

## LEGISLATIVE BILL 126

Approved by the Governor March 3, 2003

Introduced by Cudaback, 36; Bourne, 8; Connealy, 16; Jensen, 20; Schrock, 38

AN ACT relating to the State Electrical Act; to amend sections 81-2101 to 81-2103, 81-2106 to 81-2108, 81-2113, 81-2114, 81-2117.02 to 81-2119, 81-2135, and 81-2141, Reissue Revised Statutes of Nebraska, and section 81-2104, Revised Statutes Supplement, 2002; to change and eliminate provisions relating to the State Electrical Board, licensing under the act, and fees; to harmonize provisions; to repeal the original sections; to outright repeal section 81-2145, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Section 1. Section 81-2101, Reissue Revised Statutes of Nebraska, is amended to read:

81-2101. Sections 81-2101 to ~~81-2145~~ 81-2143 shall be known and may be cited as the State Electrical Act.

Sec. 2. Section 81-2102, Reissue Revised Statutes of Nebraska, is amended to read:

81-2102. For purposes of the State Electrical Act, unless the context otherwise requires:

(1) Apprentice electrician ~~shall mean~~ means any person, other than a licensee, who, as such person's principal occupation, is engaged in learning and assisting in the installation, alteration, and repair of electrical equipment as an employee of a licensee and who is registered with the board. For purposes of this subdivision, persons who are not engaged in the installation, alteration, or repair of electrical wiring and apparatus, either inside or outside buildings, shall not be considered apprentice electricians;

(2) Board ~~shall mean~~ means the State Electrical Board;

(3) ~~Class A electrical contractor shall mean a person having the necessary qualifications, training, experience, and technical knowledge to properly plan, lay out, install, and supervise the installation of wiring, apparatus, and equipment for electric light, heat, power, and other purposes and who is licensed by the 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 to supervise apprentice electricians and who is licensed by the board;~~

(5) ~~Class A master electrician shall mean~~ means 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 by the board;

(6) ~~(4) Class B electrical contractor shall mean~~ means a person having the necessary qualifications, training, experience, and technical knowledge to properly plan, lay out, install, 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 municipality which has a population of less than one hundred thousand inhabitants and who is licensed by the board;

(7) ~~(5) Class B journeyman electrician shall mean~~ means 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 municipality which has a population of less than one hundred thousand inhabitants and who is licensed by the board;

(8) ~~(6) Class B master electrician shall mean~~ means 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 municipality which has a population of less than one hundred thousand inhabitants and who is licensed by the board;

(9) ~~(7) Commercial installation shall mean~~ means an installation

intended for commerce or for a family dwelling in excess of a single-family living unit;

~~(10)~~ (8) Electrical contractor ~~shall mean~~ means a person having the necessary qualifications, training, experience, and technical knowledge to properly plan, lay out, install, and supervise the installation of wiring, apparatus, and equipment for electric light, heat, power, and other purposes and who is licensed by the board;

~~(11)~~ (9) Fire alarm installer ~~shall mean~~ means any person having the necessary qualifications, training, and experience to plan, lay out, and install electrical wiring, apparatus, and equipment for only those components of fire alarm systems that operate at fifty volts or less and who is licensed by the board;

~~(12)~~ (10) Industrial installation ~~shall mean~~ means an installation intended for use in the manufacture or processing of products involving systematic labor or habitual employment and ~~shall include~~ includes installations in which agricultural or other products are habitually or customarily processed or stored for others, either by buying or reselling on a fee basis;

~~(13)~~ (11) Installer ~~shall mean~~ means 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 appliances on the load side of the main service in any municipality which has a population of less than one hundred thousand inhabitants and who is licensed by the board;

~~(14)~~ (12) Inspector ~~shall mean~~ means a person certified as an electrical inspector upon such reasonable conditions as may be adopted by the board. The board may permit more than one class of electrical inspector;

~~(15)~~ (13) Journeyman electrician ~~shall mean~~ means a person having the necessary qualifications, training, experience, and technical knowledge to wire for or install electrical wiring, apparatus, and equipment and to supervise apprentice electricians and who is licensed by the board;

~~(16)~~ (14) New electrical installation ~~shall mean~~ means the installation of wiring, apparatus, and equipment for electric light, heat, power, and other purposes;

~~(17)~~ (15) Public-use building or facility ~~shall mean~~ means any building or facility designated for public use;

~~(18)~~ (16) Routine maintenance ~~shall mean~~ means the repair or replacement of existing electrical apparatus and equipment of the same size and type for which no changes in wiring are made; and

~~(19)~~ (17) Special electrician ~~shall mean~~ means a person having the necessary qualifications, training, and experience in wiring or installing special classes of electrical wiring, apparatus, equipment, or installations which shall include irrigation system wiring, well pump wiring, air conditioning and refrigeration installation, and sign installation and who is licensed by the board.

Sec. 3. Section 81-2103, Reissue Revised Statutes of Nebraska, is amended to read:

81-2103. There is hereby established an independent agency to be known as the State Electrical Division which shall be under the administrative and 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 members of the board 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 an electrical contractor or master electrician, one shall be a certified electrical inspector, one shall be a licensed professional electrical engineer, one shall be a representative of ~~the rural electric systems~~ a public power district or rural electric cooperative in the state, one shall be a representative of the municipal electric systems in the state, and one shall be a member of any of such groups. The members of the board shall be appointed for staggered terms 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 board shall serve until his or her successor is appointed and qualified. ~~7 before entering on the discharge of his or her duties and within thirty days from the effective date of his or her appointment,~~ shall subscribe to an oath for the faithful performance of his or her duties before any officer authorized to administer oaths in this state and shall file the oath with the Secretary of State. The executive director 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. Section 81-2104, Revised Statutes Supplement, 2002, is

amended to read:

81-2104. 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 deems appropriate;
- (5) Adopt, promulgate, and revise rules and regulations necessary to enable it to carry into effect the State Electrical Act. In adopting and promulgating 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 2002, Publication Number 70-2002, and amendments to the code adopted as of January 1, 2003, which code and amendments shall be filed in the offices of the Secretary of State and the board and shall be a public record. The board shall adopt and promulgate rules and regulations establishing wiring standards ~~which~~ that protect public safety and health and property and ~~which shall~~ that apply to all electrical wiring which is installed by licensees subject to the State Electrical Act;
- (6) Revoke, suspend, or refuse to renew any license or registration granted pursuant to the State Electrical Act when the licensee or registrant
  - (a) violates any provision of the National Electrical Code as adopted pursuant to subdivision (5) of this section, the act, or any rule or regulation adopted and promulgated pursuant to the act,
  - (b) fails or refuses to pay any examination, registration, or license renewal fee required by law,
  - (c) is an electrical contractor or master electrician and fails or refuses to provide and keep in force a public liability insurance policy as required by the board, or
  - (d) violates any political subdivision's approved inspection ordinances;
- (7) Order disconnection of power to any electrical installation that is proximately dangerous to health and property;
- (8) Order removal of electrical wiring and apparatus from premises when such wiring and apparatus is proximately dangerous to health and property;
- (9) Investigate, for the purpose of identifying dangerous electrical wiring or violations of the National Electrical Code as adopted pursuant to subdivision (5) of this section, any death by electrocution that occurs within the State of Nebraska;
- (10) Refuse to renew any license granted pursuant to the act when the licensee fails to submit evidence of completing the continuing education requirements under section 81-2117.01;
- (11) Provide for the amount and collection of fees for inspection and other services;
- (12) Adopt a seal, and the executive secretary shall have the care and custody thereof; and
- (13) Enforce the provisions of the National Electrical Code as adopted pursuant to subdivision (5) of this section.

Sec. 5. Section 81-2106, Reissue Revised Statutes of Nebraska, is amended to read:

81-2106. Except as provided in section 81-2108, 81-2110, or 81-2112, 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 or she is licensed by the board as a ~~Class A electrical contractor,~~ a Class B electrical contractor, an electrical contractor, a Class A master electrician, or a Class B master electrician.

Sec. 6. Section 81-2107, Reissue Revised Statutes of Nebraska, is amended to read:

81-2107. (1) ~~On and after September 9, 1993,~~ An applicant for an electrical contractor license shall (a) be a graduate of a four-year electrical course in an accredited college or university, (b) have at least one year's experience, acceptable to the board, as a ~~Class A journeyman electrician~~ or a journeyman electrician, or (c) have 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) A Class B electrical contractor license and a Class B master electrician license shall be valid only 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 municipality which has a population of less than one hundred thousand inhabitants.

Sec. 7. Section 81-2108, Reissue Revised Statutes of Nebraska, is amended to read:

81-2108. (1) Except as provided in subsection (2) of this section or in section 81-2110 or 81-2112, no person shall, for another, wire for or install electrical wiring, apparatus, or equipment unless he or she is licensed by the board as a ~~Class A electrical contractor~~, a Class B electrical contractor, an electrical contractor, a Class A master electrician, a Class B master electrician, or a fire alarm installer.

(2) Except as provided in section 81-2106, 81-2110, or 81-2112, no person shall wire for or install electrical wiring, apparatus, or equipment or supervise an apprentice electrician unless such person is licensed as a ~~Class A journeyman electrician~~, a Class B journeyman electrician, a journeyman electrician, or a fire alarm installer and is employed by a ~~Class A electrical contractor~~, a Class B electrical contractor, an electrical contractor, a Class A master electrician, a Class B master electrician, or a fire alarm installer.

For purposes of this section, the holder of a fire alarm installer license shall only supervise those apprentices engaged in the installation of fire alarm equipment and apparatus operating at fifty volts or less.

(3) No person licensed under the State Electrical Act may lend his or her license to any person or knowingly permit the use of such license by another.

Sec. 8. Section 81-2113, Reissue Revised Statutes of Nebraska, is amended to read:

81-2113. (1) A person may register with the board and pay a fee as provided in section 81-2118 to work as an apprentice electrician. Such registration shall entitle the registrant to act as an apprentice electrician to a ~~Class A electrical contractor~~, a Class B electrical contractor, an electrical contractor, a ~~Class A journeyman electrician~~, a Class B journeyman electrician, a journeyman electrician, a Class A master electrician, or a Class B master electrician as provided in subsection (2) of this section.

(2) An apprentice electrician shall do no electrical wiring except under the direct personal on-the-job supervision and control and in the immediate presence of a licensee under the State Electrical Act. Such supervision shall include both on-the-job training and related classroom training as approved by the board. The licensee may employ or supervise apprentice electricians at a ratio not to exceed three apprentice electricians to one licensee, except that such ratio and the other requirements of this section shall not be applicable to a teacher-student relationship within a classroom of a community college.

For purposes of this section, the direct personal on-the-job supervision and control and in the immediate presence of a licensee shall mean the licensee and the apprentice electrician shall be working at the same project location but shall not require that the licensee and apprentice electrician must be within sight of one another at all times.

(3) An apprentice electrician shall not install, alter, or repair electrical equipment except as provided in this section, and the licensee employing or supervising an apprentice electrician shall not authorize or permit such actions by the apprentice electrician.

Sec. 9. Section 81-2114, Reissue Revised Statutes of Nebraska, is amended to read:

81-2114. The State Electrical Division ~~shall~~ may:

(1) Provide training sessions for persons applying for licenses pursuant to the State Electrical Act, which sessions shall be held 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 this section, and the attendance fee for one or more sessions shall be ~~twenty-five~~ forty dollars; and

(2) Designate six training sites in the state which shall be the most convenient and easily accessible locations in the state for those persons who attend to take the licensing examination and who desire to attend training sessions.

Money collected under this section shall be remitted to the State Treasurer for credit to the Electrical Division Fund.

Sec. 10. Section 81-2117.02, Reissue Revised Statutes of Nebraska, is amended to read:

81-2117.02. (1) No license as a Class A master electrician, Class B master electrician, ~~Class A electrical contractor~~, Class B electrical contractor, ~~Class A journeyman electrician~~, Class B journeyman electrician, or installer, ~~or special electrician~~ shall be issued on or after September 9, 1993, but such licenses may be renewed as provided in this section.

(2) A person licensed as a Class A master electrician, a Class B master electrician, a Class B electrical contractor, a Class B journeyman electrician, an installer, or a special electrician on September 9, 1993, may renew such license on or after such date upon presentation of documentary evidence of successful completion of the requisite hours of continuing education courses under section 81-2117.01 and payment of the fee for renewal provided by section 81-2118.

(3) A person licensed as a Class A electrical contractor on September 9, 1993, shall be issued an electrical contractor license without examination on and after September 9, 1993, upon application for renewal, presentation of documentary evidence of successful completion of the requisite hours of continuing education courses under section 81-2117.01, and payment of the fee for renewal of a Class A electrical contractor license provided by section 81-2118.

(4) A person licensed as a Class A journeyman electrician on September 9, 1993, shall be issued a journeyman electrician license without examination on and after September 9, 1993, upon application for renewal, presentation of documentary evidence of successful completion of the requisite hours of continuing education courses under section 81-2117.01, and payment of the fee for renewal of a Class A journeyman electrician license provided by section 81-2118.

(5) A person licensed as a special electrician for fire alarm installations on September 9, 1993, shall be issued a fire alarm installer license without examination on and after September 9, 1993, upon application for renewal, presentation of documentary evidence of successful completion of the requisite hours of continuing education courses under section 81-2117.01, and payment of the fee for renewal provided by section 81-2118.

Sec. 11. Section 81-2118, Reissue Revised Statutes of Nebraska, is amended to read:

81-2118. All licenses issued under the State Electrical Act shall expire on December 31 of each even-numbered year. All license applications shall include the applicant's social security number. The following board shall establish the fees shall to be payable for examination, issuance, and renewal in amounts not to exceed:

(1) For examination:

(a) Electrical contractor, ~~sixty-two dollars and fifty cents~~ one hundred twenty-five dollars;

(b) Journeyman electrician, ~~twelve dollars and fifty cents~~ sixty dollars; and

(c) Fire alarm installer, ~~twelve dollars and fifty cents~~ sixty dollars;

(2) For each year of the two-year license period for issuance and renewal: ~~on or after September 9, 1993.~~

(a) Electrical contractor, ~~seventy-five~~ one hundred twenty-five dollars; and

(b) Journeyman electrician, ~~or fire alarm installer, fifteen~~ or special electrician, twenty-five dollars;

(3) For each year of the two-year license period for registration as an apprentice electrician, ~~ten~~ twenty dollars; and

(4) For renewal on or after September 9, 1993, of the following licenses issued prior to such date for each year of the two-year license period:

(a) ~~Class A electrical contractor for issuance of an electrical contractor license, seventy-five dollars;~~

~~(b)~~ Class B electrical contractor, ~~seventy-five~~ one hundred twenty-five dollars;

~~(c)~~ (b) Class A master electrician, ~~seventy-five~~ one hundred twenty-five dollars;

~~(d)~~ (c) Class B master electrician, ~~seventy-five~~ one hundred twenty-five dollars;

~~(e)~~ Class A journeyman electrician for issuance of a journeyman electrician license, ~~fifteen~~ dollars;

~~(f)~~ Special electrician for issuance of a fire alarm installer license, ~~fifteen~~ dollars; and

~~(g)~~ (d) Class B journeyman electrician, installer, or special electrician, ~~fifteen~~ twenty-five dollars.

The holder of an expired license may renew the license for a period of three months from the date of expiration upon payment of the license fee plus ten percent of the renewal fee for each month or portion thereof past the expiration date. All holders of licenses expired for more than three months shall apply for a new license.

Sec. 12. Section 81-2119, Reissue Revised Statutes of Nebraska, is

amended to read:

81-2119. Upon the death of an electrical contractor, a ~~Class A electrical contractor~~, a Class A master electrician, a Class B electrical contractor, a Class B master electrician, or a fire alarm installer, the board may permit his or her 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 to comply with the State Electrical Act. Such representative shall furnish all public liability and property damage insurance required by the board.

Sec. 13. Section 81-2135, Reissue Revised Statutes of Nebraska, is amended to read:

81-2135. (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 if the county, city, or village has adopted an ordinance or resolution as set forth in the State Electrical Act.

(2) The board shall establish the fees for inspections in amounts not to exceed: Fees shall be paid according to the following schedule:

(a) Minimum fee for each separate inspection of an installation, replacement, alteration, or repair, ~~ten~~ twenty-five dollars;

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

(i) Zero to one hundred ampere capacity, ~~twelve dollars and fifty cents~~ twenty-five dollars plus two dollars and seventy-five cents five dollars per branch circuit or feeder;

(ii) One hundred one to two hundred ampere capacity, ~~seventeen dollars and fifty cents~~ thirty-five dollars plus two dollars and seventy-five cents five dollars per branch circuit or feeder; and

(iii) For each additional one hundred ampere capacity or fraction thereof, ~~twelve dollars and fifty cents~~ twenty dollars plus two dollars and seventy-five cents five dollars per branch circuit or feeder;

(c) For field irrigation system inspections, ~~the fee shall be twenty-two dollars and fifty cents for the first unit and an additional twenty dollars~~ sixty dollars for each additional unit inspected; and

(d) ~~The fee for the first reinspection required as a result of a correction order, fifty~~ shall be fifteen dollars; ~~a second reinspection required as a result of noncompliance with the same correction order, seventy-five dollars; and subsequent reinspections associated with the same correction order, one hundred -~~ ~~The fee for subsequent reinspections shall be twenty~~ dollars for each reinspection.

(3) When an inspection is requested by an owner, the minimum fee shall be ~~ten~~ thirty dollars plus ~~two dollars and seventy-five cents~~ five dollars per branch circuit or feeder. The fee for fire and accident inspections shall be computed at the rate of ~~twenty-five~~ forty-seven dollars per hour, and mileage and other expenses shall be reimbursed as provided in section 81-1176.

Sec. 14. Section 81-2141, Reissue Revised Statutes of Nebraska, is amended to read:

81-2141. (1) Any person aggrieved by a condemnation or disconnection order issued may appeal from the order 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 proximately dangerous to health 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 health 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 ~~Class A electrical contractor~~, Class B electrical contractor, electrical contractor, Class A master electrician, Class B master electrician, fire alarm 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 such supplier.

Sec. 15. Original sections 81-2101 to 81-2103, 81-2106 to 81-2108, 81-2113, 81-2114, 81-2117.02 to 81-2119, 81-2135, and 81-2141, Reissue Revised Statutes of Nebraska, and section 81-2104, Revised Statutes Supplement, 2002,

are repealed.

Sec. 16. The following section is outright repealed: Section 81-2145, Reissue Revised Statutes of Nebraska.

Sec. 17. Since an emergency exists, this act takes effect when passed and approved according to law.