

LEGISLATIVE BILL 833

Approved by the Governor April 17, 1978

Introduced by Appropriations Committee, Warner, 25,
Chmn.; Hasebroock, 18; Cope, 36; Fowler, 27;
Savage, 10; S. Marsh, 29; Rumery, 42

AN ACT to amend sections 81-572, 81-573, 81-577, 81-578, 81-579, 81-589, 81-590, 81-592, 81-596, 81-598, 81-5,105, 81-5,110, and 81-5,111, Reissue Revised Statutes of Nebraska, 1943, and section 81-575, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 906, Eighty-fifth Legislature, Second Session, 1978, relating to the State Electrical Act; to provide for the licensing of electrical contractors; to provide and change fees; and to repeal the original sections.

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

Section 1. That section 81-572, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-572. As used in sections 81-571 to 81-5,114, 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 electrical contractor shall mean a person having the necessary qualifications, training, experience, and technical knowledge to properly bid, 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 as such by the State Electrical Board;

~~(3)~~ (4) 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)~~ (5) 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)~~ (6) 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;

(7) Class B electrical contractor shall mean a person having the necessary qualifications, training, experience, and technical knowledge to properly bid, 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 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;

~~(6)~~ (8) 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)~~ (9) 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)~~ (10) 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) (11) 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 electrical contractor, 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. 2. That section 81-573, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-573. 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 an electrical contractor or 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 August 24, 1975, 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. 3. That section 81-575, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 906, Eighty-fifth Legislature, Second Session, 1978, be amended to read as follows:

81-575. 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 sections 81-571 to 81-5,114 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 1978, Publication Number 70-1978, 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 sections 81-571 to 81-5,114 when the holder of such a license: (a) Violates any provision of sections 81-571 to 81-5,114 or any regulation adopted pursuant to sections 81-571 to 81-5,114; (b) fails or refuses to pay any examination or license renewal fee required by law; or (c) is a 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;

(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. 4. That section 81-577, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-577. Except as provided in section 81-581, 81-583, or 81-5,113, 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 an electrical contractor or master electrician.

Sec. 5. That section 81-578, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-578. (1) An applicant for a Class A electrical contractor's or 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 electrical contractor's or 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. 6. That section 81-579, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-579. Except as provided in section 81-581, 81-583, or 81-5,113, no person shall, for another, wire for or install electrical wiring, apparatus, or equipment unless he is licensed by the board as a an electrical contractor, master electrician, or journeyman electrician.

Sec. 7. That section 81-589, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-589. All licenses issued under sections 81-571 to 81-5,114 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 electrical contractor, fifty dollars;

(b) Class B electrical contractor, thirty-five dollars;

(c) Class A master, twenty-five fifty dollars;

(d) Class B master, fifteen twenty-five dollars; and

(e) Class A journeyman, Class B journeyman, installer, or special electrician, ten dollars; and

(2) For issuance of original license and renewal:

(a) Class A electrical contractor, fifty dollars;

(b) Class B electrical contractor, fifty dollars;

(c) Class A master, ten fifty dollars;

(d) Class B master, ten fifty dollars; and

(e) Class A journeyman, Class B journeyman, installer, or special electrician, five ten dollars; and

(3) For registration of an apprentice, five dollars.

Sec. 8. That section 81-590, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-590. Upon the death of a an electrical contractor or 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 sections 81-571 to 81-5,114. Such representative shall furnish all public liability and property damage insurance required by the board.

Sec. 9. That section 81-592, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-592. Nothing in sections 81-571 to 81-5,114 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 electrical contractor, 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 sections 81-571 to 81-5,114;

(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 sections 81-571 to 81-5,114;

(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 sections 81-571 to 81-5,114;

(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. 10. (1) Any person duly licensed by the State Electrical Board on the effective date of this act as a Class A master and Class A journeyman combination license holder shall be considered as having the necessary qualifications for the issuance of a Class A electrical contractor license without examination.

(2) Any person duly licensed by the State Electrical Board on the effective date of this act as a Class B master and Class B journeyman combination license holder shall be considered as having the necessary qualifications for the issuance of a Class B electrical contractor license without examination.

Sec. 11. That section 81-596, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-596. At or before commencement of any installation required to be inspected by the board, the electrical contractor, 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. 12. That section 81-598, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-598. 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 electrical contractor, master electrician, installer, or special electrician making the installation, and such other persons as the board by rule or regulation may direct.

Sec. 13. That section 81-5,105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-5,105. (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 sections 81-571 to 81-5,114.

(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 plus seventy-five cents per branch circuit;

(d) Sixty-one to one hundred ampere capacity, six dollars plus seventy-five cents per branch circuit;

(e) One hundred one to two hundred ampere capacity, seven dollars and fifty cents plus seventy-five cents per branch circuit;

(f) For each additional one hundred ampere capacity or fraction thereof, eight dollars plus seventy-five cents per branch circuit; and

(g) ~~The maximum fee for any inspection shall not exceed that fee charged for a four thousand ampere capacity.~~ For field irrigation system inspections, the fee shall be twenty dollars for the first unit and an additional twenty dollars for each additional unit inspected; and

(h) The fee for reinspections required as a result of a correction order shall be ten dollars.

(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 plus seventy-five cents per branch circuit.~~

Sec. 14. That section 81-5,110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-5,110. (1) The procedures prescribed by sections 81-5,105 to 81-5,108 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 81-5,108 shall be served personally or by United States mail only upon the electrical contractor, 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 electrical contractor, 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. 15. That section 81-5,111, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-5,111. (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 electrical contractor, 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. 16. That original sections 81-572, 81-573, 81-577, 81-578, 81-579, 81-589, 81-590, 81-592, 81-596, 81-598, 81-5,105, 81-5,110, and 81-5,111, Reissue Revised Statutes of Nebraska, 1943, and section 81-575, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 906, Eighty-fifth Legislature, Second Session, 1978, are repealed.