory evidence that he is qualified to undertake and perform work in his trade or skill, to the end that any such work will be safely and properly accomplished and installed in accordance with approved standards, based upon minimum standards set

forth in the National Electric Code for such work, shall be licensed as hereinafter provided.

Sec. 18. An applicant for a journeyman's or special electrician's license who shall furnish evidence satisfactory to the board that he has the requisite experience, upon written application, payment of the examination fee, and fulfillment of all other requirements stated in this act, may work as a journeyman or special electrician until the next examination and the announcement of the results of such examination by the board.

Sec. 19. All licenses issued under this act shall expire on December 31 of each year. The following fees shall be payable for examination, issuance, and renewal:

- (1) For examination:
 - (a) Class A master, twenty-five dollars;
 - (b) Class B master, fifteen dollars; and
 - (c) Class A journeyman, Class B journeyman, installer, or special electrician, ten dollars; and
- (2) For issuance of original license and renewal:
 - (a) Class A master, ten dollars;
 - (b) Class B master, ten dollars; and
 - (c) Class A journeyman, Class B journeyman, installer, or special electrician, five dollars.

Sec. 20. Upon the death of a master electrician, the board may permit his representative to carry on the business of the decedent for a period not to exceed six months for the purpose of completing work under contract or otherwise to comply with this act. Such representative shall furnish all public liability and property damage insurance required by the board.

Sec. 21. To the extent that any other state which provides for the licensing of electricians provides for similar action, the board may grant licenses, without examination, of the same grade and class to an electrician who has been licensed by such other state for at least one year, upon payment by the applicant of the required fee, and upon the board being furnished with proof that the qualifications of the applicant are equal to the qualifications of holders of similar licenses in

Nebraska.

Sec. 22. Nothing in this act shall be construed to:

(1) Require employees of municipal corporations, public power districts, public power and irrigation districts, electric membership or cooperative associations, public utility corporations, railroads, petroleum companies, petrochemical companies, pipe line companies, telephone or telegraph systems, or employees of affiliated companies performing manufacturing, installation, and repair work for such employer to hold licenses while acting within the scope of their employment;

(2) Require any master electrician or journeyman electrician to hold a state license if he is the holder of a valid license issued by any city or other political subdivision, so long as he makes electrical installations only in the jurisdictional limits of such city or political subdivision and such license issued by the city or political subdivision meets the requirements of this act;

(3) Cover the installation, maintenance, repair, or alteration of vertical transportation or passenger conveyors, elevators, moving walks, dumbwaiters, stagelifts, manlifts, or appurtenances thereto beyond the terminals of the controllers. The licensing of elevator contractors or constructors shall not be considered a part of the licensing requirements of this act;

(4) Require a license of any person who engages any electrical appliance where approved electrical outlets are already installed;

(5) Require an employee, working for a single employer as part of such employer's full-time staff and not holding himself out to the public for hire, to hold a license while acting within the scope of his employment;

(6) Prohibit an owner of property from performing work on such property or farm property which he owns, excluding commercial, industrial, or public-use buildings, or to require him to be licensed under this act;

(7) Require a license of any person in municipalities which have a population of less than five thousand inhabitants; or

(8) Require that any person be a member of a labor union in order to be licensed.

Sec. 23. Any person duly licensed by the State Electrical Board on the effective date of this act and who has been engaged in the occupation of a Class A Master Electrician, Class B Master Electrician, Class A Journeyman Electrician, Class B Journeyman Electrician, Special Electrician or Installer in accordance with the respective classification as defined in this act, shall be granted a license at his level of qualification without examination, and all such new licenses shall be granted without additional fee or cost to the license holder. Any person who has been engaged in the occupation of a Class A Master Electrician, Class B Master Electrician, Class A Journeyman Electrician, Class B Journeyman Electrician, Special Electrician or Installer in accordance with the respective classification as defined in this act shall be granted a license at his level or qualification without examination. All such applications shall be made to the board within three months after the effective date of this act and upon payment of the prescribed fee.

Sec. 24. (1) All electrical installations in commercial or industrial buildings, including installations both inside and outside of the buildings, buildings designated for public use, and any installations at the request of the owner shall be subject to inspection as provided in this act.

Sec. 25. State inspection shall not apply within the jurisdiction of any county, city, village, electric member or cooperative association, public power district, or public power and irrigation district, which has adopted or hereafter adopts an ordinance or resolution providing standards of electrical wiring and its installation that are not less than those prescribed by the board or by this act, and further provides by resolution or ordinance for the inspection of electrical installations within the limits of such subdivision by a certified electrical inspector. No person other than the holder of an electrical inspector's certificate of qualification shall be appointed to act as electrical inspector and to enforce the provisions of this act as electrical inspector and to enforce the provisions of this act or any applicable resolution or ordinance within his jurisdiction.

Sec. 26. At or before commencement of any installation required to be inspected by the board, the master electrician, installer, special electrician, or owner making such installation shall submit to the board

a request for inspection, on a form prescribed by the board, together with a supervisory fee of fifty cents and the inspection fees required for such installation.

Sec. 27. If the inspector finds that any installation is not in compliance with accepted standards of construction for safety to life and property, based upon minimum standards set forth in the National Electric Code, he shall by written order condemn the installation or noncomplying portion thereof, or order service to such installation disconnected, and shall send a copy of his order to the board and the supplier involved. If the installation or the noncomplying part thereof is such as to seriously and proximately endanger human life and property, the order of the inspector when approved by his superior shall require immediate condemnation and disconnection by the applicant. In all other cases, the order of the inspector shall permit a reasonable opportunity for the installation to be brought into compliance with accepted standards of construction for safety to life and property prior to the effective time established in such order for condemnation or disconnection.

Sec. 28. A copy of each condemnation or disconnection order shall be served personally or by United States mail upon the property owner at his last-known address, and the master electrician, installer, or special electrician making the installation, and such other persons as the board by rule or regulation may direct.

Sec. 29. No electrical installation subject to inspection by the board shall be newly connected or reconnected for use until there is filed with the electrical utility supplying power a certificate of the property owner or licensed electrician directing the work that inspection has been requested and that the conditions of the installation are safe for energization. In all cases when an order of condemnation or disconnection has been issued against the installation or any part thereof, prior to connection or reconnection there shall also first be filed with the electrical utility supplying the power a copy of an order of the inspector or the board dismissing such prior order of condemnation or disconnection or approving the installation as being in compliance with accepted standards of construction for safety to life and property, based upon minimum standards set forth in the National Electric Code. Any supplier may refuse service without liability for such refusal until such conditions have been met. With respect to transient projects, the certificate shall also contain a certification that the

request for inspection has been or will be filed with the board so as to be received by it at least five days prior to the date and time energization of the installation by the utility is to occur, and that the request for inspection states such date and time, and it shall be the responsibility of the board to have inspection made of such transient project prior to the date and time at which the request states energization is to occur.

Sec. 30. Any political subdivision may make provision for inspection of electrical installations within its jurisdiction, in which case it shall keep on file with the board copies of its current inspection ordinances or resolutions and codes. No political subdivision shall require any individual, partnership, corporation, or other business association holding a license from the board to pay any license fee. Any such political subdivision may provide a requirement that each individual, partnership, corporation, railroad, or other business association doing electrical work within the jurisdiction of such political subdivision have on file with the political subdivision a copy of the current license issued by the board or such other evidence of such license as may be provided by the board.

Sec. 31. Employees of utilities may be certified as electrical inspectors but they shall not inspect their own work.

Sec. 32. Nothing in this act shall be construed to require the work of employees of municipal corporations, public power districts, public power and irrigation districts, railroads, electric membership or cooperative associations, public utility corporations, petroleum companies, petrochemical companies, pipe line companies, telephone or telegraph systems, or employees of affiliated companies performing manufacturing, installation, and repair work for such employers to be inspected while acting within the scope of their employment.

Sec. 33. Upon inspection and approval by any certified inspector, all liability upon any supplier of electrical service for subsequent damage or loss arising from any installation shall be terminated, except for any acts of gross negligence by such supplier.

Sec. 34. (1) As to state inspections:

(a) At or before commencement of any electrical installation which is required by law to be inspected, the person responsible for the installation shall forward a request for inspection to the board completed in the

manner prescribed by the board; and

(b) On installations requiring more than six months in the process of construction and in excess of three hundred dollars total inspection fees, the persons responsible for the installation may, after a minimum filing fee of one hundred dollars, pay a prorated fee for each month and submit it with an order for payment initiated by the electrical inspector.

(2) Where wiring is to be concealed, the inspector must be notified within reasonable time to complete a rough-in inspection prior to concealment, exclusive of Saturdays, Sundays, and holidays. If wiring is concealed before rough-in inspection without adequate notice having been given to the inspector, the person responsible for having enclosed the wiring shall be responsible for all costs resulting from uncovering and replacing the cover material.

(3) Inspections shall be made within one week of the appropriate request. When necessary, circuits may be energized by the authorized installer prior to inspection but the installation shall remain subject to condemnation and disconnection.

Sec. 35. (1) All state electrical inspection fees shall be due and payable to the board at or before commencement of the installation and shall be forwarded with the request for inspection. Inspection fees provided in this section shall not apply within the jurisdiction of any county, city, or village or service area of any public power district, public power and irrigation district, or electric membership or cooperative association, if it has adopted an ordinance or resolution as set forth in this act.

(2) Fees shall be paid according to the following schedule:

(a) Minimum fee for each separate inspection of an installation, replacement, alteration, or repair, four dollars;

(b) Services, change of services, temporary services, additions, alterations, or repairs on either primary or secondary services shall be computed separately;

(c) Zero to sixty ampere capacity, four dollars and fifty cents;

(d) Sixty-one to one hundred ampere capacity, six dollars;

(e) One hundred one to two hundred ampere capacity, seven dollars and fifty cents;

(f) For each additional one hundred ampere capacity or fraction thereof, eight dollars; and

(g) The maximum fee for any inspection shall not exceed that fee charged for a four thousand ampere capacity.

(3) When more than one inspection is required for an installation or, when an inspection is requested by an owner, the minimum fee per inspection shall be four dollars.

Sec. 36. When an electrical inspector finds that a new installation or part of a new installation that is not energized is not in compliance with accepted standards of construction, based upon minimum standards set forth in the National Electric Code, he shall, if the installation or the noncomplying part thereof is such as to seriously and proximately endanger human life and property if energized, order, with the approval of his superior, immediate condemnation of the installation or noncomplying part. When the person responsible for making the installation so condemned is notified, he shall promptly proceed to make the corrections cited in the condemnation order.

Sec. 37. If the electrical inspector finds that a new installation that is energized is not in compliance with accepted standards of construction, he shall, if the installation or the noncomplying part thereof is such as to seriously and proximately endanger human life and property, order immediate disconnection of the installation or noncomplying part. When the person responsible for making the installation so ordered disconnected is notified, he shall promptly proceed to make the corrections cited in the order.

Sec. 38. When a noncomplying installation, whether energized or not, is not proximately dangerous to human life and property, the inspector shall issue a correction order, ordering the owner or electrician to make the installation comply with accepted standards of construction for safety to life and property, based upon minimum standards set forth in the National Electric Code, noting specifically what changes are required. The order shall specify a date, not less than ten nor more than seventeen calendar days from the date of the order,

when a final inspection shall be made. If at the time of the final inspection the installation has not been brought into compliance, a condemnation or disconnection order may be issued by the inspector with the approval of his superior. The board may assist the owner in retaining another person licensed and qualified to correct the deficiencies noted. When the installation is brought into compliance to the satisfaction of the inspector, such correction order shall be immediately countermanded. Any supplier of electrical service complying with any order of an electrical inspector shall be relieved of all liability in cases of subsequent damage or loss arising from any cause, except acts of gross negligence by such supplier.

Sec. 39. A correction order of an inspector properly issued may be countermanded or extended by the inspector or his supervisor. Any interested party may demand that an outstanding order be countermanded or extended. Such demand shall be in writing and shall be addressed to the board. If the request to countermand an order is rejected it shall be done so in writing within ten days.

Sec. 40. (1) The procedures prescribed by sections 35 to 38 of this act shall constitute the exclusive administrative remedies for preventing connection or requiring disconnection of the supply of electrical power to premises.

(2) Condemnation, disconnection, and correction orders shall be issued on forms prescribed by the board.

(3) A correction order made pursuant to section 39 of this act shall be served personally or by United States mail only upon the master electrician, installer, special electrician, or owner. All other orders shall be served personally or by United States mail upon the property owner and the master electrician, installer, or special electrician making the installation.

(4) The power supplier shall be served any time an order requires immediate disconnection or prohibits energizing an installation.

(5) Service by United States mail is complete upon mailing, but three days shall be added to the prescribed time whenever the party served is required to do some act or entitled to respond thereto.

Sec. 41. (1) Any person aggrieved by a condemnation or disconnection order issued may appeal therefrom by filing a written notice of appeal with the

board within ten days after the date the order was served upon the owner or within ten days after the order was filed with the board, whichever is later.

(2) Upon receipt of the notice of appeal from a condemnation or disconnection order because the electrical installation is dangerous to life and property, the order appealed from shall not be stayed unless countermanded by the board.

(3) Upon receipt of notice of appeal from a condemnation or disconnection order because the electrical installation is not in compliance with accepted standards of construction for safety to life and property, the order appealed from shall be stayed until final decision of the board and the board shall notify the property owner and the master electrician, installer, or special electrician making the installation. The power supplier shall also be notified in those instances in which the order has been served on him.

Sec. 42. (1) Upon receipt of a notice of appeal, the chairman or executive secretary of the board may designate a hearing officer from among the board members to hear the appeal or may set the matter for hearing before the full board at its next regular meeting. A majority of the board shall make the decision.

(2) Upon receiving the notice of appeal, the board shall notify all persons served with the order appealed from. Such persons may join in the hearing and give testimony in their own behalf. The board shall set the hearing date on a date not more than fourteen days after receipt of the notice of appeal unless otherwise agreed by the interested parties and the board.

Sec. 43. It shall be a misdemeanor knowingly and willfully to commit, or to order, instruct, or direct another to commit, any of the following acts:

(1) To make a false statement in any license application, request for inspection, certificate, or other lawfully authorized or required form or statement provided by this act;

(2) To perform electrical work for another without a proper license for such work;

(3) To fail to file a request for inspection when required;

(4) To interfere with, or refuse entry to, an inspector lawfully engaged in the performance of his duties; or

(5) To violate any lawful rule, regulation, or order of the board.

Any person guilty of a misdemeanor under this act shall be fined not less than ten dollars nor more than five hundred dollars, or be imprisoned in the county jail for not more than ninety days, or be both so fined and imprisoned.

Sec. 44. The provisions of this act relating to state inspections, condemnations of electrical installation, and disconnections shall not apply to any electrical installations in those areas outside of the corporate limits of cities and villages, except in the case of commercial, industrial, and public buildings, nor shall the provisions of this act relating to licensing apply in exempted areas.

Sec. 45. That sections 81-553 to 81-570, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, are repealed.