

**STATE ELECTRICAL ACT**  
**AND**  
**STATE ELECTRICAL BOARD RULES**



**April 2009**

**State of Nebraska  
State Electrical Division  
PO Box 95066  
Lincoln, NE 68509-5066  
PHONE (402)471-3550 FAX (402)471-4297**

## STATE ELECTRICAL BOARD MEMBERS

John Hiller	Licensed Electrical Contractor	Omaha
George Morrissey	Registered Professional Engineer	Omaha
Cory Mueller	Licensed Electrical Contractor	Seward
Riley George	Rural Power Supplier	Eustis
Ed Bergstraesser	Certified Electrical Inspector	Lincoln
Stanley Elsasser	Licensed Journeyman Electrician	Omaha
Tom Ourada	Municipal Power Supplier	Crete

## STATE ELECTRICAL DIVISION STAFF

Randy Anderson	Executive Director	Lincoln
Melissa M. Hamilton	Administrative Assistant I	Lincoln
Linda Henke	Staff Assistant I	Lincoln
Judy Warren	Staff Assistant I	Lincoln
Ron Francis	Chief Electrical Inspector	Beemer
Dale Snyder	Electrical Inspector, District 1	Bayard
Richard Buhlmann	Electrical Inspector, District 2	Brady
OPEN	Electrical Inspector, District 3	Valentine
Roger L. Downs	Electrical Inspector, District 4	Oxford
Jerry Pralle	Electrical Inspector, District 5	York
Kim L. Farnstrom	Electrical Inspector, District 6	Ord
Richard Schultz	Electrical Inspector, District 7	Wisner
Randall J. Bruening	Electrical Inspector, District 8	Madison
Ronald J. Drudik	Electrical Inspector, District 9	Juniata
Robert S. Colman	Electrical Inspector, District 10	Geneva
Michael Bouwens	Electrical Inspector, District 11	Lincoln
Dennis M. Carraher	Electrical Inspector, District 13	Gretna
James Wilson	Electrical Inspector, District 14	Ashland
Gaylen Cox	Electrical Inspector, District 15	Fairbury

**81-2101 Act, how cited.**

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

**81-2102 Terms, defined.**

For purposes of the State Electrical Act, unless the context otherwise requires:

(1) **Apprentice electrician** 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** means the State Electrical Board;

(3) **Class A master electrician** 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;

(4) **Class B electrical contractor** 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;

(5) **Class B journeyman electrician** 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;

(6) **Class B master electrician** 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;

(7) **Commercial installation** means an installation intended for commerce, but does not include a residential installation;

- (8) **Electrical contractor** 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;
- (9) **Fire alarm installer** 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;
- (10) **Industrial installation** means an installation intended for use in the manufacture or processing of products involving systematic labor or habitual employment and 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;
- (11) **Installer** 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;
- (12) **Inspector** 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;
- (13) **Journeyman electrician** 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;
- (14) **New electrical installation** means the installation of wiring, apparatus, and equipment for electric light, heat, power, and other purposes;
- (15) **Public-use building or facility** means any building or facility designated for public use;
- (16) **Residential installation** means an installation intended for a single-family or two-family residential dwelling or a multi-family residential dwelling not larger than three stories in height;
- (17) **Residential journeyman electrician** means a person having the necessary qualifications, training, experience, and technical knowledge to wire for or install electric wiring, apparatus, and equipment for residential installations and to supervise apprentice electricians and who is licensed by the board;
- (18) **Routine maintenance** 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) **Special electrician** 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.

**81-2103 State Electrical Division; created; State Electrical Board; members; duties; qualifications; terms.**

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 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. 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.

**81-2104 State Electrical Board; powers enumerated.**

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 2005, Publication Number 70-2005, 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 that protect public safety and health and property and that apply to all electrical wiring which is installed 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.

**81-2105 Electrical Division Fund; created; how funded; board; expenses.**

There is hereby created the Electrical Division Fund. All money received under the State Electrical Act shall be remitted to the State Treasurer for credit to the fund. Each member of the board shall be reimbursed for the actual and necessary expenses incurred in the performance of his or her duties pursuant to sections 81-1174 to 81-1177 to be paid out of the fund.

**81-2106 Plan, lay out, or supervise certain activities; license required; exceptions.**

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 B electrical contractor, an electrical contractor, a Class A master electrician, or a Class B master electrician.

**81-2107 Electrical contractor license; applicant; qualifications; Class B electrical contractor license and Class B master electrician license; restriction on license.**

- (1) 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 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.

**81-2108 Wiring or installing; license required; exceptions; lending license prohibited.**

- (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 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 B journeyman electrician, a journeyman electrician, a residential journeyman electrician, or a fire alarm installer and is employed by 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.

**81-2109 Journeyman electrician license; residential journeyman electrician license; qualifications; Class B journeyman electrician license; restriction on license.**

- (1) An applicant for a journeyman electrician license shall have at least four years' experience, acceptable to the board, in the electrical trade. Registration as an apprentice electrician for those years shall, on the approval of the board, constitute evidence of such experience. 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) On and after July 16, 2004, an applicant for a residential journeyman electrician license shall have at least three years' experience, acceptable to the board, in the electrical trade. Registration as an apprentice electrician for those years shall, on the approval of the board, constitute evidence of such experience. 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. A residential journeyman electrician license shall be valid only for residential installations.
- (3) A Class B journeyman electrician license shall be valid only 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 municipality which has a population of less than one hundred thousand inhabitants.

**81-2110 Installer; license; rights and privileges.**

Any person holding an installer license may 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 having a population of less than one hundred thousand inhabitants.

**81-2112 Special electrician license; licensee; rights and privileges; qualifications.**

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.

**81-2112.02 Fire alarm installer; license; rights and privileges; experience.**

On and after September 9, 1993, any person licensed as a fire alarm installer may 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. An applicant for a fire alarm installer license shall have at least two years experience, acceptable to the board, in planning, laying out, and installing fire alarm systems.

**81-2113 Apprentice electrician; registration; supervision.**

- (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 B electrical contractor, an electrical contractor, a Class B journeyman electrician, a journeyman electrician, a residential 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.

**81-2114 State Electrical Division; provide training sessions and sites; fee.**

The State Electrical Division 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 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.

**81-2115 License; written examination; when given; examination required to renew license; when.**

In addition to the education and experience requirements imposed in the State Electrical Act and except as otherwise provided in section 81-2116, each applicant shall, prior to issuance of a license under the act, pass a written examination given by the board to insure his or her 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 Electrical Code, the applicant may refer to an open copy of such code. Examinations shall be given at least twice yearly. Any licensee failing to renew his or her license by April 1 after its expiration shall take the examination before he or she is issued a new license.

**81-2116 License; issued upon passing examination and showing satisfactory qualifications.**

Any person having been examined and having submitted satisfactory evidence that he or she is qualified to undertake and perform work in his or her 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 adopted by the board pursuant to section 81-2104 for such work, shall be licensed as provided in the State Electrical Act.

**81-2117.01 License renewal; continuing education required; instructor and course approval; certificate of attendance.**

- (1) In order to renew a license issued under the State Electrical Act, the licensee shall be required to complete twelve contact hours of continuing education by January 1, 1995, for renewal on such date and twelve contact hours by January 1 of each odd-numbered year thereafter. The continuing education courses shall be approved by the board and may consist of training programs, courses, and seminars by the State Electrical Division or public or private schools, organizations, or associations. The contact hours shall include a minimum of six contact hours studying the National Electrical Code described in section 81-2104, and the remaining contact hours may include study of electrical circuit theory, blueprint reading, transformer and motor theory, electrical circuits and devices, control systems, programmable controllers, and microcomputers or any other study of electrical-related material that is approved by the board. Any additional hours studying the National Electrical Code shall be acceptable. For purposes of this section, a contact hour shall mean fifty minutes of classroom attendance at an approved course under a qualified instructor approved by the board.
- (2) An application for approval of the instructor and course offering shall be submitted annually on a form provided by the board. The approval by the board of the application shall be valid for one calendar year from the date of approval and shall include the following information:
  - (a) Name of the sponsoring organization or school, if any, the address of such organization or school, and the name of the contact person;
  - (b) The instructor's name, address, and telephone number;
  - (c) The title of the course offering;
  - (d) A description of all materials to be distributed to the participants;
  - (e) The date and exact location of each presentation of the course offering;
  - (f) The duration and time of the offering;
  - (g) A detailed outline of the subject matter together with the time sequence of each segment, faculty for each segment, and teaching technique used in each segment;

- (h) The procedure for measuring attendance; and
- (i) A description of the faculty, including name, background, and practical or teaching experience. A complete resume may be furnished.

Any application for approval of the instructor and course offering that is rejected shall be returned to the applicant with specific reasons for such rejection and stating what is needed for approval.

- (3) If a continuing education course is approved, the licensee shall retain the attendance certificate and attach it to the application for renewal of his or her license at the time of renewal. The licensee shall have the responsibility for record keeping and providing proof of attendance at continuing education courses.
- (4) The instructor of each course shall provide an individual certificate of attendance to each licensee who attends ninety percent or more of the classroom hours. A certificate of attendance shall not be issued to a licensee who is absent for more than ten percent of the classroom hours. The certificate shall contain the licensee's name and license number, the course title, the date and location of the course, the number of credit hours, and the signature of the instructor.

#### **81-2117.02 License; renewal.**

- (1) No license as a Class A master electrician, Class B master electrician, Class B electrical contractor, Class B journeyman electrician, or installer 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.

#### **81-2118 Licenses; expiration; fees.**

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 board shall establish the fees to be payable for examination, issuance, and renewal in amounts not to exceed:

- (1) For examination:
  - (a) Electrical contractor, one hundred twenty-five dollars;
  - (b) Journeyman electrician, sixty dollars;

- (c) Residential journeyman electrician, sixty dollars; and
  - (d) Fire alarm installer, sixty dollars;
- (2) For each year of the two-year license period for issuance and renewal:
- (a) Electrical contractor, one hundred twenty-five dollars; and
  - (b) Journeyman electrician, residential journeyman electrician, fire alarm installer, or special electrician, twenty-five dollars;
- (3) For each year of the two-year license period for registration as an apprentice electrician, 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 B electrical contractor, one hundred twenty-five dollars;
  - (b) Class A master electrician, one hundred twenty-five dollars;
  - (c) Class B master electrician, one hundred twenty-five dollars; and
  - (d) Class B journeyman electrician, installer, or special electrician, 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.

**81-2119 Death of licensee; representative may carry on business; how long; insurance required.**

Upon the death of an 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.

**81-2120 Licenses; issued without examination; reciprocity with other states.**

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.

**81-2121 Act; not applicable to certain situations; enumerated.**

Nothing in the State Electrical 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, telephone or telegraph companies, or commercial or industrial companies performing manufacturing, installation, and repair work for such employer to hold licenses while acting within the scope of their employment;
- (2) Require any person doing work for which a license would otherwise be required under the act to hold a license issued under the act if he or she is the holder of a valid license issued by any city or other political subdivision, so long as he or she 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 the 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 the act;
- (4) Require a license of any person who engages any electrical appliance where approved electrical outlets are already installed;
- (5) Prohibit an owner of property from performing work on his or her principal residence, if such residence is not larger than a single-family dwelling, or farm property, excluding commercial or industrial installations or installations in public-use buildings or facilities, or require such owner to be licensed under the act;
- (6) Require that any person be a member of a labor union in order to be licensed; or
- (7) Prohibit a pump installation contractor or pump installation supervisor credentialed under the Water Well Standards and Contractors' Practice Act from wiring pumps and pumping equipment at a water well location to the first control.

**81-2124 Electrical installations; subject to inspection.**

- (1) All new electrical installations for commercial or industrial applications, including installations both inside and outside of the buildings, and for public-use buildings and

facilities and any installation at the request of the owner shall be subject to the inspection and enforcement provisions of the State Electrical Act.

- (2) All new electrical installations for residential applications in excess of single-family residential applications shall be subject to the inspection and enforcement provisions of the act.
- (3) All new electrical installations for single-family residential applications requiring new electrical service equipment shall be subject to the inspection and enforcement provisions of the act.
- (4) Existing electrical installations observed during inspection which constitute an electrical hazard shall be subject to the act. Existing installations shall not be deemed to constitute an electrical hazard if the wiring when originally installed was installed in accordance with the electrical code in force at the time of installation and has been maintained in that condition.

**81-2125 State inspection; not applicable in certain political subdivisions; when; electrical inspector; certificate of qualification.**

- (1) State inspection shall not apply within the jurisdiction of any county, city, or village which provides by resolution or ordinance standards of electrical wiring and its installation that are not less than those prescribed by the board or by the State Electrical Act and which 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 act as electrical inspector and to enforce the act or any applicable resolution or ordinance within his or her jurisdiction. A copy of the certificate of each electrical inspector shall be provided to the board by the political subdivision issuing the certificate.
- (2) State inspection shall not apply to routine maintenance.

**81-2126 Request for inspection; when required; fees; failure to file request; procedure.**

At or before commencement of any installation required to be inspected by the board, the licensee 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. If the board becomes aware that a person has failed to file a necessary request for inspection, the board shall send to such person a written notification by certified mail to file such request within fourteen days. Any person filing a late request for inspection shall pay a delinquent fee of fifty dollars. Failure to file such request within fourteen days shall result in submission of the matter to the county attorney's office for action pursuant to section 81-2143.

**81-2127 Inspection; installation not in compliance with standards; written order to condemn; opportunity to correct noncompliance.**

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

**81-2128    Condemnation or disconnection order; service.**

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

**81-2129    Installations; connected; certificate of safe operation; dismissal of condemnation or disconnection order; contents of certificate; transient projects; duty of board.**

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 Electrical 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.

**81-2130    Political subdivision inspections; file inspection codes with board; no additional license fee required; powers of political subdivision.**

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, limited liability company, corporation, or other business association holding a license from the board to (1) pay any license fee or (2) take any examination if the person holds a current license issued by the board which is of a classification equal to or greater than the classification needed to do the work proposed. Any such political subdivision may provide a requirement that each individual, partnership, limited liability company, 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.

**81-2132 Inspections; not required; when.**

Nothing in the State Electrical 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, or telephone or telegraph systems to be inspected while acting within the scope of their employment.

**81-2133 Supplier of electrical energy; liability limited; exception.**

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.

**81-2134 State inspection; procedures.**

- (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.

**81-2135 State inspection; fees; when due; when not applicable; schedule of fees.**

- (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:
  - (a) Minimum fee for each separate inspection of an installation, replacement, alteration, or repair, twenty-five dollars;
  - (b) Services, change of services, temporary services, additions, alterations, or repairs on either primary or secondary services as follows:
    - (i) Zero to one hundred ampere capacity, twenty-five dollars plus five dollars per branch circuit or feeder;
    - (ii) One hundred one to two hundred ampere capacity, thirty-five dollars plus five dollars per branch circuit or feeder; and
    - (iii) For each additional one hundred ampere capacity or fraction thereof, twenty dollars plus five dollars per branch circuit or feeder;
  - (c) For field irrigation system inspections, sixty dollars for each unit inspected; and
  - (d) The first reinspection required as a result of a correction order, fifty 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 dollars for each reinspection.
- (3) When an inspection is requested by an owner, the minimum fee shall be thirty dollars plus five dollars per branch circuit or feeder. The fee for fire and accident inspections shall be computed at the rate of forty-seven dollars per hour, and mileage and other expenses shall be reimbursed as provided in section 81-1176.

**81-2136 Inspection; new electrical installation not in compliance with standards; condemnation; when; opportunity to correct.**

When an electrical inspector finds that a new electrical installation or part of a new electrical installation that is not energized is not in compliance with accepted standards of construction, based upon minimum standards adopted by the board pursuant to section 81-2104, he or she shall, if the installation or noncomplying part is such as to seriously and proximately endanger human health and property if energized, order with the approval of his or her superior immediate condemnation of the installation or noncomplying part. When the person responsible for making

the installation so condemned is notified, he or she shall promptly proceed to make the corrections cited in the condemnation order.

**81-2137 Inspection; new electrical installation not in compliance with standards; disconnection; when; opportunity to correct.**

If the electrical inspector finds that a new electrical installation or part of a new electrical installation that is energized is not in compliance with accepted standards of construction, he or she shall, if the installation or the noncomplying part is such as to seriously and proximately endanger human health 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 or she shall promptly proceed to make the corrections cited in the order.

**81-2138 Noncomplying installation; not dangerous; correction order; contents; failure to correct; effect; liability of energy supplier.**

When a noncomplying installation or part thereof, whether energized or not, is not proximately dangerous to human health and property, the inspector shall issue a correction order, ordering the owner or licensee under the State Electrical Act to make the installation comply with accepted standards of construction for safety to health and property, based upon minimum standards adopted by the board pursuant to section 81-2104, 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 or her superior. 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.

**81-2139 Correction order; countermanded or extended; written request; action on.**

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.

**81-2140 Condemnation, disconnection, and correction orders; forms; service; manner.**

- (1) Condemnation, disconnection, and correction orders shall be issued on forms prescribed by the board.
- (2) A correction order made pursuant to section 81-2138 shall be served personally or by United States mail only upon the licensee making the installation or the property owner. All

other orders shall be served personally or by United States mail upon the property owner and the licensee making the installation.

- (3) The power supplier shall be served with a copy of any order which requires immediate disconnection or prohibits energizing an installation.
- (4) 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.

**81-2141 Appeal from condemnation or disconnection order; time; stay of appeal; conditions.**

- (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 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.

**81-2142 Appeal; hearing officer; hearing; decision by board; notice; opportunity to present evidence; hearing date.**

- (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.

**81-2143 Violations, enumerated; penalties.**

It shall be a Class I 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 the State Electrical 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 or her duties; or
- (5) To fail or neglect to comply with the act or any lawful rule, regulation, or order of the board.

# State Electrical Board Rules

## SUBJECT STATUTORY AUTHORITY RULE NUMBER

Appeals 81-2142 Rule 6

Cases, Contested 84-913 Rule 11

Electrical Installations Subject to State Electrical Inspection 81-2124 Rule 15

Engineer Exemption 81-2106 Rule 5

Examinations, License 81-2115 Rule 10

Examinations, Municipal Electrical 81-2116 Rule 12

Hearings, License Revocation 81-2104 (6) Rule 4

Inspector, State Electrical 81-2102 (14) Rule 19

Inspection, Requests For 81-2134 Rule 14

Insurance, Liability 81-2104 (6) (c) Rule 7

License Types, Special Electrician 81-2112 Rule 9

Licenses, Special Electrician 81-2102 Rule 1

Meetings, Board 81-2103 Rule 2

National Electrical Code, Adoption Of 81-2104 (5) Rule 18

Political Sub-Divisions, Inspection By 81-2130 Rule 16

Qualifications, Journeyman Applicant 81-2109 Rule 8

Rules, Promulgation, Amendment or Repeal Of 81-2104 (5) Rule 3

Rulings, Declaratory 84-912 Rule 17

Services, Temporary 81-2129 Rule 13

## **RULE NUMBER 1**

### **Special Electrical Licenses**

The special electrician licenses limited to fire alarm or security systems do not qualify the license holder to install the branch circuit supply conductors to the system.

## **RULE NUMBER 2**

### **Board Meetings**

The members of the State Electrical Board shall convene a minimum of six times annually. The Board may convene at other such times and at such locations as it may deem necessary for proper and efficient conduct of its duties. State Electrical Board meetings shall be conducted in accordance with Sections 84-1408 through 84-1414 public meeting.

## **RULE NUMBER 3**

### **Promulgation, Amendment, or Repeal of Rules**

1. Any interested person may petition the Board requesting the promulgation, amendment or repeal of any rule.
2. Such a petition shall show the venue, and state "Before the Nebraska State Electrical Board" and shall be entitled, "In the Matter of" (specifying the name and address of the petitioner and the subject matter); shall state the precise wording of the proposed rule or amendment, or the present rule to be appealed, plus, in ordinary and concise language, without repetition, the reasons for such promulgation, amendment, or repeal; shall be subscribed by the petitioner, or a duly authorized officer of the petitioner, if it be a corporation, or for the petitioner by his attorney, in which case the attorney shall also state his address; and shall request a hearing if one is desired.
3. Each petition for the promulgation, amendment, or repeal of rules must be accompanied by the original and five copies which shall be filed with the Board at its place of official business.
4. The Board, at its discretion, shall determine whether a formal hearing on such petition would assist it. If it so determines, it will set the matter for hearing and give notice to the petitioner and such other parties as it deems necessary by mail. The Board may, at its discretion, notify the petitioner by mail that such petition will be considered as submitted to the board and no hearing will be held. The Board will notify by mail the petitioner of the hearing disposition. At the time and place set for the hearing, if any, the Board shall then and there afford the petitioner and any intervenor a reasonable time to discuss the petition.

## **RULE NUMBER 4**

### **License Revocation Hearings**

1. Definitions:
  - (1) The term "Board" shall mean the State Electrical Board.
  - (2) The term "License Revocation Hearing" shall mean a case resulting from a charge filed under Section 81-2104 (6) and shall include any case resulting by order of the Board on its own motion to show cause why disciplinary action under such section should not be invoked.
2. Setting of hearings:

The time and place of any hearing before the Board will be set as directed by the Board. Notice of such hearing shall be served by United States mail to all interested parties by mailing a copy of such notice to the interested party at his or her last know address at least 30 days prior to the time of the hearing. Such notice shall include all issues and charges.
3. Pleading:

Any complaint, responsive or rebuttal pleading shall be headed "Before the Nebraska State Electrical Board", and shall contain a heading specifying the nature of the pleading, the name and address of the person accused or subject to investigation. Any responsive pleading shall be filed within thirty calendar days from date of service of the complaint or order to show cause; provided that failure to file such a responsive pleading will be considered as a general denial. All pleadings shall be filed with the Board at its official office. In any contested case the Board will cause a copy of such charges to be served on each person accused, either personally or by registered United States mail, return receipt requested, together with a notice of the time and place of the hearing 30 days prior to the date of the hearing. Responsive or rebuttal pleadings filed shall contain a certificate of mailing, postage pre-paid, of a copy thereof to all interested parties.
4. Continuances:

A continuance of any hearing may be granted at the discretion of the Board upon application of an interested party for good cause shown. The Board may continue any matter on its own motion. Fourteen days notice of the reset hearing shall be given in the manner prescribed for the original hearing, unless waived by all

interested parties.

5. Consolidation:

The Board may order two or more proceedings, which are legally or factually related to be heard and considered together.

6. Conduct of Hearings:

Hearings will be conducted before not less than four members of the Board, but any ruling of the Board with respect to such matter shall be concurred in by a majority of Board present. Where the case involves a charge filed by a complainant other than the Board, the complainant shall first put on his or her evidence and then the respondent may put on his or her evidence. If the case is filed by the Board on its own motion requiring the respondent to show cause, the State Electrical Division Executive Director or Attorney for the Board shall offer for the record the evidence giving rise to the case and then the respondent may put on his or her evidence. Rebuttal and surrebuttal shall be permitted. The Board shall rule on motions and objections, and may interrogate any witnesses.

7. Appearances:

Any individual may appear on his own behalf before the Board. An individual may appear on behalf of another in any proceedings before the Board only if: (a) he or she is admitted to practice law before the Nebraska Supreme Court, or (b) he or she is admitted to practice law before the Supreme Court of any state.

8. Briefs:

Submission of briefs may be required by the Board. If required, the time in which briefs shall be filed and the number of copies to be filed shall be fixed by the Board.

9. Oral Argument:

Oral argument at the commencement or close of a hearing may be permitted by the Board at its discretion.

10. Copy of Record:

A transcript of the record of any hearing will be furnished to any interested party upon the payment by such interested party of the costs of its preparation. If a copy of any transcribed testimony at any hearing is desired by an interested party it shall be incumbent upon such interested party to make his or her own arrangements for a copy with the reporter. A copy of any such testimony prepared for the user of the Board may be loaned, at the discretion of the Board, for such period of time as it shall fix.

11. Evidence and Witnesses:

Proceedings with respect to evidence at hearings and related matters are governed by Chapter 84, Article 9, Reissue Revised Statutes of Nebraska. Unless a request is made of the Board that it be bound by the rules of evidence applicable in district court in any formal hearing before it, as provided by Section 84-914, the Board shall not be bound by technical common law rules of evidence. Any witness who appears under subpoena of the Board is entitled to the same fee as is paid for like service in the District Courts of Nebraska. A subpoena requiring the attendance of a witness will be issued by the Board on written application of any interested party, provided that such interested party must deposit with the praecipe for subpoena cash or a certified check, payable to the order of the witness, and equal in amount to the fee for one day's attendance at the hearing, plus, if the witness resides outside the corporate limits of the place of the hearing, a fee for travel expense equal to the amount set per mile by the Nebraska Department of Administrative Services for mileage reimbursement.

12. Disposition:

The Board will notify by mail each of the parties to a contested case of the disposition of the case at the time the same is filed. The disposition will be conformity with Section 84-915.

## **RULE NUMBER 5**

### **Engineer Exemption**

Registered Professional Electrical Engineers when planning electrical installations for architects or consulting engineers, shall not be required to be a State electrical license holder.

## **RULE NUMBER 6**

### **Appeals**

1. Definitions:

(1) The term "Board" shall mean the State Electrical Board.

(2) The term "appeal" shall mean an appeal resulting from the issuance of a condemnation or disconnection order issued under Section 81-2136, 81-2137, 81-2139.

2. Institution of appeal:

(1) 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) Such an appeal shall show the venue, and state "Before the Nebraska State Electrical Board" and shall be entitled, "In the Matter of" (specifying the name and address of the petitioner and the subject matter); shall state the name and location of the project and inspection number, plus, in ordinary and concise language, without repetition, the reasons for such appeal, shall be subscribed by the petitioner, or a duly authorized officer of the petitioner, if it be a corporation, or for the petitioner by his or her attorney, in which case the attorney shall also state his or her address. Each appeal must be accompanied by the original and five copies, which shall be filed with the Board at its place of official business.

3. Stay of order:

(1) 81-2142 (2) Upon receipt of the notice of appeal from a condemnation or disconnection order because the electrical installation is dangerous to health and property, the order appealed from shall not be stayed unless countermanded by the Board.

(2) 81-2141 (3) Upon receipt of notice of appeal from 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 licensee making the installation. The power supplier shall also be notified in those instances in which the order has been served.

4. Setting of Hearings:

The time and place of any hearing before the Board will be set as directed by the Board. Notice of such hearing shall be served by United States mail to all interested parties by mailing a copy of such notice to the interested party at his or her last known address at least 14 days prior to the time of the hearing. Such notice shall include all issues and proposed evidence.

5. Continuances:

A continuance of any hearing may be granted at the discretion of the Board upon application of an interested party for good cause shown. The Board may continue any matter on its own motion. Fourteen days notice of the reset hearing shall be given in the manner prescribed for the original hearing, unless waived by all interested parties.

6. Consolidation:

The Board may order two or more proceedings, which are legally or factually related to be heard and considered together.

7. Conduct of Hearings:

Hearings will be conducted before not less than four members of the Board, but any ruling of the Board with respect to such matter shall be concurred in by at least a majority of the Board. The State Electrical Division Executive Director or Attorney for the Board shall offer for the record the evidence-giving rise to the case and then the respondent may put on his or her evidence. Rebuttal and surrebuttal shall be permitted. The Board shall rule on motions and objections, and may interrogate any witnesses.

8. Appearances:

Any individual may appear on his or her behalf before the Board. An individual may appear on behalf of another in any proceeding before the Board only if: (a) he or she is admitted to practice law before the Nebraska Supreme Court, or (b) he or she is admitted to practice law before the Supreme Court of any State.

9. Briefs:

Submission of briefs may be required by the Board. If required, the time in which briefs shall be filed and the number of copies to be filed shall be fixed by the Board.

10. Oral Argument:

Oral argument at the commencement or close of a hearing may be permitted by the Board at its discretion.

11. Copy of Record:

A transcript of the record of any hearing will be furnished to any interested party upon the payment by such interested party of the costs of its preparation. If a copy of any transcribed testimony at any hearing is desired by an interested party it shall be incumbent upon such interested party to make his or her own arrangements for a copy with the reporter. A copy of any such testimony prepared for the use of the Board may be loaned, at the discretion of the Board, for such period of time, as it shall fix.

12. Evidence and Witnesses:

Proceedings with respect to evidence at hearings and related matters are governed by Chapter 84, Article 9, and Reissue Revised Statutes of Nebraska. Unless a request is made of the Board that it be bound by the rules of evidence applicable in District Court in any formal hearing before it, as provided by Section 84-914, the Board shall not be bound by technical common law rules of evidence. Any witness who appears under subpoena of the Board is entitled to the same fee as is paid for like service in the District Courts of Nebraska. A subpoena requiring the attendance of a witness will be issued by the Board on written application of any interested party, provided that such interested party must deposit with the praecipe for subpoena cash or a certified check, payable to the order of the witness, and equal in amount to the fee for one day's attendance at the hearing, plus, if the witness resides outside of the corporate limits of the place of the hearing, a fee for travel expense equal to the amount set per mile by the Nebraska Department of Administrative Services for mileage reimbursement. Said fees shall be paid the witness following his or her appearance in compliance with the subpoena, unless otherwise directed by the Board for good cause shown.

13. Disposition:

The Board will notify by mail each of the parties to an appeal of the disposition of the case at the time the same is filed. The disposition will be conformity with Section 84-915.

#### **RULE NUMBER 7**

##### **Liability Insurance**

Electrical Contractor, Class A Electrical Contractor, Class B Electrical Contractor, Class A Master, and Class B Master license holders actively engaged in the ownership and operation of an electrical contracting firm shall maintain in force minimum liability insurance in the amount of \$100,000 for each person, \$300,000 each accident and \$100,000 property damage.

Except that when more than one Electrical Contractor, Class A Electrical Contractor, Class B Electrical Contractor, Class A Master, or Class B Master license holder is engaged in the ownership and operation of an electrical contracting firm, only one license holder shall be required to maintain liability insurance in force.

#### **RULE NUMBER 8**

##### **Journeyman Applicant Qualifications**

The Board shall grant the allowance of one year's experience credit for successful completion of a two-year post high school electrical course, which is acceptable to the State Electrical Board. A minimum of seven hundred contact hours shall be the equivalent of one year of instruction.

##### **Electrical Contractor Applicant Qualifications**

An applicant for an electrical contractor license examination shall:

1. Be a graduate of a four-year electrical engineering course in an accredited college or university and have at least one year experience, acceptable to the board, as a journeyman electrician; or
2. Have at least one year experience, acceptable to the board, as a licensed journeyman electrician; or
3. 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.

#### **RULE NUMBER 9**

##### **Special Electrician Licenses Types**

Special Electrician licenses issued by the Board prior to September 9, 1993, shall empower the license holder to engage in the following limited classes of electrical work:

Limited to Fire Alarm Systems

Limited to Security Systems

Limited to Air Conditioning and Refrigeration Systems

Limited to Irrigation Systems

Limited to extending the electrical circuit from a junction point located outside of buildings, to on-premises type electrical signs outside of buildings only.

#### **RULE NUMBER 10**

##### **License Examinations**

1. State electrical examinations shall consist of a minimum of 50 questions. The examinations shall consist of National Electrical Code, Basic Electricity, Nebraska State Electrical Act, Blueprint Reading, Emergency Circuits and Fire Alarm Circuits. The minimum grade considered as passing shall be 75 percent. The fee for reexamination will be the same as the original fee. All applicants may use a slide rule or a numerical non-

programmable calculator throughout the examination. Applicants shall be allowed a maximum of three hours to complete the examination.

2. Applicants shall be notified of examination grades within a reasonable period of time.
3. Applicants shall be permitted to review failed examinations within 10 days following the examination date. Such review shall be conducted in the presence of the Executive Director, Chief State Electrical Inspector or State Electrical Inspector conducting the exam.
4. Failure of approved applicants to appear at three consecutive examinations will result in forfeiture of the applicant's examination fee.

## **RULE NUMBER 11**

### **Contested Cases - General Appeals**

1. Definitions:
  - (1) The term "Board" shall mean the State Electrical Board.
  - (2) The term "Contested Cases - General Appeals" shall mean an appeal resulting from application of the State Electrical Act, excluding Sections 81-2141 and 81-2142.
2. Institution of Appeal:
  - (1) Any person aggrieved by application of the State Electrical Act, Sections 81-2101 to 81-2140 and 81-2143, may appeal therefrom by filing a written notice of appeal with the Board within thirty days after the date of initial notification, by the State Electrical Division, of the disposition of the case causing grievance.
  - (2) Such an appeal shall show the venue, and state "Before the Nebraska State Electrical Board" and shall be entitled, "In the Matter of" (specifying the name and address of the petitioner and subject matter); shall state in ordinary and concise language, without repetition, the reasons for such appeal; shall be subscribed by the petitioner, or a duly authorized officer of the petitioner, if it be a corporation, or for the petitioner by his or her attorney, in which case the attorney shall also state his or her address. Each appeal must be accompanied by the original and five copies, which shall be filed with the Board at its place of official business.
3. Setting of Hearings:

The time and place of any hearing before the Board will be set as directed by the Board. Notice of such hearing shall be served by the United States mail to all interested parties by mailing a copy of such notice to the interested party at his or her last known address at least 14 days prior to the time of the hearing. Such notice shall include all issues and proposed evidence.
4. Continuances:

A continuance of any hearing may be granted at the discretion of the Board upon application of an interested party for good cause shown. The Board may continue any matter on its own motion. Fourteen days notice of the reset hearing shall be given in the manner prescribed for the original hearing, unless waived by all interested parties.
5. Appearances:

Any individual may appear on his own behalf before the Board. An individual may appear on behalf of another in any proceedings before the Board only if: (a) he or she is admitted to practice law before the Nebraska Supreme Court, or (b) he or she is admitted to practice law before the Supreme Court of any State.
6. Oral Argument:

Oral Argument at the commencement or close of a hearing may be permitted by the Board at its discretion.
7. Conduct of Hearings:

Hearings will be conducted before not less than four members of the Board, but any ruling of the Board with respect to such matter shall be concurred in by a majority of Board members present. The Board shall rule on motions and objections, and may interrogate any witnesses.
8. Copy of Record:

A transcript of the record of any hearing will be furnished to any interested party upon the payment by such interested party of the cost of its preparation. If a copy of any transcribed testimony at any hearing is desired by an interested party it shall be incumbent upon such interested party to make his or her own arrangements for a copy with the reporter. A copy of any such testimony prepared for the use of the Board may be loaned at the discretion of the Board for such period of time as it shall fix.
9. Evidence:

Proceedings with respect to evidence at hearings and related matters are governed by Chapter 84, Article 9, Reissue Revised Statutes of Nebraska. Unless a request is made of the Board that it be bound by the rules

of evidence applicable in District Court in any formal hearing before it, as provided by Section 84-914, the Board shall not be bound by technical common law rules of evidence.

10. Disposition:

The Board will notify by mail each of the parties to an appeal of the disposition of the case at the time the same is filed. The disposition will be conformity with Section 84-915.

### **RULE NUMBER 12**

#### **Municipal Electrical Examinations**

Any person having successfully completed a State Electrical Board approved electrical examination shall be considered as having submitted satisfactory evidence of qualification to perform work in the trade and shall be issued, upon request and payment of license fee, a State electrical license at the same level of qualification on the basis of having passed an approved municipal examination contingent on the provision contained herein.

1. The applicant shall meet State Electrical Board approved minimum experience requirements for the type of license desired.

2. The applicant shall have achieved a minimum score of 75% on the approved examination.

3. The applicant shall be the holder of a current electrical license issued by the municipality that administered the examination.

#### **Examination Approval**

Any Nebraska municipality intending to request State Electrical Board approval or retention of an electrical examination program shall submit the examination prior to the first day of January of each year, with correspondence detailing examination procedure and sample examination to the State Electrical Division for consideration by the State Electrical Board.

A minimum of 10% of the questions comprising the approved examination shall be changed annually.

### **RULE NUMBER 13**

#### **Temporary Services**

The installer or electrical contractor shall submit an application for State electrical inspection for the temporary service.

1. The inspection fee shall be based on service capacity and number of branch circuits.

2. The application shall be submitted a minimum of five working days prior to the date energization is required.

3. The State Electrical Inspector may verbally authorize energization following inspection if the installation is in compliance with the provisions of the National Electrical Code referenced in Section 81-2104 (5) of the State Electrical Act.

### **RULE NUMBER 14**

#### **Requests for Inspection**

It shall be the responsibility of the installer or electrical contractor to notify the inspector at such times as the project is ready for inspection.

As used in this rule, "ready for inspection" shall mean (1) rough-in inspections necessary prior to the concealment of wiring, and (2) final inspections, and (3) re-inspection required by the issuance of a "correction order". The requirement of timely notification is an ongoing responsibility of the installer or electrical contractor during the entire life of the project.

Notification shall be made by telephone request or written request to the State Electrical Division or area State Electrical Inspector.

The following standardized inspection procedure applies when the inspector is unable to make contact with a property owner installing wiring pursuant to Sections 81-2121(5) and 81-2124(2) of the State Electrical Act.

(a) The inspector shall leave a doorknob notice card announcing the attempt to conduct an inspection. The notice shall contain instructions for the installer to contact the inspector to schedule an inspection appointment within thirty-days.

(b) If there is no response from the first notice, the inspector shall make an additional attempt to inspect. If the inspector is still unable to make an inspection, the inspector shall leave a second doorknob notice card at the residence. The notice shall inform the property owner of the following:

- (i) The installation shall remain subject to inspection by the State Electrical Division;
- (ii) The installation may contain hazards to health and property until an inspection is made.

(c) The inspector shall notify the executive director that a second attempt to inspect was unsuccessful and the original application is to be kept on file to remain subject to inspection.

### **Failure to Request Inspection**

Electrical contractors or installers failing to notify the inspector of such times as the project is ready for inspection shall be considered in violation of Rule 14 and may be guilty of a misdemeanor under §81-2143 of the Nebraska Revised Statutes.

### **Time Limitation; Notification; Extension**

(1) When the electrical work called for on an application for electrical inspection and permit number has not been started within five (5) months after the date of issuance thereof, then such permit shall be void and no installation there under shall be started until a new permit number has been obtained, and proper fees submitted.

(2) When no progress on the electrical work called for on an application for electrical inspection and permit number has been shown for five (5) consecutive months after the installation has been started, then such permit shall be void, and no additional electrical installation shall be made until a new permit has been obtained and proper fees submitted.

(3) Provided however, the area State Electrical Inspector or Executive Director of the State Electrical Board shall have at the time of expiration date as outlined in (1) and (2) above, made written notification to the electrical license holder whose name appears on the application, that such permit will be void after fourteen (14) days of such notification.

(4) Provided however, that if the electrical license holder whose name appears on the application shall have, prior to the time of expiration date as outlined in (1) and (2) above, made written application to the Area State Electrical Inspector or Executive Director of the State Electrical Board for an extension of time, then the area State Electrical Inspector or Executive Director are hereby authorized to grant extensions of time for wiring installations controlled by electrical permits upon clear and convincing proof of a practical hardship, inadvertent delay in financial arrangements, defect in legal titles, material shortages, or other cogent reasons not due to the fault, negligence or failure to act on the part of the license holder whose name appears on the application.

## **RULE NUMBER 15**

### **Electrical Installations Subject to State Electrical Inspection**

“Electrical installations subject to State electrical inspection” shall mean residential, commercial, industrial, public-use buildings and installations, and State of Nebraska owned buildings and property involving new electrical construction work; and any installation at the request of the owner.

“All new electrical installations for residential applications requiring new electrical service equipment” shall mean any building, structure, or pole located on parcels of land either intended for or zoned as single-family residential lots or properties.

The provisions of Section 81-2125 of the State Electrical Act shall not apply to State of Nebraska owned buildings and property, and public educational facilities. These installations shall remain subject to State electrical inspection regardless of location.

## **RULE NUMBER 16**

### **Inspection By Political Sub-Divisions**

Political sub-divisions instituting an ordinance or resolution providing standards of wiring and its installation and inspection that are not less than those prescribed by the Board or the State Electrical Act in residential, commercial, industrial, and public-use buildings and installations shall forward the ordinance or resolution to the State Electrical Division for review by the State Electrical Board. The ordinance or resolution shall be reviewed for commensurability and conflict with the State Electrical Act.

### **Certification of Electrical Inspector**

It shall be the responsibility of the political sub-division to certify all electrical inspectors hired after

September 1, 1994, using the Certified State Electrical Inspector qualification guidelines found in Rule 19, and issue to the electrical inspector a certificate of qualification. A copy of the certificate of qualification shall be forwarded to the State Electrical Division with the ordinance or resolution.

### **State Electrical Board Acknowledgment**

Following review and ordinance or resolution corrections, if any, the State Electrical Board shall acknowledge, by motion, recorded in official Board minutes, the proposed wiring and inspection program. The inspection of residential, commercial, industrial, and public-use buildings shall be subject to inspection by the political sub-division. State of Nebraska owned buildings and property, and public educational facilities shall remain subject to State electrical inspection.

### **Acknowledgment Termination**

1. The State Electrical Board may, on its own motion, upon receipt of complaints or charges alleging improper administration of the previously "acknowledged" inspection program institute an investigation of the program.

2. The investigation shall be conducted by the area State Electrical Inspector, Chief State Electrical Inspector, State Electrical Division Executive Director or designated State Electrical Board member.

3. The State Electrical Board, at the conclusion of the investigation shall, by motion recorded in official Board minutes, dismiss the allegations or order a recognition termination hearing.

4. Setting of Hearings:

The time and place of any hearing before the Board will be set as directed by the Board. Notice of such hearing shall be served by United States mail to all interested parties by mailing a copy of such notice to the interested party. Such notice shall include all issues and charges.

5. Pleading:

Any complaint, responsive or rebuttal pleading shall be headed "Before the Nebraska State Electrical Board", and shall contain a heading specifying the nature of the pleading, the name and address of the complainant, and the name and address of the person accused or subject to investigation. Any responsive pleading shall be filed within thirty calendar days from date of service of the complaint or order to show cause; provided that failure to file such a responsive pleading will be considered as a general denial. All pleadings shall be filed with the Board at its official office. In any contested case the Board will cause a copy of such charges to be served on each person accused, either personally or by registered United States mail, return receipt requested, together with a notice of the time and place of the hearing 30 days prior to the date of the hearing. Responsive or rebuttal pleadings filed shall contain a certificate of mailing, postage prepaid, of a copy thereof to all interested parties.

6. Continuances:

A continuance of any hearing may be granted at the discretion of the Board upon application of an interested party for good cause shown. The Board may continue any matter on its own motion. Fourteen days notice of the reset hearing shall be given in the manner prescribed for the original hearing, unless waived by all interested parties.

7. Conduct of Hearings:

Hearings will be conducted before not less than four members of the Board, but any ruling of the Board with respect to such matter shall be concurred in by a majority of Board members. Where the case involves a charge filed by a complainant other than the Board, the complainant shall first put on his or her evidence and then the respondent may put on his or her evidence. If the case is filed by the Board on its own motion requiring the respondent to show cause, the State Electrical Division Executive Director or Attorney for the Board shall offer for the record the evidence giving rise to the case and then the respondent may put on his or her evidence. Rebuttal and surrebuttal shall be permitted. The Board shall rule on motions and objections, and may interrogate any witnesses.

8. Appearances:

Any individual may appear on his or her own behalf before the Board. An individual may appear on behalf of another in any proceeding before the Board if: (a) he or she is admitted to practice law before the Nebraska Supreme Court, or (b) he or she is admitted to practice law before the Supreme Court of any State.

9. Oral Argument:

Oral argument at the commencement or close of a hearing may be permitted by the Board at its discretion.

10. Copy Of Record:

A transcript of the record of any hearing will be furnished to any interested party upon the

payment of such interested party of the costs of its preparation. If a copy of any transcribed testimony at any hearing is desired by an interested party it shall be incumbent upon such interested party to make his or her own arrangements for a copy with the reporter. A copy of any such testimony prepared for the use of the Board may be loaned, at the discretion of the Board, for such period of time as it shall fix.

11. Evidence:

Proceedings with respect to evidence at hearings and related matters are governed by Chapter 84, Article 9, Reissue Revised Statutes of Nebraska. Unless a request is made of the Board that it be bound by the rules of evidence applicable in District Court in any formal hearing before it, as provided by Section 84-914, the Board shall not be bound by technical common law rules of evidence.

12. Disposition:

The Board will notify by mail each of the parties to a contested case of the disposition of the case at the time the same is filed. The disposition will be conformity with Section 84-915.

### **RULE NUMBER 17**

#### **Declaratory Rulings**

1. Adoption of Rule 3. The provisions of Rule 3 shall be applicable to petitions for declaratory rulings.

2. Discretion of Board. The Board shall have complete discretion as to the issuance of a declaratory ruling. If a declaratory ruling is issued, if issued after argument at a hearing and stated to be binding, the same is binding between the Board and the petitioner on the state of facts alleged unless altered or set aside by a court.

### **RULE NUMBER 18**

#### **Adoption of the National Electrical Code**

The minimum electrical wiring standard shall be the 2005 National Electrical Code, National Fire Protection Association Publication Number 70-2005, as adopted in whole or amended in part by the State Electrical Board, which is incorporated herein by reference and filed with the Secretary of State.

#### **Amendment NEC 2005 - 430.102.**

Section 430.102 Amended; Motor Disconnect, Location. Section 430.102 of the 2005 National Electrical Code is hereby amended to read as follows:

#### **430.102. Location.**

**(A) Controller.** An individual disconnecting means shall be provided for each controller and shall disconnect the controller. The disconnecting means shall be located in sight from the controller location.

*Exception: No. 1: For motor circuits over 600 volts, nominal, a controller disconnecting means capable of being locked in the open position shall be permitted to be out of sight of the controller, provided the controller is marked with a warning label giving the location of the disconnecting means.*

*Exception No. 2: A single disconnecting means shall be permitted for a group of coordinated controllers that drive several parts of a single machine or piece of apparatus. The disconnecting means and the controllers shall be located in sight from the machine or apparatus.*

**(B) Motor.** A separate disconnecting means shall be located in sight from the motor location and the driven machinery location.

*Exception: A disconnecting means, in addition to the controller disconnecting means as required in accordance with Section 430.102(A), shall not be required for the motor where the disconnecting means for the controller is individually capable of being locked in the open position.*

### **RULE NUMBER 19**

#### **Certified State Electrical Inspector**

The term "Certified State Electrical Inspector" shall mean a person who meets the following minimum requirements set forth by the State Electrical Board:

1. A person licensed as an Electrical Contractor, Class A Electrical Contractor, Class A Master Electrician, Journeyman Electrician or Class A Journeyman Electrician under a program approved by the Board; and

2. A person certified as an electrical inspector by an examination administered through a nationally recognized electrical inspector certification organization.