

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 723**

Introduced by Engel, 17.

Read first time January 09, 2008

Committee: General Affairs

A BILL

1 FOR AN ACT relating to the State Electrical Act; to amend  
2 sections 81-2120, 81-2126, and 81-2132, Reissue Revised  
3 Statutes of Nebraska, sections 81-2104 and 81-2124,  
4 Revised Statutes Cumulative Supplement, 2006, and  
5 section 81-2121, Revised Statutes Supplement, 2007;  
6 to change provisions relating to the State Electrical  
7 Board, licensing requirements, applicability of the  
8 act, electrical installations, inspections, and fees;  
9 to provide operative dates; and to repeal the original  
10 sections.

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

1           Section 1. Section 81-2104, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           81-2104 The board shall have power to:

4           (1) Elect its own officers;

5           (2) Engage and fix the compensation of such officers,  
6 inspectors, and employees as may be required in the performance of  
7 its duties;

8           (3) Pay such other expenses as may be necessary in the  
9 performance of its duties;

10          (4) Provide upon request such additional voluntary  
11 inspections and reviews as it deems appropriate;

12          (5) Adopt, promulgate, and revise rules and regulations  
13 necessary to enable it to carry into effect the State Electrical  
14 Act. In adopting and promulgating such rules and regulations, the  
15 board shall be governed by the minimum standards set forth in the  
16 National Electrical Code issued and adopted by the National Fire  
17 Protection Association in ~~2005, 2008, Publication Number 70-2005,~~  
18 ~~and amendments to the code adopted as of January 1, 2003, 70-2008,~~  
19 which code ~~and amendments~~ shall be filed in the offices of the  
20 Secretary of State and the board and shall be a public record. The  
21 board shall adopt and promulgate rules and regulations establishing  
22 wiring standards that protect public safety and health and property  
23 and that apply to all electrical wiring which is installed subject  
24 to the State Electrical Act;

25          (6) Revoke, suspend, or refuse to renew any license or

1 registration granted pursuant to the State Electrical Act when the  
2 licensee or registrant (a) violates any provision of the National  
3 Electrical Code as adopted pursuant to subdivision (5) of this  
4 section, the act, or any rule or regulation adopted and promulgated  
5 pursuant to the act, (b) fails or refuses to pay any examination,  
6 registration, or license renewal fee required by law, (c) is an  
7 electrical contractor or master electrician and fails or refuses to  
8 provide and keep in force a public liability insurance policy as  
9 required by the board, or (d) violates any political subdivision's  
10 approved inspection ordinances;

11 (7) Order disconnection of power to any electrical  
12 installation that is proximately dangerous to health and property;

13 (8) Order removal of electrical wiring and apparatus from  
14 premises when such wiring and apparatus is proximately dangerous to  
15 health and property;

16 (9) Investigate, for the purpose of identifying dangerous  
17 electrical wiring or violations of the National Electrical Code as  
18 adopted pursuant to subdivision (5) of this section, any death by  
19 electrocution that occurs within the State of Nebraska;

20 (10) Refuse to renew any license granted pursuant to the  
21 act when the licensee fails to submit evidence of completing the  
22 continuing education requirements under section 81-2117.01;

23 (11) Provide for the amount and collection of fees for  
24 inspection and other services;

25 (12) Adopt a seal, and the executive secretary shall have

1 the care and custody thereof; and

2 (13) Enforce the provisions of the National Electrical  
3 Code as adopted pursuant to subdivision (5) of this section.

4 Sec. 2. Section 81-2120, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 81-2120 To the extent that any other state which provides  
7 for the licensing of electricians provides for similar action, the  
8 board may grant licenses, without examination, of the same grade  
9 and class to an electrician who has been licensed, by examination,  
10 by such other state for at least one year, upon payment by the  
11 applicant of the required fee, and upon the board being furnished  
12 with proof that the qualifications of the applicant are equal to  
13 the qualifications of holders of similar licenses in Nebraska.

14 Sec. 3. Section 81-2121, Revised Statutes Supplement,  
15 2007, is amended to read:

16 81-2121 Nothing in the State Electrical Act shall be  
17 construed to:

18 (1) Require employees of municipal corporations,  
19 public power districts, public power and irrigation districts,  
20 electric membership or cooperative associations, public utility  
21 corporations, railroads, telephone or telegraph companies, or  
22 commercial or industrial companies performing manufacturing,  
23 installation, and repair work for such employer to hold licenses  
24 while acting within the scope of their employment if such employees  
25 are qualified in electrical maintenance as defined in Article 100

1 of the National Electrical Code;

2           (2) Require any person doing work for which a license  
3 would otherwise be required under the act to hold a license issued  
4 under the act if he or she is the holder of a valid license issued  
5 by any city or other political subdivision, so long as he or she  
6 makes electrical installations only in the jurisdictional limits of  
7 such city or political subdivision and such license issued by the  
8 city or political subdivision meets the requirements of the act;

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

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

18           (5) Prohibit an owner of property from performing  
19 work on his or her principal residence, if such residence is  
20 not larger than a single-family dwelling, or farm property,  
21 excluding commercial or industrial installations or installations  
22 in public-use buildings or facilities, or require such owner to be  
23 licensed under the act;

24           (6) Require that any person be a member of a labor union  
25 in order to be licensed; or

1           (7) Prohibit a pump installation contractor or pump  
2 installation supervisor credentialed under the Water Well Standards  
3 and Contractors' Practice Act from wiring pumps and pumping  
4 equipment at a water well location to the first control.

5           Sec. 4. Section 81-2124, Revised Statutes Cumulative  
6 Supplement, 2006, is amended to read:

7           81-2124 (1) All new electrical installations for  
8 commercial or industrial applications, including installations both  
9 inside and outside of the buildings, and for public-use buildings  
10 and facilities and any installation at the request of the owner,  
11 shall be subject to the inspection and enforcement provisions of  
12 the State Electrical Act.

13           (2) All new electrical installations for residential  
14 applications in excess of single-family residential applications  
15 shall be subject to the inspection and enforcement provisions of  
16 the act.

17           (3) All new electrical installations for single-family  
18 residential applications requiring new electrical service equipment  
19 shall be subject to the inspection and enforcement provisions of  
20 the act.

21           (4) Existing electrical installations observed during  
22 inspection which constitute an electrical hazard and any existing  
23 installation at the request of an elected or appointed official of  
24 the county, city, or village in which the requested inspection is  
25 to be conducted shall be subject to the inspection and enforcement

1 provisions of the act. Existing installations shall not be deemed  
2 to constitute an electrical hazard if the wiring when originally  
3 installed was installed in accordance with the electrical code in  
4 force at the time of installation and has been maintained in that  
5 condition.

6           Sec. 5. Section 81-2126, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           81-2126 At or before commencement of any installation  
9 required to be inspected by the board, the licensee or owner  
10 making such installation shall submit to the board a request for  
11 inspection, on a form prescribed by the board, together with a  
12 ~~supervisory fee of fifty cents~~ and the inspection fees required  
13 for such installation. If the board becomes aware that a person  
14 has failed to file a necessary request for inspection, the board  
15 shall send to such person a written notification by certified mail  
16 to file such request within fourteen days. Any person filing a  
17 late request for inspection shall pay a delinquent fee of two  
18 hundred and fifty dollars. Failure to file such request within  
19 fourteen days shall result in submission of the matter to the  
20 county attorney's office for action pursuant to section 81-2143.

21           Sec. 6. Section 81-2132, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23           81-2132 Nothing in the State Electrical Act shall  
24 be construed to require the work of employees of municipal  
25 corporations, public power districts, public power and irrigation

1 districts, railroads, electric membership or cooperative  
2 associations, public utility corporations, or telephone or  
3 telegraph systems to be inspected while acting within the scope  
4 of their employment if such employees are qualified in electrical  
5 maintenance as defined in Article 100 of the National Electrical  
6 Code.

7           Sec. 7. Sections 3, 6, and 8 of this act become operative  
8 on December 15, 2008. The other sections of this act become  
9 operative on their effective date.

10           Sec. 8. Original section 81-2132, Reissue Revised  
11 Statutes of Nebraska, and section 81-2121, Revised Statutes  
12 Supplement, 2007, are repealed.

13           Sec. 9. Original sections 81-2120 and 81-2126, Reissue  
14 Revised Statutes of Nebraska, and sections 81-2104 and 81-2124,  
15 Revised Statutes Cumulative Supplement, 2006, are repealed.