

NORTH DAKOTA ADMINISTRATIVE CODE

Partial Supplement 26  
(Title 54 - Nursing Board)  
(Title 69 - Public Service Commission)

October 1, 1980

Supplement 27  
(Title 24 - Electrical Board)  
(Title 33 - Health, Department of)  
(Title 38 - Highway Patrol)  
(Title 52 - Motor Vehicle Department)  
(Title 67 - Public Instruction, Superintendent of)

November 1, 1980

Prepared by the Legislative Council staff  
for the  
Administrative Rules Committee



## TABLE OF CONTENTS

Electrical Board .....	1
Health, Department of .....	31
Highway Patrol .....	37
Motor Vehicle Department .....	39
Nursing, Board of .....	41
Public Instruction, Superintendent of .....	47
Public Service Commission .....	51



TITLE 24

Electrical Board

AGENCY SYNOPSIS:

The rule changes (1) create one more inspector district; (2) contain new broader definitions for National Electrical Manufacturer enclosures; and (3) increase the fee for special inspections to \$15.00 per hour, and mileage to 20¢ per mile.

24-02-01-02. GENERAL STATEMENT OF POLICY AND INTERPRETATIVE RULES.

1. APPRENTICE ELECTRICIANS. There are two categories of apprentice electricians.
  - a. Apprentice electricians under the joint apprenticeship training committee training program approved by the department of labor.
  - b. Electrician trainees who may not be eligible for the joint apprenticeship training committee program and other persons desiring to accumulate a sufficient time and capability in the electrical trade to qualify them to apply for permission to take the examination for journeyman electrician's license.

Any person may work as an apprentice under a licensed master electrician, but the master electrician shall not allow an apprentice to work on any installation without direct constant supervision by a North Dakota licensed electrician working with the apprentice at the work site.

Any master electrician who fails or refuses to comply with this section or who fails or refuses to comply or demonstrate compliance with this section at the request of the board or its representative, shall subject his license to nonrenewal, suspension, or revocation by the board.

2. PURPOSE AND SCOPE. The purpose of these standards is the practical safeguarding of persons and of buildings and their contents, from electrical hazards arising from the use of electricity for light, heat, and power. It covers the electrical conductors and equipment installed within or on public and private buildings and other premises, including yards, carnival and parking lots, also the conductors that supply streetlighting, together with the associated equipment necessary to its safe operation.

These standards based on the National Electrical Code, are the result of years of experience and research to meet the demand for uniform

standards to govern electrical wiring in North Dakota, and provide basic rules for intelligent and uniform installation and inspection.

Compliance with these standards and proper maintenance of an approved installation should result in an installation reasonably free from hazard but not necessarily efficient or convenient. All requirements contained herein shall be given careful consideration to ensure greatest permanence, convenience, and safety. These standards do not constitute a design specification for any particular installation, nor an instruction manual for untrained persons. Skill and experience are necessary factors for a safe and adequate wiring installation. In cases where these requirements differ or are in conflict with the requirements of the 1978 1981 edition National Electrical Code, the 1976 edition Life Safety Code NFPA no. 101, and the fire protection association standards, the more restrictive requirements shall be the minimum.

3. ADMINISTRATIVE POWERS AND DUTIES. The executive director of the North Dakota state electrical board, under the direction of the board, shall administer laws, rules, and wiring standards of this state, the electrical requirements of the 1978 1981 edition National Electrical Code, the 1976 edition Life Safety Code NFPA no. 101, and the fire protection association standards. In all cases where any action is taken by the executive director to enforce the provisions of any sections contained in these electrical regulations, the 1978 1981 edition National Electrical Code, the 1976 edition Life Safety Code NFPA no. 101, and the fire protection standards, such acts shall be done in the name of and on behalf of the state and the executive director, in so acting for the state, shall not render the executive director liable for any damages that may accrue to persons or property as a result of any such act committed in good faith in the discharge of the executive director's duties, and any suit brought against the executive director by reason thereof, shall be defended by the state until final termination of proceedings contained therein.

The electrical regulations of these standards, the 1978 1981 edition National Electrical Code, the 1976 edition Life Safety Code NFPA no. 101, and the fire protection association standards, may be modified or waived by special permission in particular cases where such modification or waiver is specifically permitted or in particular cases where an advancement in the technology of electricity makes such modification or waiver advisable in the best interest of the people of North Dakota. Such "special permission" shall, in all cases, be obtained from the executive director in writing prior to the commencement of the work.

The executive director or the electrical inspector shall have the power to enter any building or premises at any reasonable hour in the discharge of their duties, and it shall be competent for them, when necessary, to remove any existing obstructions such as laths, plastering, boarding, or partitions, which may prevent a perfect inspection of electrical wiring and equipment; they shall also have the power to enter any building used in whole or part for the purpose of public assemblage at any time when occupied by the public in order to examine electrical wiring and equipment in such building and it shall be

unlawful for any person to interfere with them in the performance of their duties.

History: Amended effective January 1, 1981.

General Authority  
NDCC 43-09-05

Law Implemented  
NDCC 43-09-21,  
43-09-22

24-02-01-03. GENERAL REQUIREMENTS. Electrical installations shall be planned to provide adequate capacity for the load.

1. Wiring systems shall have conductors of sufficient capacity to furnish each outlet without excessive line loss or voltage drop. The voltage drop shall not exceed five percent at the farthest outlet of power, heating and lighting loads, or combinations of such loads.
2. All wiring materials shall be listed by underwriters' laboratories, incorporated, or other accepted testing laboratories to safeguard life and property. It shall be the duty of the electrical installer to secure permission from the executive director to use materials, devices, and methods of installation not specifically covered by these standards.
3. All installations shall be made in a workmanlike manner with special attention paid to the mechanical execution of work. All conductors shall be rigidly supported and all fittings securely fastened.
4. When wiring public school buildings approval shall be received from the department of public instruction and the state electrical board.
5. Overhead conductors shall not cross over water wells or known sites where water wells may be drilled. A minimum distance of twenty feet [6.10 meters] in all directions shall be maintained for overhead conductors.
6. Buildings moved must have an electrical wiring certificate before service is reconnected.
7. Hospitals, nursing homes, homes for the aged, and dormitories which house more than twenty people shall be wired in metal raceway. Portable cleaning equipment receptacle outlets shall be installed in corridors and located that no point in the corridor along the floorline, measured horizontally, is more than twenty-five feet [7.62 meters] from an outlet. Spacing of receptacle outlets for dormitories and homes for the elderly shall be in conformity with section ~~210-25--(b)~~,--1978 210-52(a), 1981 edition, National Electrical Code.

Exception: By special permission from the state electrical board, receptacles in dormitories and homes for the elderly may be located convenient for the permanent fixture layout.

8. In the wiring of nursing homes and hospitals, reference shall be made to the state department of health for special requirements pertaining to operating rooms, delivery rooms, and emergency lighting.
9. Aluminum conductors in sizes smaller than No. 6 shall not be used. Aluminum conductors installed and all corresponding materials shall be underwriters' laboratories listed. All materials used shall be installed according to the requirements of the National Electrical Code. Connections shall be made with the type approved for aluminum. Consideration shall be given to the use of different types of metal.

History: Amended effective January 1, 1981.

General Authority  
NDCC 43-09-05

Law Implemented  
NDCC 43-09-21,  
43-09-22

24-02-01-04. PLACES OF ASSEMBLY. This section covers all buildings, structures or portions of buildings ~~or structures~~ designed or intended for the assembly of one hundred or more persons.

Places of assembly include, but are not limited to: assembly halls, auditoriums, including auditoriums in schools; mercantile, business and other occupancies; exhibition halls; armories; dining facilities, including restaurants; church chapels; dance halls; mortuary chapels; museums; skating rinks; gymnasiums and multipurpose rooms; bowling lanes; poolrooms; clubrooms; places of awaiting transportation; courtrooms; drinking establishments; and conference rooms.

Occupancy of any room or space for assembly purposes by less than one hundred persons in a building of other occupancy, and incidental to such other occupancy, shall be classed as part of the other occupancy and subject to the applicable provisions.

When such building structures or portion thereof contains a projection booth or stage platform or area for the presentation of theatrical or musical production, either fixed or portable, the wiring for that area shall comply with all applicable provisions of article 520, 1978 1981 edition, National Electrical Code.

(For methods of determining population capacity, see occupant load value table, section 24-02-01-16).

1. HAZARDOUS LOCATIONS. Hazardous areas located in any assemblage occupancy shall be installed in accordance with article 500, 1978 1981 edition National Electrical Code, hazardous locations.
2. TEMPORARY WIRING. In exhibition halls used for display booths, as in trade shows, the temporary wiring shall be installed in accordance with article 305, 1978 1981 edition, National Electrical Code - temporary wiring, except approved portable cables and cords shall be permitted to be laid on floors where protected from contact by the general public.



3. WIRING METHODS. The fixed wiring method shall be metal raceway or nonmetallic raceway encased in not less than two inches [5.08 centimeters] of concrete.

Adjacent areas separated by a firewall shall be considered a separate building and may be wired in nonmetallic cable. (For the purpose of ~~these---standards~~ this section, a firewall is defined as a wall constructed of solid masonry or of hollow masonry units or of reinforced concrete. The wall shall start at the foundation and extend continuously through all floors to and above the roof, except where the roof is of fire-resistive construction and the wall is carried up tightly against the underside of the roof slab).

Exception: As provided in article 640, 1978 1981 edition National Electrical Code, sound reproduction and similar equipment; in article 800, 1978 1981 edition, National Electrical Code, communication circuits, and in article 725, 1978 1981 edition, National Electrical Code, for class 1, class 2, and class 3 remote control and signaling circuits, and in article 760, 1978 1981 edition, National Electrical Code, for fire protective signaling systems.

History: Amended effective January 1, 1981.

General Authority  
NDCC 43-09-05

Law Implemented  
NDCC 43-09-21,  
43-09-22

24-02-01-05. CLASS II LOCATIONS. Electrical wiring in grain elevators shall conform with code requirements, class II division 1 under article 500, 1978 1981 edition, National Electrical Code. All enclosures and electrical equipment mounted in rooms containing grinders, cleaners, roller mills, hoppers, open conveyors or spouts, mixers, and other dust producing machinery shall be labeled and approved for class II division 1 location, including motor controllers of the type in which starting and running contractors are oil immersed. General purpose enclosures may only be installed in dustfree locations.

1. Surge protective capacitors shall be provided for all services in grain elevators receiving power from an exterior overhead line. Surge protective capacitors may be located inside or outside a building. If located within a building each capacitor shall be protected with a fuse of proper voltage rating for the circuit and an ampere rating not less than twenty nor more than thirty amperes.
2. Electrical service equipment, including meter base (if installed inside building) and surge capacitors shall be mounted on a noncombustible wall, or shall have a backing of noncombustible material at least three sixteenths inch [4.76 millimeters] thick which shall provide protection for all combustible material within three inches [7.62 centimeters] of service equipment.

3. Where necessary to employ flexible connections in grain elevators, dust tight flexible connectors and conduit shall be used.
4. Receptacles and switches installed in grain elevators shall be labeled and approved for a class II, division 1 dusty location.
5. Electrical wiring and equipment installed in a grain elevator which is not used commercially and having a total capacity of less than ten thousand bushels [352.39 cubic meters] and located in a rural district shall conform to class II, division II 2, under article 500, 1978 1981 edition, National Electrical Code.
6. Electrical wiring and equipment in buildings or rooms other than a grain elevator where grain is handled or processed on a commercial basis such as rooms containing grinders, augers, open spouts, roller mills, or similar dust producing machinery, shall be labeled and approved for class II division 1 under article 500, 1978 1981 edition, National Electrical Code.
7. In buildings or rooms where grain is handled or processed not on a commercial basis, such as rooms containing grinders, augers, open spouts, roller mills or similar dust producing machinery, the electrical wiring and equipment shall conform to class II, division II 2, under article 500, 1978 1981 edition, National Electrical Code.

Exceptions: Rooms where grain is handled or processed occasionally on a limited basis, general purpose equipment may be used if approved by the local inspection authority.

History: Amended effective January 1, 1981.

General Authority  
NDCC 43-09-05

Law Implemented  
NDCC 43-09-21,  
43-09-22

24-02-01-06. GROUNDING. Grounding shall conform to article 250, 1978 1981 edition, National Electrical Code. In no case shall resistance to ground exceed twenty-five ohms.

1. The equipment grounding conductor shall be spliced in the same manner as branch circuit conductors except that solder shall not be used.
2. The neutral conductor shall not be used as the equipment grounding conductor and shall be insulated except as provided in section 250-60, 1978 1981 edition, National Electrical Code.
3. All metal boxes in structures containing metal lath, tin foil insulation, or other metallic barrier shall be grounded.
4. At motor connections, a bonding jumper sized in accordance with table 250-95, 1978 1981 edition, National Electrical Code, shall be provided

around all flexible conduit in sizes one-half inch [12.70 millimeters] and larger. The bonding jumper is not required where a separate grounding conductor is included.

5. Grounding of metal streetlighting standards. The maximum resistance to ground from any standard shall be twenty-five ohms.
  - a. Circuits run in nonmetallic conduit or buried directly in the ground: the ornamental metal standard shall be grounded by use of a grounding conductor, not the neutral conductor. This grounding conductor shall be run continuously throughout the system and properly bonded to each standard by use of lugs. It shall be connected to a one-half inch [12.70 millimeters] by ten foot [3.0 meters] copperweld ground rod at each metal standard. The ten foot [3.0 meters] ground rod is driven in the center of the metal standard base and projecting slightly above the base. Both ground rod and grounding conductor shall be connected to the metal standards. The grounding conductor shall be in accordance with the 1978 1981 edition, National Electrical Code and in no case smaller than No. 8 copper or No. 6 aluminum.
  - b. Because of different characteristics of copper and aluminum, devices such as pressure terminal or pressure splicing connectors and soldering lugs shall be suitable for the material of the conductor and shall be properly installed and used. Conductors of dissimilar metals shall not be intermixed in a terminal or splicing connector where physical contact occurs between dissimilar conductors (such as copper and aluminum, copper and copper-clad aluminum, or aluminum and copper-clad aluminum), unless the device is suitable for the purpose and conditions of use. Consideration shall also be given to dissimilar metals when grounding aluminum light standards.
  - c. When circuits are run in metal conduit the ornamental metal streetlighting standard shall be grounded to the metal conduit. No ground rod is required.

History: Amended effective January 1, 1981.

General Authority  
NDCC 43-09-05

Law Implemented  
NDCC 43-09-21,  
43-09-22

24-02-01-07. BRANCH CIRCUITS AND FEEDERS. Branch circuits and feeders shall comply with articles 210 and 215, 1978 1981 edition, National Electrical Code.

1. The total connected load shall be divided as evenly as practicable, between the two ungrounded conductors of a three-wire system and three conductors of a four-wire wye (120-208 volts) system.

2. A separate circuit with disconnect switch shall be provided for the purpose of operating or controlling electrical equipment on heating plants. Wiring requirements for fixed electrical space heating equipment is provided under article 424, 1978 1981 edition, National Electrical Code.
3. Dwelling occupancies having built-in baking or cooking units installed separately shall have an individual disconnect and overcurrent protective device. Conductors supplying these units shall have a carrying capacity according to nameplate rating.
4. A minimum of six appliance circuits shall be installed in kitchens that may be used to serve public gatherings such as schools, churches, lodges, etc.
5. Dwelling type occupancies. Receptacle outlets shall be installed in accordance with section ~~210-25(b)~~; 1978 210-52(a), 1981 edition National Electrical Code.
  - a. For a one- and two-family dwelling, one receptacle outlet shall be installed outdoors for each unit.
  - b. A minimum of three circuits shall be installed to supply receptacle outlets in kitchen, pantry, family room, dining room and breakfast room. These circuits shall not supply other outlets and shall have conductors not smaller than No. 12. Such circuits shall be provided with overcurrent devices rated at twenty amperes and shall be known as appliance circuits. Two of these circuits shall supply receptacle outlets on or near work counter area and so arranged that adjacent receptacles are not on the same circuit.
  - c. In laundry at least one twenty ampere branch circuit shall be provided to supply laundry receptacles. See exceptions 1 and 2, section ~~210-25(b)~~; 1978 210-52(e), 1981 edition, National Electrical Code.
  - d. Ground-fault circuit protection shall comply with section 210-8, 1978 1981 edition, National Electrical Code. ~~All one-hundred-twenty volt, single-phase, fifteen and twenty ampere receptacles installed in bathrooms and garages of dwelling units shall have ground-fault circuit protection for personnel. All one-hundred-twenty volt, single-phase, fifteen and twenty ampere receptacles installed outdoors where there is direct grade level access to the dwelling unit and to the receptacles shall have ground-fault circuit protection for personnel.~~

~~Exception: Receptacles intended for a particular appliance such as freezer or refrigerator may be installed in a garage without ground-fault protection provided the following conditions are met: the appliance is grounded in accordance with article 250, 1978 edition, National Electrical Code and one or more other receptacles are installed with ground-fault circuit protection.~~

6. Branch circuit and feeder calculations shall comply with article 220, 1978 1981 edition, National Electrical Code. Voltage drop must be taken into consideration when figuring size of feeder or branch circuit.

Formulas for determining voltage drop or conductor size are:

$$\text{Voltage drop} = \frac{21.6 \times L \text{ ft.} \times I}{\text{C.M.A.}}$$

or

$$\text{C.M.A.} = \frac{21.6 \times L \text{ ft.} \times I}{\% \text{ drop} \times \text{voltage}}$$

L = length in ft., one way

I = load in amps

E = volts

C.M.A. = Circular-mil area 21.6 multiplying factor for copper 35 multiplying factor for aluminum

Percent drop = permissible voltage drop times voltage of circuit as follows:

$$3\% \text{ of } 208 = 208 \times .03 = 6.24 \text{ volts}$$

$$3\% \text{ of } 115 = 115 \times .03 = 3.45$$

$$3\% \text{ of } 230 = 230 \times .03 = 6.9 \text{ volts}$$

$$5\% \text{ of } 230 = 230 \times .05 = 11.5 \text{ volts}$$

Example:

230 volts, 1000 ft. distance, 10 ampere load, 5% drop

$$21.6 \times 1000 = 21600.0 \times 10 = 216,000$$

$$216,000 \text{ divided by } 26,250 \text{ (C.M.A. of No. 6)} = 8.2 \text{ volts (less than 5\%)}$$

$$216,000 \text{ divided by } 16,510 \text{ (C.M.A. of No. 8)} = 13 \text{ volts (more than 5\%)}$$

115 volts, 8 ampere load, 100 ft. distance, 3% drop

$$21.6 \times 100 = 2160 \times 8 = 17280$$

$$17280 \text{ divided by } 6530 \text{ (C.M.A. of No. 12)} = 2.64 \text{ volts (less than 3\%)}$$

$$17280 \text{ divided by } 4107 \text{ (C.M.A. of No. 14)} = 4.2 \text{ volts (more than 3\%)}$$

or

$$21.6 \times 8 \text{ amps} \times 100 \text{ ft.} = 17,280$$

$$17,280 \text{ divided by } 3.45 \text{ (volts representing 3\%)} = 5008 \text{ C.M.A. (No. 12)}$$

For 3-phase circuits, use formula, then multiply the results by .86

History: Amended effective January 1, 1981.

General Authority  
NDCC 43-09-05

Law Implemented  
NDCC 43-09-21,  
43-09-22

24-02-01-08. SERVICES. Electrical services shall comply with article 230, ~~1978~~ 1981 edition, National Electrical Code.

1. In general, the point of attachment of a service drop to a building shall be not less than ten feet [3.0 meters] above the ground and shall be at a height to permit a minimum clearance of service conductors of ten feet [3.0 meters] above walks and eighteen feet [5.48 meters] above driveways or public roads. Where the form of the building will not permit placing the attachment ten feet [3.0 meters] or more above the ground a mast or other suitable means shall be used to obtain the ten feet [3.0 meters] clearance.
2. Perpendicular mast used for support of a service drop to low buildings shall be not less than two-inch [5.08-centimeter] galvanized rigid steel conduit fitted with storm collar flashing and offset reducer if needed, at the lower end to accommodate a meter socket.
3. A span of one hundred ten feet [43.48 meters] shall be considered a maximum distance for a one hundred amp service drop to a mast unless the mast is substantially guyed.
4. To eliminate moisture condensation, service raceways shall have provisions to prevent circulation of air from a warmer to a colder section of the raceway (see section 300-7, ~~1978~~ 1981 edition, National Electrical Code).
5. Where the service conduit enters a switch, cabinet, or trough through a knockout, the conduit must be bonded.
6. Switch location. A service switch or a manually operable circuit breaker shall be provided for each set of service entrance conductors and located at a readily accessible point not more than six and one-half feet [1.98 meters] above the floor level and as near as possible to the entrance of the conductors either inside or outside the building or structure. If outside, this equipment shall be approved for outside location. In no case shall the equipment be mounted lower than eighteen inches [45.72 centimeters] above grade level. Switch cabinets should preferably be of the dead front type. All service equipment and panels to be mounted on inside of outside walls of buildings housing livestock shall be mounted at least two inches [5.08 centimeters] away from such outside walls by means of a substantial backboard or frame. It is

recommended that the service entrance switch in residences be located in the basement or on the first floor. In no case shall overcurrent devices be located in bathrooms, clothes closets, or stairways.

7. Rating of service switch. Any new or old dwelling where service is altered, or where the dwelling is rewired, a minimum one hundred amp service and rated panel shall be installed.
  - a. A one hundred ampere service shall be installed using conductors rated at one hundred amperes with no reduction in size for the grounded (neutral) conductor up to one hundred amperes. The panel shall contain provisions for four double pole two hundred forty volt three-wire circuits, one of which may be used as a disconnect for not less than ten two-wire one hundred twenty volt circuits.
  - b. A pole top disconnecting means in rural areas shall be mandatory on all overhead pole top meter installations. Disconnect switches with an overcurrent protective device is optional to the supplier of electric current.
  - c. Where a single stack service is used on a yard pole, it must be considered only as a meter loop and the load conductor must be treated as service conductors to buildings.
8. Clearance from ground. Conductors shall have a clearance of not less than ten feet [3.0 meters] from the ground or from any platform or projection from which they might be reached. See section 225-18, 1978 1981 edition, National Electrical Code.
9. Clearances from buildings for conductors not over six hundred volts. See section 225-19, 1978 1981 edition, National Electrical Code. Conductors shall have a clearance of not less than thirty-six inches [.914 meters] from windows, doors, porches, fire escapes, or similar locations. Conductors run above the top level of a window are considered out of reach from that window.
10. Temporary service. Temporary service shall be granted to any contractor and this temporary service can be moved from place to place with one certificate issued for the first installation and the same certificate will suffice for all future locations. It shall be the responsibility of the contractor to maintain the temporary service in good condition and electrically safe at all times. If the power supplier finds these conditions not being complied with, the supplier may refuse hook up and notify the inspector covering that area who has full authority to determine whether it be condemned or rebuilt. At the expiration of ninety days it may be considered a permanent service and all wiring connected shall comply with the provision pertaining to permanent wiring.
  - a. Each temporary service shall be provided with the electrical wiring certificate number, name, and license number of electrician that issued the certificate. This information shall be applied in such a manner that it will withstand the elements of weather.

- b. Minimum requirements for temporary services. Outdoor equipment must be weatherproof. (Wood enclosures are unsatisfactory and should not be used.) Temporary service must be grounded. (Butt pole ground is acceptable.) A minimum clearance of ten feet [3.0 meters] above finished grade shall be provided for overhead service conductors.
  - c. Temporary wiring is not permitted without approval from the state electrical board or local inspector, however, this shall not apply to a temporary pole service or wiring for construction purposes.
11. Underground services: Underground service shall comply with article 230 part D, 1978 1981 edition, National Electrical Code.
- a. Cables or individual conductors on outside of buildings or poles shall be protected where subject to mechanical injury. Where rigid metal conduit is used a bushing shall be used on both ends. Sufficient slack conductor shall be left to allow for ground settling next to foundations. Past experience indicates that the ground next to a foundation has settled as much as three feet [.914 meters]. Where conduit is used on a pole to protect such conductors it must terminate just below the ground surface adjacent to the pole. Metal conduit protecting underground conductors on a pole or building shall be grounded.
  - b. Underground service conductors shall be protected against physical damage in accordance with section 300-5, 1978 1981 edition, National Electrical Code.
12. High voltage installations over six hundred volts. All wiring installations containing circuits and equipment operated at more than six hundred volts shall comply with article 710, 1978 1981 edition, National Electrical Code, along with the following requirements.
- a. All ducts, pull boxes, junction boxes, and equipment shall be clearly marked with signs having white background and red lettering by word "DANGER" and value of operating voltage.
  - b. All wiring and equipment shall be bonded and grounded as per article 250, 1978 1981 edition, National Electrical Code.

History: Amended effective January 1, 1981.

General Authority  
NDCC 43-09-05

Law Implemented  
NDCC 43-09-21,  
43-09-22

24-02-01-09. OVERCURRENT PROTECTION. Overcurrent protection shall comply with article 240, 1978 1981 edition, National Electrical Code.

- 1. Weatherproof sockets, pigtail sockets, or lampholders shall not be considered as cutout bases for plug fuses.



2. Overcurrent devices shall be located at a height of no less than eighteen inches [45.72 centimeters] above grade level.

History: Amended effective January 1, 1981.

General Authority  
NDCC 43-09-05

Law Implemented  
NDCC 43-09-21,  
43-09-22

24-02-01-10. WIRING METHODS. Nonmetallic sheathed cable type NM, NMC, and UF shall be supported at intervals not to exceed two feet [.608 meters] for two conductor cable and three feet [.914 meters] for three conductor cable and within twelve inches [30.48 centimeters] from each cabinet, box, or fitting. For additional installation requirements, see articles 336 or 339, 1978 1981 edition, National Electrical Code.

1. Agricultural buildings. This section covers all buildings housing livestock, poultry, and other areas of similar or like nature. All electrical wiring devices and equipment shall be installed in accordance with the provisions of article 547, 1978 1981 edition, National Electrical Code.
2. Electric metallic tubing shall not be used in concrete below grade, in concrete slab or masonry in direct contact with earth. (A vapor barrier, if used, will have no affect on the requirements of the section.) Electric metallic tubing shall not be embedded in earth or fill.
3. Aluminum conduit shall not be installed in contact with earth or embedded in concrete.
4. Rigid metal conduit may be used under all atmospheric conditions and occupancies, except that ferrous raceways and fittings protected from corrosion solely by enamel may be used only indoors and in occupancies not subject to severe corrosive influences. Conduits and fittings exposed to severe corrosive influences shall be of corrosion-resistant material suitable for the conditions. Where practicable, the use of dissimilar metals throughout the system shall be avoided to eliminate the possibility of galvanic action.
5. The installation of rigid nonmetallic conduit shall comply with the provision of article 347, 1978 1981 edition, National Electrical Code.
6. Fertilizer rooms, meat packing plants, salt processing plants, and similar locations are judged to be occupancies where severe corrosive conditions are likely to be present. It is recommended that nonmetallic conduit with nonmetallic boxes and fittings be used as the wiring method for such occupancies. Ferrous and nonferrous metal raceways may be used providing the raceway, boxes and fittings are properly protected against corrosion. Wherever rigid nonmetallic conduit is used as the wiring method, provisions shall be made for expansion. (Approximately one inch

[2.54 centimeters] of expansion per thirty feet [9.10 meters] of conduit per fifty degrees Fahrenheit [28 degrees Celsius] temperature change.)

History: Amended effective January 1, 1981.

General Authority  
NDCC 43-09-05

Law Implemented  
NDCC 43-09-21,  
43-09-22

24-02-01-11. MOTORS, MOTOR CIRCUITS, AND CONTROLLERS. Section 430-1, 1978 1981 edition, National Electrical Code, is a guide to general requirements.

1. For motor running protection, all three-phase motors shall be provided with three running overcurrent units.
2. The motor branch circuit overcurrent device shall be capable of carrying the starting current of the motor but shall not exceed two hundred twenty-five percent of the full load current of the motor.

Exception: Where the two hundred twenty-five percent is not sufficient for starting the motor, a higher rating or setting overcurrent device may be used if approved by the state electrical board.

3. All other wiring for motors, motor circuits, and controllers shall comply with article 430, 1978 1981 edition, National Electrical Code.

History: Amended effective January 1, 1981.

General Authority  
NDCC 43-09-05

Law Implemented  
NDCC 43-09-21,  
43-09-22

24-02-01-12. BOXES AND FITTINGS. Boxes shall be of sufficient size to provide free space for all conductors enclosed in the box in accordance with article 370, 1978 1981 edition, National Electrical Code.

1. All unused openings shall be effectively closed with metal plugs or plates.
2. Not more than one extension ring shall be used on outlet boxes unless special permission has been obtained from the electrical inspector having jurisdiction.

3. Boxes shall be installed at each opening.

History: Amended effective January 1, 1981.

General Authority  
NDCC 43-09-05

Law Implemented  
NDCC 43-09-21,  
43-09-22

24-02-01-13. SEASONAL DWELLINGS. Electrical wiring installation in all seasonal dwellings shall comply with the North Dakota wiring standards and the 1978 1981 edition, National Electrical Code, with the following exceptions:

1. Buildings without basements may be wired with a minimum of sixty ampere service providing it is adequate for the load.
2. A minimum of two appliance circuits shall be provided to supply outlets in kitchen, dining room, and breakfast room.
3. A minimum of two receptacles shall be provided in each room; except in the living and recreation rooms, there shall be one receptacle for every twenty linear feet [6.10 meters] or major fraction thereof of the total distance around the room as measured horizontally along the wall at the floorline.

History: Amended effective January 1, 1981.

General Authority  
NDCC 43-09-05

Law Implemented  
NDCC 43-09-21,  
43-09-22

24-02-01-14. MOBILE HOME PARKS AND RECREATIONAL VEHICLE PARKS. The electrical wiring in mobile home parks shall comply with part B, article 550, 1978 1981 edition, National Electrical Code. Mobile home service equipment shall not be mounted in or on the mobile home and shall be located at a height of no less than eighteen inches [45.72 centimeters] above grade level.

1. The electrical wiring in recreational vehicle parks shall comply with part B, article 551, 1978 1981 edition, National Electrical Code. Lot service equipment shall be located not less than two feet [.608 meters] nor more than six and one-half feet [1.98 meters] above the ground.

2. Electrical enclosures located outdoors in mobile home parks or recreational vehicle parks that house bare bus bars or terminals shall be provided with covers requiring a tool for removal of such covers. Overhead conductors shall have a clearance above ground of not less than eighteen feet [5.48 meters] except in areas where it is impractical for movement of vehicles or mobile homes, the clearance above ground shall not be less than twelve feet [3.66 meters].

History: Amended effective January 1, 1981.

General Authority  
NDCC 43-09-05

Law Implemented  
NDCC 43-09-21,  
43-09-22

24-02-01-15. ATHLETIC FIELD LIGHTING. All lighted athletic and sport fields supplied from a primary system shall be provided with a fused disconnect switch on the primary side. The switch shall have proper ratings with a lockable manual control handle. The installation of primary conductors installed underground shall conform to section 24-02-01-08. The secondary conductors are considered service conductors. For installation of service conductors, see article 230, parts D, E, and F, 1978 1981 edition, National Electrical Code. A main disconnect switch on the secondary side is optional. A disconnecting means at each pole or tower is not mandatory. Branch circuit panel boards having a rating of no less than one hundred twenty-five percent of the total connected load shall be provided at each tower or pole. The panel may be located at the top of pole or tower. Conductors supplying panel shall be calculated on the basis of one hundred twenty-five percent of the total connected load. Wiring installed on pole or tower shall be in raceway except for flexibility at lamps, approved cable assemblies will be permitted. All metal towers shall be grounded to a one-half inch [12.7 millimeter] by ten foot [3.0 meter] ground rod. The grounded conductor on the secondary side shall be grounded to the grounding electrode. Metal boxes, raceways, cabinets and fittings, or noncurrent-carrying metal parts of other fixed electrical equipment shall be grounded when required. (See article 250, 1978 1981 edition, National Electrical Code.)

History: Amended effective January 1, 1981.

General Authority  
NDCC 43-09-05

Law Implemented  
NDCC 43-09-21,  
43-09-22

24-02-01-16. EXIT MARKING, ILLUMINATION OF MEANS OF EGRESS, AND EMERGENCY LIGHTING. The purpose of this section is to provide exit and emergency lighting requirements in accordance with Life Safety Code NFPA 101, 1976 edition, in simple and condensed form. For occupancies or items not covered in this condensed version, refer to NFPA 101, 1976 edition, for complete details. In the wiring of institutional occupancies, governmental agencies may use other codes, which may be more stringent, especially where federal funds are involved.

1. EXIT MARKING. All required exits and access to exits shall be marked by readily visible signs with letters not less than six inches [15.24 centimeters] high and arrows indicating direction to exits. Every sign shall be suitably illuminated by a reliable light source giving a value of not less than five foot candles on surface of signs. Signs may be internally or externally illuminated and shall be illuminated from the same source as the required illumination of the means of egress.
2. ILLUMINATION OF MEANS OF EGRESS. Illumination of means of egress shall provide continuous, dependable, illumination of not less than one foot candle at floor level for all areas such as corridors, stairways, and exit doorway, providing a lighted path of travel to the outside of the building and public way during all times that the means of egress is available for use. Illumination shall be from a source of reasonable assured reliability and may be supplied from normal lighting circuits or special circuits with switching controlled by authorized personnel. Illumination required for exit marking may also serve for illumination of means of egress and shall be so arranged that failure of a single unit such as burning out of a single bulb will not leave any area in darkness.
3. EMERGENCY LIGHTING. Emergency lighting systems shall be so arranged to provide the required illumination automatically in event of any interruption or failure of the normal power supply. An acceptable alternate source of power may be an electric generator or approved battery. In occupancies where emergency lighting is required, the circuits supplying exit marking and illumination of means of egress shall be supplied by the emergency system. Other areas of the facilities only requiring exit marking and illumination of means of egress may be supplied by the normal source.
4. CLASSIFICATION OF OCCUPANCY.

Assembly

- Theaters
- Motion picture theaters
- Assembly halls
- Auditoriums
- Exhibition halls
- Museums
- Skating rinks
- Gymnasiums
- Bowling lanes
- Poolrooms
- Armories
- Conference rooms
- Restaurants
- Churches
- Dancehalls
- Clubrooms
- Passenger stations and terminals of  
air surface, underground, and marine  
public transportation facilities
- Recreation piers

Courtrooms  
Mortuary chapels  
Drinking establishments

Educational

Schools  
Universities  
Colleges  
Child day care facilities  
Academies  
Nursery schools  
Kindergartens

Health Care

Health care facilities  
Hospitals  
Nursing homes  
Residential-custodial care  
Nurseries  
Homes for the aged  
Mentally retarded care institutions

Penal Occupancies

Residential-restrained care  
Penal institutions  
Reformatories  
Jails

Residential

Hotels  
Motels  
Apartments  
Dormitories  
Orphanages for age six years and older  
Lodging or roominghouses  
One- and two-family dwellings

Mercantile

Supermarkets  
Department stores  
Shopping centers  
Drugstores  
Auction rooms

Business

Doctors offices  
Dentists offices  
City halls  
General offices  
Townhalls  
Courthouses  
Libraries  
Outpatient clinics, ambulatory

Industrial

- Factories of all kinds
- Laboratories
- Drycleaning plants
- Power plants
- Pumping stations
- Smokehouses
- Laundries
- Creameries
- Gas plants
- Refineries
- Sawmills

Storage

- Warehouses
- Cold storage
- Freight terminals
- Truck and marine terminals
- Bulk oil storage
- Parking garages
- Hangers
- Grain elevators
- Barns
- Stables

5. OCCUPANT LOAD VALUE TABLE.

Occupancy	Square Feet Per Person
Places of assembly .....	15 net *
Areas of concentrated use	
without fixed seating .....	7 net
Standing space .....	3 net
Mercantile store, street floor	
and sales basement .....	30 gross **
Other floors .....	60 gross
Storage, shipping .....	300 gross
Offices only .....	100 gross
Educational occupancies	
Classroom area .....	20 net
Shops and other vocational areas ....	50 net
Day nurseries with sleeping	
facilities .....	35 net
Business, industrial and workroom .....	100 gross
Hotels, motels, apartments, and	
dormitories .....	200 gross
Health care and penal	
Sleeping departments .....	120 gross
Inpatient departments .....	240 gross

\* Net floor area shall be the actual occupied area, not including accessory unoccupied areas or thickness of walls.

\*\* Gross floor area shall be the floor area within the inside perimeter of the outside walls of the building under consideration with no deduction for hallways, stairs, closets, thickness of interior walls, columns, or other features.

Notes to occupant load table.

- (a) An assembly area of concentrated use without fixed seats such as an auditorium, church, chapel, dance floor, and lodge room - seven square feet [.65 square meters] per person.
- (b) An assembly area of less concentrated use such as a conference room, dining room, drinking establishment, exhibit room, gymnasium, or lounge - fifteen square feet [1.39 square meters] per person.
- (c) Standing room or waiting space - three square feet [.28 square meters] per person.
- (d) Bleachers, pews, and similar bench type seating - eighteen linear inches [45.72 centimeters] per person.

6. BUILDING CLASSIFICATION TABLE.

x - indicates required  
o - indicates not required

Occupancy	Exit Marking	Illumination of Means of Egress	Emergency	Notes
Places of Assembly				
Class A-1000 persons or more	x	x	x	6&7
Class B- 300 to 1000 persons	x	x	x	
Class C- 50 to 300	x	x	x	
All windowless or underground places of assembly	x	x	x	
Churches - Class C (exclusively for religious worship with windows)	x	x	o	
Class A & B	x	x	x	



Educational				Note 4
All educational occupancies	x	x	o	
Flexible plan and open plan buildings, buildings used for night occupancy, all portions of buildings that are interior and windowless, such as rooms, stairs, area, or corridors	x	x	x	
Child care centers - (12 or more persons under 6 years)	x	x	x	
Health care and penal occupancies				
Hospitals and nursing homes (for complete details see article 517 of NEC or NFPA standard 56A and 76A)	x	x	x	Note 1
Residential-custodial and restrained care	x	x	x	
Residential				
Hotels and motels				
Under 26 rooms	x	x	o	
Over 25 rooms	x	x	x	Note 2
Apartment buildings				
25 or less apartments	x	x	o	Note 3
Over 25 apartments	x	x	x	Note-3
apartments	x	x	x	Note 3
Dormitories - same as hotels				
Mercantile				
Class A - over 30,000 square feet	x	x	x	
Class B - 3000 to 30,000				

square feet	x	x	x
Class B C - under 3000			
square feet	x	x	o
<b>Business</b>			
Under 1000 persons, 1 floor	x	x	o
2 or more stories above exit dis- charge	x	x	x
100 or more per- sons above or be- low level of exit discharge	x	x	x
1000 or more per- sons	x	x	x
All windowless, and underground with only upward travel exit	x	x	x
<b>Industrial</b>			
All	x	x	x
When occupied during daylight hours only with skylights or windows	x	o	o
<b>Storage</b>			
All	x	x	x *
When occupied during daylight hours only with skylights or windows	x	o	o
* Storage occupancies do not require emergency lighting when not normally occupied.			
<b>Special provisions</b>			
Underground or windowless buildings or structures	x	x	x
<b>Swimming pools</b> (other than single family residential)			
	x	x	x
Combined facility			Note 5

NOTES:

- Note 1: Exit lighting and emergency lighting must be powered per NFPA No. 76A.
- Note 2: Where each guest room on ground floor has direct exit to outside, no emergency lighting need be provided (motels).
- Note 3: Buildings with only one exit need not be provided with exit signs.
- Note 4: Small schools familiar to occupants need not be provided with exit signs.
- Note 5: Where the same means of egress serve multiple use or combined occupancies, exit lighting, exit signs, and emergency lighting shall be provided for the occupancy with the most stringent lighting requirements. The occupant load of each type of occupancy shall be added to arrive at the total occupant load.
- Note 6: Exit lighting on floor of motion picture theaters may be reduced to one-fifth foot candle during period of performance.
- Note 7: See occupant load value table.

History: Amended effective January 1, 1981.

General Authority  
NDCC 43-09-05

Law Implemented  
NDCC 43-09-21,  
43-09-22

24-02-01-18. NATIONAL ELECTRICAL MANUFACTURERS ASSOCIATION ENCLOSURES. This section provides national electrical manufacturers association standards which apply generally to industrial controls and systems.

1. ~~GENERAL--PURPOSE-----TYPE--1:---Suitable-for-general-purpose-application indoors-where-it-is-not-exposed-to-unusual-service-conditions-~~

TYPE 1 - GENERAL PURPOSE - INDOOR. Type 1 enclosures are intended for use indoors, primarily to prevent accidental contact of personnel with the enclosed equipment, in areas where unusual service conditions do not exist.

2. ~~DRIPPROOF----TYPE-2:---Suitable-for-application-where-condensation-may-be severe-such-as-is-encountered-in-cooling-rooms-and-laundries-~~

TYPE 2 - DRIPPROOF - INDOOR. Type 2 enclosures are intended for use indoors to protect the enclosed equipment against falling noncorrosive liquids and falling dirt. They shall have provision for drainage. If provision is made for the entrance of conduit at the top, it shall consist of a conduit hub or the equivalent. When completely and properly installed, these enclosures shall prevent the entrance of dripping liquid at a higher level than the lowest live part within the enclosure.

3. ~~WEATHER---RESISTANT--(WEATHERPROOF)-----TYPE--3---A--weather--resistant enclosure-is-intended-to-provide-suitable-protection--against--specified weather-hazards---it-is-suitable-for-use-outdoors-~~

TYPE 3 - DUSTTIGHT, RAINLIGHT AND SLEET-RESISTANT (ICE-RESISTANT) - OUTDOOR. Type 3 enclosures are intended for use outdoors to protect the enclosed equipment against windblown dust and water. They are not sleet-proof (ice-proof). They shall have conduit hubs or equivalent provision for watertight connection at the conduit entrance, mounting means external to the equipment cavity, and provision for locking.

TYPE 3R - RAINPROOF AND SLEET-RESISTANT (ICE-RESISTANT) - OUTDOORS. Type 3R enclosures are intended for use outdoors to protect the enclosed equipment against rain and meet the requirements of Underwriters Laboratories Inc., Publication No. UL 508, applying to "Rainproof Enclosures." They are not dustproof, snow-proof, nor sleet-proof (ice-proof). They shall have a conduit hub or equivalent provision for watertight connection at the conduit entrance when the conduit enters at a level higher than the lowest live part, provision for locking, and provisions for drainage.

TYPE 3S - DUSTTIGHT, RAINLIGHT AND SLEET-PROOF (ICE-PROOF) - OUTDOOR. Type 3S enclosures are intended for use outdoors to protect the enclosed equipment against windblown dust and water and to provide for its operation when the enclosure is covered by external ice or sleet. These enclosures do not protect the enclosed equipment against malfunction resulting from internal icing; where this is a requirement, the apparatus manufacturer should be consulted. These enclosures shall have conduit hubs or equivalent provision for watertight connection at the conduit entrance, mounting means external to the equipment cavity, and provision for locking.

4. ~~WATERTIGHT-----TYPE--4---A-watertight-enclosure-is-designed-to-meet-the hose-test-and-is-suitable-for-application-outdoors-on-ship-docks-and--in dairies,-breweries,-etc-~~

TYPE 4 - WATERTIGHT AND DUSTTIGHT - INDOOR AND OUTDOOR. Type 4 enclosures are intended for use indoors or outdoors to protect the enclosed equipment against splashing water, seepage of water, falling or hose-directed water, and severe external condensation. They are sleet-resistant but not sleet-proof (ice-proof). They shall have conduit hubs or equivalent provision for watertight connection at the conduit entrance and mounting means external to the equipment cavity.

TYPE 4X - WATERTIGHT, DUSTTIGHT AND CORROSION-RESISTANT - INDOOR AND OUTDOOR. Type 4X enclosures have the same provisions as Type 4 enclosures and, in addition, are corrosion-resistant.

5. ~~DUSTTIGHT-----TYPE--5---Suitable-for-application-in-steel-mills,-cement mills,-and-other-locations-where-it-is-desirable-to-exclude-dust-~~

TYPE 5 - SUPERSEDED BY TYPE 12 FOR CONTROL APPARATUS.

6. ~~SUBMERSIBLE---TYPE-6---Suitable for application where the equipment may be subject to submersion, as in quarries, mines, and manholes. The design of the enclosure will depend upon the specified conditions of pressure and time.~~

TYPE 6 - SUBMERSIBLE, WATERTIGHT, DUSTTIGHT AND SLEET-RESISTANT (ICE-RESISTANT) - INDOOR AND OUTDOOR. Type 6 enclosures are intended for use indoors or outdoors where occasional submersion is encountered. They shall protect the enclosed equipment against a static head of water of six feet [1.83 meters] for thirty minutes, dust, splashing or external condensation of noncorrosive liquids, falling or hose directed water, lint and seepage. They are not sleet-proof (ice-proof). They shall have conduit hubs or equivalent provision for watertight connection at the conduit entrance and mounting means external to the equipment cavity.

7. ~~HAZARDOUS--LOCATION--(A, B, C, OR D)--CLASS-I AIR-BREAK---TYPE-7.---These enclosure are designed to meet the application requirements of the 1978 edition, National Electrical Code for class I hazardous locations which may be in effect from time to time. In this type of equipment, the circuit interruption occurs in air. The letter or letters following the type number indicates the particular group or groups of hazardous locations as defined in the National Electrical Code for which the enclosure is designed. The designation is incomplete without a suffix letter or letters.~~

TYPE 7, CLASS I, DIVISION 1 GROUP A, B, C OR D - INDOOR HAZARDOUS LOCATIONS - AIR-BREAK EQUIPMENT. Type 7 enclosures are intended for use indoors, in the atmospheres and locations defined as Class I, Division 1, and Group A, B, C or D in the National Electrical Code. The letter or letters A, B, C or D which indicate the gas or vapor atmospheres in the hazardous location shall appear as a suffix to the designation "Type 7" to give the complete NEMA designation and correspond to Class I, Division 1, Group A, B, C or D, respectively, as defined in the National Electrical Code.

8. ~~HAZARDOUS--LOCATION--(A, B, C, OR D)---CLASS-I OIL-IMMERSED---TYPE-8. These enclosure are designed to meet the application requirements of the 1978 edition, National Electrical Code for class I hazardous locations. The apparatus is immersed in oil. The letter or letters following the type numbers indicate the particular group or groups of hazardous locations as defined in the 1978 edition, National Electrical Code. The designation is incomplete without a suffix letter or letters.~~

TYPE 8, CLASS I, DIVISION 1 GROUP A, B, C OR D - INDOOR HAZARDOUS LOCATIONS - OIL - IMMERSED EQUIPMENT. Type 8 enclosures are intended for use indoors, in the atmospheres and locations defined as Class I, Division 1 and Group A, B, C or D in the National Electrical Code. The letter or letters A, B, C or D which indicate the gas or vapor atmospheres in the hazardous location shall appear as a suffix to the designation "Type 8" to give the complete NEMA designation and correspond to Class I, Division 1, Group A, B, C or D, respectively, as defined in the National Electrical Code.

9. ~~HAZARDOUS--LOCATIONS--(E,-F,-OR-G)---CLASS-II---TYPE-9---These enclosures are designed to meet the application requirements of the--1978--edition; National--Electrical--Code for class-II-hazardous-locations:--The letter or letters following the type number indicates the particular--group--or groups--of--hazardous-locations-as-defined-in-the-1978-edition;-National Electrical-Code:--The designation is incomplete without a suffix--letter or letters-~~

TYPE 9, CLASS II, DIVISION 1 GROUP E, F OR G - INDOOR HAZARDOUS LOCATIONS - AIR-BREAK EQUIPMENT. Type 9 enclosures are intended for use indoors in the atmospheres and locations defined as Class II, Division 1, and Group E, F or G in the National Electrical Code. The letter or letters E, F or G which indicate the dust atmospheres in the hazardous location shall appear as a suffix to the designation "Type 9" to give the complete NEMA designation and correspond to Class II, Division 1, Group E, F or G, respectively, as defined in the National Electrical Code. These enclosures shall prevent the ingress of explosive amounts of hazardous dust. If gaskets are used, they shall be mechanically attached and of a noncombustible, nondeteriorating, verminproof material.

10. ~~BUREAU--OF--MINES-----EXPLOSION-PROOF---TYPE-10---A type-10-enclosure is designed to meet the explosion-proof requirements of the--United--States bureau-of-mines-which-maybe-in-effect-from-time-to-time--It-is-suitable for-use-in-gassy-coal-mines-~~

TYPE 10 - MESA. Type 10 enclosures shall be designed to meet the requirements of the mining enforcement safety administration, United States department of the interior, for equipment to be used in mines with atmospheres containing methane or natural gas, with or without coal dust.

11. ~~ACID--AND--FUME--RESISTANT-----OIL--IMMERSED-----TYPE-11---This enclosure provides for the immersion of the apparatus in oil such that is suitable for--application--where--the--equipment--is--subject--to--acid--or--other corrosive-fumes:--A--type--11--enclosure--is--suitable--for--application indoors-where-the-equipment-may-be-subject-to-corrosive-acid-or-fumes-as in-chemical-plants;-plating-rooms;-sewage-plants;-etc--The-apparatus-is immersed-in-oil-~~

TYPE 11 - CORROSION-RESISTANT AND DRIPPROOF - OIL - IMMERSED - INDOOR. Type 11 enclosures are corrosion-resistant and are intended for use indoors to protect the enclosed equipment against dripping, seepage and external condensation of corrosive liquids. In addition, they protect the enclosed equipment against the corrosive effects of fumes and gases by providing for immersion of the equipment in oil. They shall have conduit hubs or equivalent provision for watertight connection at the conduit entrance and mounting means external to the equipment cavity.

12. ~~INDUSTRIAL---USE---TYPE-12---A type-12-enclosure is designed for use in those industries where it is desired to exclude such materials as--dust; lint;-fibers-and-flyings;-oil-seepage;-or-coolant-seepage-~~

TYPE 12 - INDUSTRIAL USE - DUSTTIGHT AND DRIPTIGHT - INDOOR. Type 12 enclosures are intended for use indoors to protect the enclosed equipment against fibers, flyings, lint, dust and dirt, and light splashing, seepage, dripping and external condensation of noncorrosive liquids. There shall be no holes through the enclosure and no conduit knockouts or conduit openings, except that oiltight or dusttight mechanisms may be mounted through holes in the enclosure when provided with oil-resistant gaskets. Doors shall be provided with oil-resistant gaskets. In addition, enclosures for combination controllers shall have hinged doors which swing horizontally and require a tool to open.

13. TYPE 13 - OILTIGHT AND DUSTTIGHT - INDOOR. Type 13 enclosures are intended for use indoors primarily to house pilot devices such as limit switches, foot switches, pushbuttons, selector switches, pilot lights, etc., and to protect these devices against lint and dust, seepage, external condensation, and spraying of water, oil or coolant. They shall have oil-resistant gaskets and, when intended for wall or machine mounting, shall have mounting means external to the equipment cavity. They shall have no conduit knockouts or unsealed openings providing access into the equipment cavity. All conduit openings shall have provision for oiltight conduit entry.

History: Amended effective January 1, 1981.

General Authority  
NDCC 43-09-05

Law Implemented  
NDCC 43-09-21,  
43-09-22

24-02-01-19. WIRING CERTIFICATES AND FEES. All installations certified under this section shall be subject to inspection.

1. All electrical installations, including new jobs and additional work on old installations, made in this state, shall have an electrical wiring certificate properly executed by the master or class "B" electrician in charge where the installation is made. The state electrical board shall prescribe such form, and shall have on hand a supply of such certificates for distribution to master and class "B" electricians. Such certificate shall consist of the original and four copies.
2. Upon completion, use, or occupancy, whichever is foremost, of any electrical installation where a new entrance is installed, an existing entrance is altered, or where the cost of repair work or additional installation exceeds one hundred fifty dollars, the master or class "B" electrician supervising such installation shall execute an electrical wiring certificate and distribute the various copies as directed. The original and duplicate of the certificate must be forwarded at once to the state electrical board, Bismarck, North Dakota. The triplicate copy shall be sent to the power company, municipal plant, or to the person or persons or concern providing the electric current for the installation. The fourth copy shall be retained by the master or class "B" electrician and the fifth copy shall be submitted to the owner.

3. The electric wiring certificates shall be secured from the state electrical board at Bismarck, North Dakota, upon request of any master or class "B" electrician holding a current license from the electrical board.
4. A copy of an electrical wiring certificate shall be filed with the power supplier before an electrical installation may be energized.
5. Fees for electrical wiring certificates shall be as follows:

\$5.00 minimum for installations up to  
\$99.99

(For installations \$100.00 through \$999.99)  
\$5.00 for first \$100.00 plus 2% on next  
\$900.00

(For installations \$1,000.00 through \$9,999.99)  
\$23.00 for first \$1,000.00 plus 1% on next  
\$9,000.00

(For installations \$10,000.00 through \$49,999.99)  
\$113.00 for first \$10,000.00 plus 1/2%  
on next \$40,000.00

(For installations over \$50,000.00)  
\$313.00 on first \$50,000.00 plus 1/4% on  
balance

Percentage remittance fee, less original certificate cost of five dollars must accompany the copies of wiring certificates which shall be forwarded to the state electrical board, box 857, Bismarck, North Dakota 58505.

6. Whenever an electrical installation made by or under the supervision of a master or class "B" electrician is connected and in use without the issuance of an electrical wiring certificate, the normal fee, as required under this section shall be increased in the amount of fifteen dollars.
7. Corrections. Whenever a correction order is written and corrections are not completed within the allotted time, there shall be an administration charge of twenty-five dollars, which shall be paid to the board.
8. All reinspections shall be paid for by the electrical contractors at actual cost of the reinspections.
9. The electrical wiring certificate fee shall be based on the total amount of the electrical contract or total cost to the owner including extras.
10. The following items need not be included in the cost:
  - a. Appliances, including dishwashers, heat pumps, air conditioners, disposals, etc.
  - b. Electric heating panels, including heating and air conditioning units.



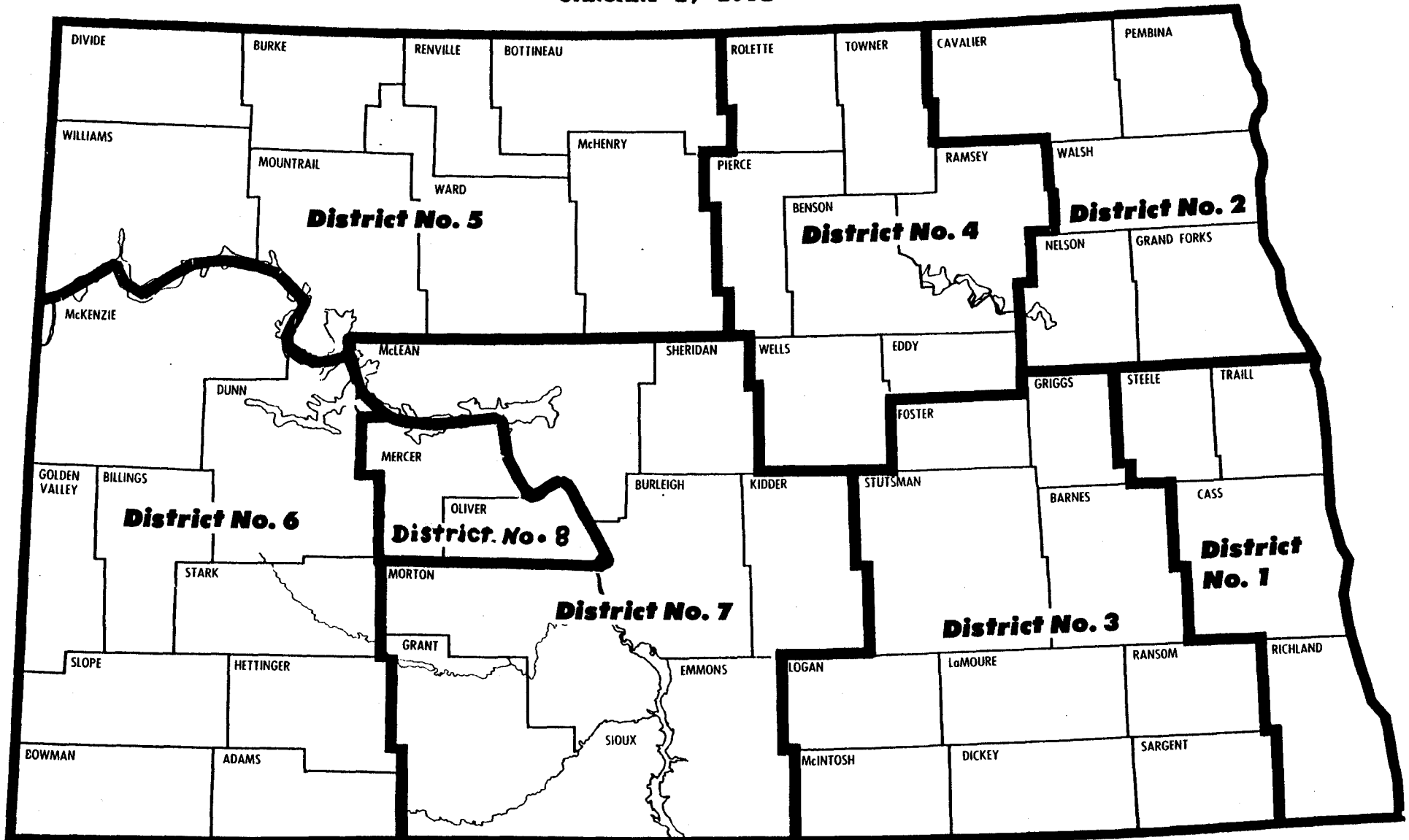
- c. Electric motors.
  - d. Trenching, concrete basis for streetlighting and traffic signal standards.
11. The electrical contractor is responsible to collect the proper certificate fee on each installation. When the owner furnishes the owner's material and the electrical contractor furnishes the labor, the owner shall provide the electrical contractor with the total amount expended for electrical materials used in connection with the installation and the electrical contractor shall then calculate and collect the necessary certificate fee from the owner. Whenever electrical materials are removed from an existing installation and placed at another location, the electrical contractor shall estimate the cost of these materials and include the amount in the job cost for the purpose of calculating the proper certificate fee.
12. The state wiring certificate fee for all motor driven passenger or freight elevators and dumbwaiters installed in North Dakota shall be as follows:
- Elevators and dumbwaiters having horsepower rating up to 5 horsepower - \$10.00
  - Elevators and dumbwaiters having horsepower rating 5 horsepower through 15 horsepower - \$20.00
  - Elevators and dumbwaiters having horsepower rating over 15 horsepower - \$30.00
- The master electrician having supervision of elevator or dumbwaiter installations shall purchase electrical wiring certificates from the state electrical board. The certificate form shall be completed, signed by master electrician, and forwarded to the state electrical board, Bismarck, North Dakota.
13. Electrically driven irrigation machines. Each center pivot system, a flat fee of forty dollars. All other types, the fee shall be based on cost of electric material and labor (see section 24-02-01-19).
14. Requested inspections. For inspections not covered in this section or special services, the fee shall be ~~ten~~ fifteen dollars per man hour, including travel time, plus ~~fifteen~~ twenty cents per mile traveled.

History: Amended effective January 1, 1981.

General Authority  
NDCC 43-09-05

Law Implemented  
NDCC 43-09-21,  
43-09-22

**NORTH DAKOTA ELECTRICAL BOARD**  
**INSPECTORS DISTRICTS**  
 JANUARY 1, 1981



- 30 -

**District No. 1**  
**CLINTON N. ANDERSON**  
 2401 15th ST. SO.  
 FARGO, N. DAK. 58102  
 Phone 232-8418

**District No. 2**  
**MARVIN M. SORENSON**  
 BOX 102  
 PARK RIVER, N. DAK. 58270  
 Phone 284-6666

**District No. 3**  
**PIUS STRIEFEL**  
 1714 - 4TH AVENUE NORTHEAST  
 JAMESTOWN, N. DAK. 58401  
 Phone 252-5651

**District No. 4**  
**GLENN SAMSON**  
 P.O. BOX 473  
 DEVILS LAKE, N. DAK. 58301  
 Phone 662-7286

**District No. 5**  
**RICHARD HAMAN**  
 Rt. No. 4  
 MINOT, N. Dak. 58701  
 Phone 838-5288

**District No. 6**  
**DUANE LAUF**  
 593 6th Ave SW  
 DICKINSON, N. DAK. 58601  
 Phone 225-8841

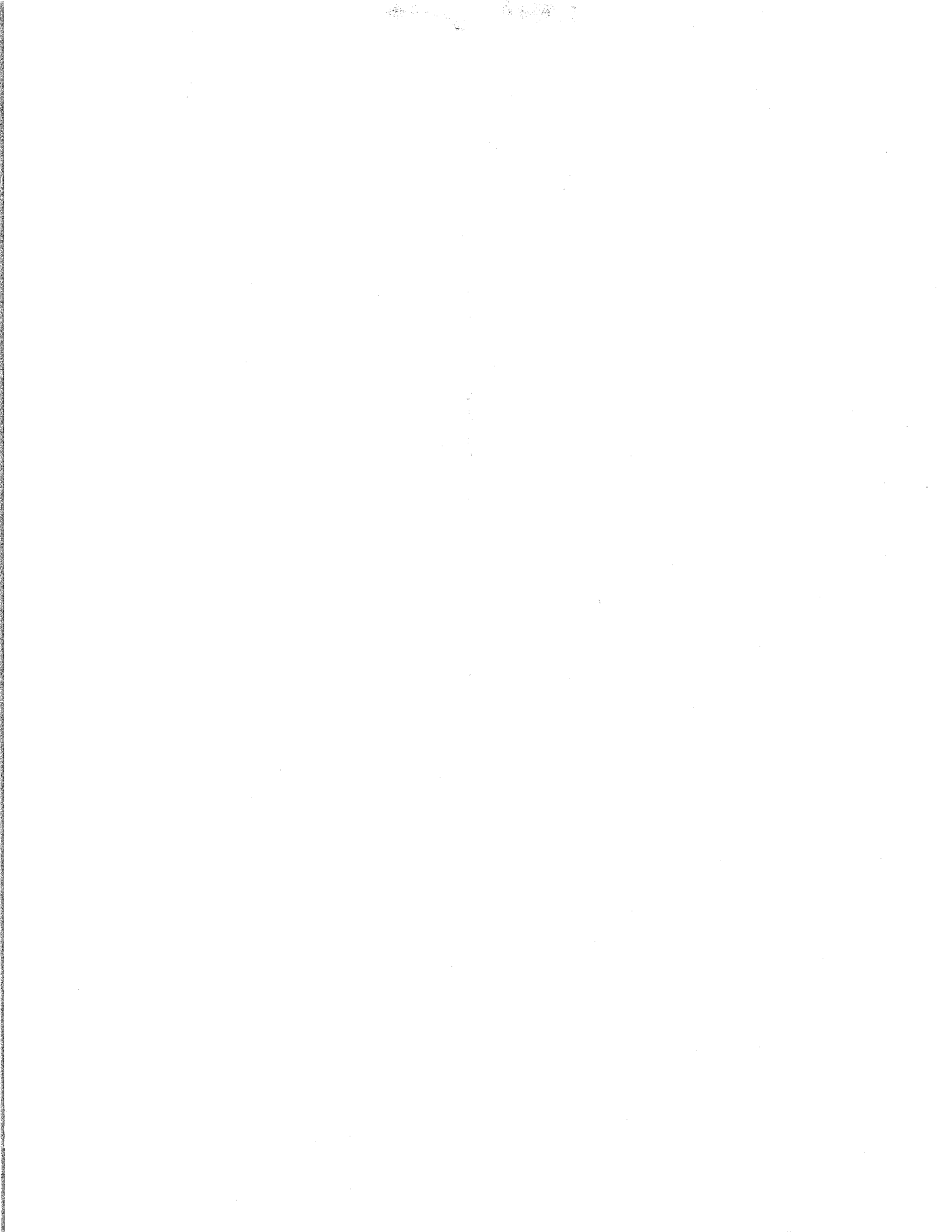
**District No. 7**  
**NELS A. ANDERSON**  
 718 - N. 26th ST.  
 BISMARCK, N. DAK. 58501  
 Phone: 258-5320

**District No. 8**  
**L. S. ENGELMAN**  
 612 N. NINETEENTH STREET  
 BISMARCK, N. Dak. 58501  
 Phone 222-5827

**City Inspectors**

Grand Forks — Alvin Marvick .....	775-8103
Bismarck — Jack Hegedus .....	223-5597
Fargo — Loyus Dimmer .....	241-1565
Minot — Richard Stamm .....	828-1041

**PHONE No.**  
 775-8103  
 223-5597  
 241-1565  
 828-1041





TITLE 33

Health, Department of

STAFF COMMENT:

This rule change is in response to concerns expressed by committee members over the lack of authority for local issuance of death certificates to morticians (March 1980 committee meeting).

AGENCY SYNOPSIS OF § 33-04-13-01:

Since the enactment of the Health Statistics Act (Chapter 23-02.1 of the North Dakota Century Code) and regulations adopted pursuant to the Act (Article 33-04 of the North Dakota Administrative Code), there has not existed statutory or regulatory provisions for the issuance of certified copies of death and fetal death certificates by local registrars (clerks of district court). An Attorney General's opinion in 1979 held the position that sole authority for the issuance of certified copies was vested with the state registrar, although local authority could be granted through the regulatory process.

There has been general concern expressed that without local authority for issuance there may be undue delays in providing certified copies for insurance settlements and other purposes. We agree with the concern of timing and wish to provide the greatest degree of service possible. Therefore, the proposed regulation would allow for the establishment of a uniform system of local issuance; one which would meet the needs of families and others in a timely fashion, but yet would also ensure a consistently high level of quality and acceptance in the service rendered.

33-04-13-01. GENERAL PROVISIONS.

1. The state registrar or local registrar shall not permit inspection of, or disclose information contained in vital records, or copy or issue a copy of all or part of any such record unless the state or local registrar is satisfied that the applicant has a direct and tangible interest in such record.
  - a. The registrant, a member of the registrant's immediate family, the registrant's guardian, or their respective legal representatives shall be considered to have direct and tangible interest. Others may demonstrate a direct and tangible interest when information is needed for determination or protection of a personal or property right.

- b. The term "legal representative" shall include an attorney, physician, funeral director, or other authorized agent acting in behalf of the registrant or the registrant's family.
  - c. The natural parents of adopted children, when neither has custody, and commercial firms or agencies requesting listings of names and addresses shall not be considered to have a direct and tangible interest.
2. The state registrar may permit the use of data from vital records for statistical research purposes, subject to such conditions as the state registrar may impose. No data shall be furnished from records for research purposes until the state registrar has prepared in writing the conditions under which the records or data will be used and received an agreement signed by a responsible agent of the research organization agreeing to meet with and conform to such conditions.
  3. The state registrar may disclose data from vital records to federal, state, county, and municipal agencies of government which request such data in the conduct of their official duties.
  4. Information from vital records indicating that a birth or fetal death occurred out of wedlock may be disclosed only if it can be shown that the information is beneficial to the registrant.
  5. Whenever it shall be deemed necessary to establish an applicant's right to information from vital records, the state registrar may require written application, identification of the applicant, or a sworn statement.
  6. Nothing in this section shall be construed to permit disclosure of information contained in the "confidential information for medical and health use only" section of vital records unless specifically authorized by the state registrar for statistical research or if authorized by a court of competent jurisdiction.
  7. The state registrar may permit the disclosure of data in state and local vital records for bona fide genealogical and historical research purposes; provided, however, that nothing contained herein shall be construed to permit disclosure of information contained in records which are by statute or regulation sealed from public inspection or of information contained in the "confidential information for medical and health use only" section of vital records. In addition, records of illegitimate births and illegitimate fetal deaths shall not be construed to be open for inspection for genealogical and historical research purposes.
  8. Upon written application by any local registrar, the state registrar may authorize, in written form, said local registrar to prepare and issue certified copies of original certificates of death and certificates of fetal death in the immediate possession of said local registrar. To ensure uniformity in the preparation and issuance of certified copies, the state registrar shall prescribe the format to be used for such certifications, the nature of certification statements used, and the

length of time for which original certificates of death and fetal death may be retained by the local registrar for purposes of issuance of certified copies. The state registrar may revoke such authorization for reasonable cause including actions inconsistent with North Dakota Century Code chapter 23-02.1 and regulations adopted pursuant thereto.

History: Amended effective November 1, 1980.

General Authority  
NDCC 23-02.1-04,  
28-32-02

Law Implemented  
NDCC 23-02.1-27

AGENCY SYNOPSIS OF § 33-12-01-01, 33-12-01-01.1, 33-12-01-01.2, 33-12-01-02, 33-12-01-03, 33-12-01-04, 33-12-01-05, and 33-12-01-07:

These regulations are a direct result of the passage of the tuberculosis treatment law (Tuberculosis Treatment) of Chapter 23-07.1 of the North Dakota Century Code.

An attempt was also made to clarify the procedure through which anyone afflicted with tuberculosis in the State of North Dakota would be able to receive treatment. The regulations also attempt to clarify the means by which anyone treating a tubercular person could be reimbursed.

33-12-01-01. LOCAL--BOARD--OF-HEALTH PURPOSE. ~~Upon receipt of information that a person is afflicted with active tuberculosis and that the person refuses to be treated or hospitalized, the local health department shall petition the county tuberculosis board for assistance in placing the person under voluntary or supervised care.~~ It is the purpose of this article to provide inpatient and outpatient care to persons afflicted or suspected of being afflicted with tuberculosis in order to protect the public health, safety, and welfare of the people of the state of North Dakota. It is also the intent of this article to promote and apply procedures necessary to prevent the spread of tuberculosis in the state. This article shall be applied in conjunction with North Dakota Century Code chapters 23-01 and 23-07.1.

History: Amended effective November 1, 1980.

General Authority  
NDCC 23-01-03,  
23-07.1-04

Law Implemented  
NDCC 23-04-03  
23-07.1-01

33-12-01-01.1. AUTHORITY. The North Dakota state department of health has been authorized to promulgate and administer this article under North Dakota Century Code chapters 23-01 and 23-07.1.

History: Effective November 1, 1980.

General Authority  
NDCC 23-01-03,  
23-07.1-04

Law Implemented  
NDCC 23-07.1-04

33-12-01-01.2. DEFINITIONS. As used in this article, the following words shall have the meanings given to them in this section, unless otherwise made inappropriate by use and context.

1. "Afflicted" means having documented active tuberculous disease.
2. "Communicable" means capable of being transmitted from one person to another.
3. "Contagious" means bearing contagion and communicable by contact.
4. "Contract" means an agreement (monetarily) between the state health department and any hospital for the care of a tuberculosis patient.
5. "Designee" means a state health department employee designated to administer the tuberculosis control program.
6. "Epidemiology" means the process of controlling a disease in a population.
7. "Evaluation" means medical and medication status, determined by physician, nurse practitioner, or nurse.
8. "Inpatient" means hospitalized for treatment of tuberculous disease.
9. "Isolation" means separation, for the period of communicability, of infected persons from others, to prevent conveyance of infectious agent to susceptible persons.
10. "License hospital" means any hospital which is licensed by the hospital facilities division of the state department of health.
11. "Outpatient" means being followed for treatment, diagnostic, and epidemiologic purposes.
12. "Practicing physician" means any licensed medical doctor practicing medicine.
13. "Quarantine" means limitation of freedom of movement of a diseased person until the person is no longer a public health hazard.



14. "Recalcitrant" means a person with active, contagious tuberculosis not responsive to handling or treatment.
15. "State health council" means the policymaking body of the state health department.
16. "Suspect" means a person whose medical history and symptoms suggests that the person may be developing some communicable disease.
17. "Temporary order" means process by which an individual in question is commanded to appear and answer cause.

History: Effective November 1, 1980.

General Authority  
NDCC 23-01-03,  
23-07.1-04

Law Implemented  
NDCC 23-07.1-04

~~33-12-01-02. COUNTY-TUBERCULOSIS-BOARD CONTRACT FEE FOR GENERAL HOSPITALS. If-upon-investigation;-the-county-tuberculosis-board-finds-that--a--contagious--or infectious--tuberculosis--case--will--endanger-the-health-of-others;-the-board-may issue-a-warrant-to-place-the-patient--under--treatment--at--one--of--the--contract tuberculosis-hospitals;-for-treatment-of-tuberculosis;-or-at-the-state-hospital-at Jamestown-for-treatment:~~

1. The department should establish a contract with the general hospitals in the larger cities for the care of tuberculosis patients, who do not have a third-party payment source.
2. The department will pay the standard fee for hospitalization.
3. The department will only pay for services relevant to the treatment of tuberculosis. Payment for services above the normal treatment requirement for tuberculosis will be the responsibility of the patient and/or provider.

History: Amended effective November 1, 1980.

General Authority  
NDCC 23-01-03,  
23-07.1-04

Law Implemented  
NDCC 23-01-03  
23-07.1-04

33-12-01-03. HOSPITALIZATION. The state department of health will authorize therapeutic admissions and the patients being treated for established tuberculosis are eligible for continued hospitalization as long as medically indicated; however, the state department of health will not pay for any patient care, treatment, maintenance, or transportation ~~to the extent that~~ if assistance is available through other sources or that third-party payers are required to provide.

History: Amended effective November 1, 1980.

General Authority  
NDCC 23-01-03,  
23-07.1-04

Law Implemented  
NDCC 23-01-03,  
23-07.1-04

33-12-01-04. OUTPATIENT SERVICES.

1. Tuberculosis diagnostic services are available at state supported outpatient clinics. Costs Payment for diagnostic services performed at a facility other than the state supported outpatient clinics will be the responsibility of the patient.
2. Upon discharge from a contract hospital for treatment of active tuberculosis, each patient may receive some or all of the patient's medical supervision at an existing state supported outpatient clinic.

History: Amended effective November 1, 1980.

General Authority  
NDCC 23-01-03,  
23-07.1-04

Law Implemented  
NDCC 23-01-03,  
23-07.1-04

33-12-01-05. DRUGS AND MEDICATION.

1. All antituberculosis drugs and medication approved by the state department of health for treatment of tuberculosis patients shall be provided by the state department of health.
2. All approved tuberculosis drugs and medications utilized for preventive treatment (chemoprophylaxis) shall be provided by the state department of health. If they are provided by an unauthorized facility they must be at the expense of the patient or other applicable third parties.

History: Amended effective November 1, 1980.

General Authority  
NDCC 23-01-03,  
23-07.1-04

Law Implemented  
NDCC 23-01-03,  
23-07.1-04

33-12-01-07. SEVERABILITY. If any provision of this article or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or application of any other part of this article which can be given effect without the invalid provision or

application and to this end the provisions of this article and the various applications thereof are declared to be severable.

History: Effective November 1, 1980.

General Authority  
NDCC 23-01-03

Law Implemented  
NDCC 23-01-03

TITLE 38

Highway Patrol

STAFF COMMENT:

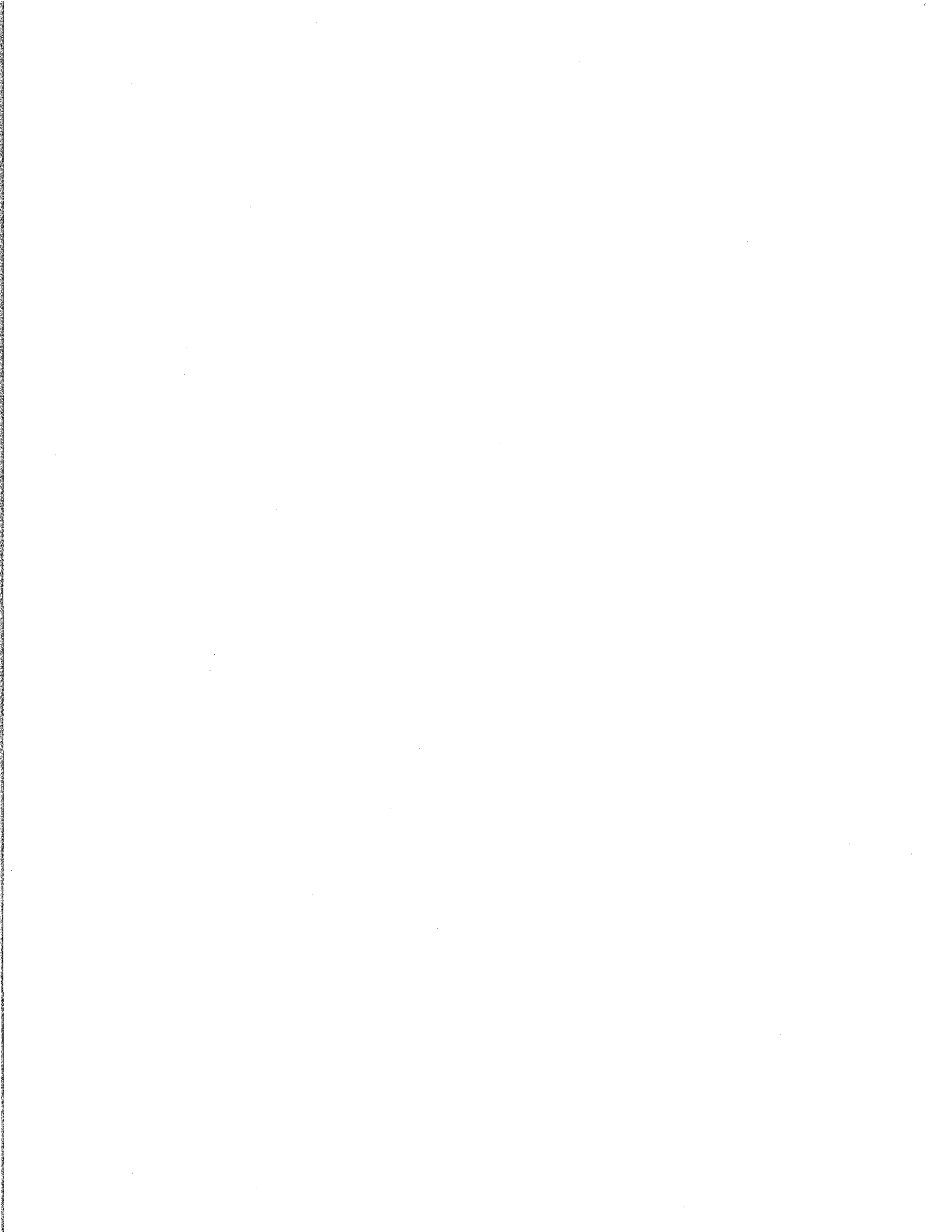
The Administrative Rules Committee approved the proposed repeal of Article 38-02 at its November 1979 meeting. The Highway Patrol completed its public notice process and Article 38-02 is repealed effective November 1, 1980.

ARTICLE 38-02

MOTOR VEHICLE MAINTENANCE PROGRAM

[Repealed effective November 1, 1980]







TITLE 52

Motor Vehicle Department

52-06-03-02. YEARLY REPORTS.

1. Every person, company, or corporation engaged in the transport from, into, through, or within North Dakota of hazardous materials shall file annually with the registrar a compilation of the aggregate statistics regarding the number of shipments and tonnage of different kinds of hazardous materials transported into, through, or within North Dakota.
2. Reports required to be filed pursuant to this section shall contain the following information:
  - a. Name of reporter.
  - b. Name and address of carrier represented by reporter.
  - c. Number of vehicles involved in the transport of hazardous materials.
  - d. Aggregate yearly tonnage of each of the categories of hazardous materials listed below:
    - (1) Radioactive material.
    - (2) Poison A.
    - (3) Flammable gas.
    - (4) Nonflammable gas.
    - (5) Flammable liquid.
    - (6) Oxidizer.
    - (7) Flammable solid.
    - (8) Corrosive material (liquid).
    - (9) Poison B.
    - (10) Corrosive material (solid).
    - (11) Irritating materials.

(12) Combustible liquid (in containers having capacities exceeding one hundred ten gallons [416.40 liters]).

(13) ORM-B.

(14) ORM-A.

(15) Combustible liquid (in containers having capacities of one hundred ten gallons [416.40 liters] or less).

(16) Explosives A.

(17) Explosives B.

e. Aggregate vehicular mileage of motor vehicles engaged in the transport of hazardous materials from, into, through, or within North Dakota.

3. Reports required to be filed pursuant to this section may contain the following information:

a. Number of shipments terminating with carrier.

b. Number of shipments delivered to another motor carrier.

c. A request for exemption from the reporting requirements of this section clearly stating the reasons therefore. (Any request for exemption shall be granted upon an adequate showing that the quantities of hazardous materials transported are of an insignificant amount, that compliance with the reporting requirements of this section would work an undue hardship, or that other valid reason for exemption exists.)

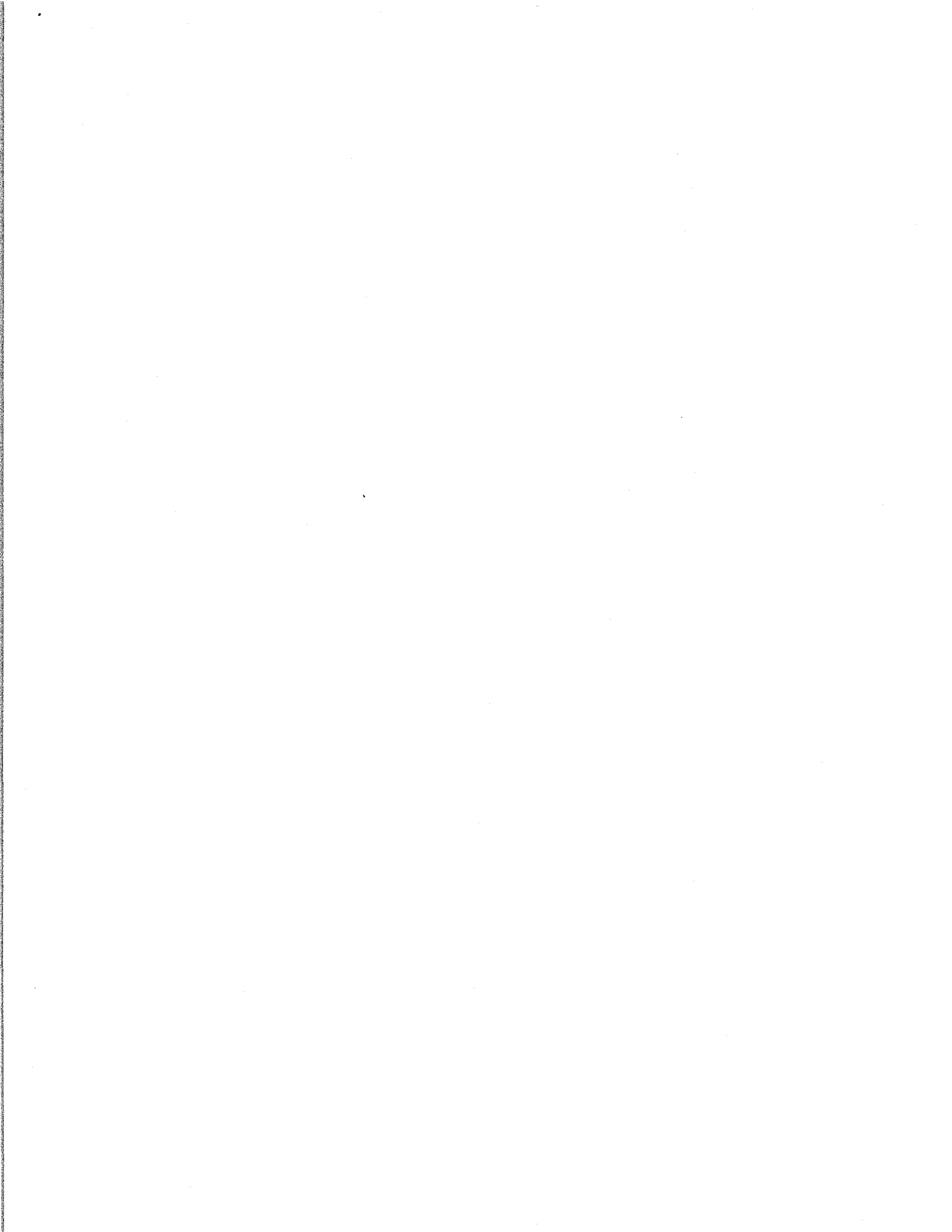
d. A suggestion for changes in the reporting requirements.

History: Effective January 1, 1980; amended effective November 1, 1980.

General Authority  
NDCC 39-02-03

Law Implemented  
NDCC 39-04-05,  
39-21-44







TITLE 54

Nursing Board

STAFF COMMENT:

Chapter 54-05-03 contains all new material and is not underscored to improve readability.

54-05-03-01. STATEMENT OF INTENT. Registered nurse roles are changing due to the impetus of a growing body of nursing knowledge, increasing nurse-physician collaboration and new consumer expectations for health care. The citizens of North Dakota have the need and the right to know the meaning of the titles assigned to these roles as well as the assurance that the users of these titles have met specific criteria as defined by rules and regulations of the board of nursing. These titles are nurse clinician, nurse practitioner, and clinical nurse specialist. Rationale for establishing these titles is based upon the nurse's advanced academic preparation, system of practice, and focus of specialization. The title and practice of the certified registered nurse anesthetist (CRNA) are acknowledged by the board of nursing. Registered nurses who practice beyond the scope of chapter 54-05-02 shall conform to rules and regulations governing registered nurse practice in expanded roles in North Dakota.

The scope of practice for expanded roles is based upon the common understanding by nurses, physicians, other health care providers and the consumer that an appropriately educated nurse can competently deliver a broad range of services to people. The nurse's performance of any authorized or delegated medical function is also the responsibility of the physician and is to be performed with the physician's review. The nurse is solely responsible for the nurse's performance of nursing and is ultimately accountable to the client/patient within the Nurse Practices Act.

History: Effective October 1, 1980.

General Authority  
NDCC 43-12.1-08

Law Implemented  
NDCC 43-12.1-08(18)

54-05-03-02. NURSE CLINICIAN - BOARD AUTHORITY - TITLE - ABBREVIATION. The board of nursing shall restrict the use of the title "nurse clinician" and the abbreviation "N.C." to the registered nurse who has submitted evidence of specialization within a defined area of nursing practice.

History: Effective October 1, 1980.

General Authority  
NDCC 43-12.1-08

Law Implemented  
NDCC 43-12.1-08(18)

54-05-03-03. NURSE CLINICIAN - REQUIREMENTS FOR LICENSE. Applicants for license as a nurse clinician shall:

1. Possess a current license to practice as a registered nurse in North Dakota.
2. Submit evidence of additional educational preparation in continuing education programs or advanced formal education in a board approved program.
3. Submit evidence of experiential expertise gained through the clinical aspect of coursework or employment.
4. Be certified by a national nursing organization in the nurse's specific area of practice.
5. Submit a completed notarized application and pay the fee of fifty dollars.
6. Submit a scope of practice statement according to established guidelines for review and approval by the board of nursing.

History: Effective October 1, 1980.

General Authority  
NDCC 43-12.1-08

Law Implemented  
NDCC 43-12.1-08(18)

54-05-03-04. NURSE CLINICIAN - LICENSE RENEWAL. The license for a nurse clinician shall be valid for up to two calendar years and shall be renewed by December thirty-first of the second year. Applicants for renewal of the license shall pay the relicensure fee of ten dollars and shall submit evidence of continuing certification.

History: Effective October 1, 1980.

General Authority  
NDCC 43-12.1-08

Law Implemented  
NDCC 43-12.1-08(18)

54-05-03-05. NURSE PRACTITIONER - BOARD AUTHORITY - TITLE - ABBREVIATION. The board of nursing shall restrict use of the title "nurse practitioner" and the abbreviation "N.P." to the registered nurse with advanced specialized nursing education who has submitted evidence of preparation necessary to provide primary health care and advanced nursing care.

History: Effective October 1, 1980.

General Authority  
NDCC 43-12.1-08

Law Implemented  
NDCC 43-12.1-08(18)

54-05-03-06. NURSE PRACTITIONER - REQUIREMENTS FOR LICENSE - TEMPORARY PERMIT. Applicants for licensure as a nurse practitioner shall:

1. Possess a current license to practice as a registered nurse in North Dakota.
2. Submit evidence of advanced formal education in a board approved nurse practitioner program.
3. Submit evidence of passing a qualifying entry-level proficiency examination acceptable to the board of nursing.
  - a. If no qualifying examination is available, the board of nursing shall devise a method for examining the candidate's competency.
  - b. A temporary permit may be issued until the results of the first qualifying examination are received.
4. Submit a completed notarized application and pay the fee of fifty dollars.
5. Submit a scope of practice statement according to established guidelines for review and approval by the board of nursing with consultation from a statewide nurse practitioner group.

History: Effective October 1, 1980.

General Authority  
NDCC 43-12.1-08

Law Implemented  
NDCC 43-12.1-08(18)

54-05-03-07. NURSE PRACTITIONER - LICENSE RENEWAL. The license for a nurse practitioner shall be valid up to two calendar years and shall be renewed by December thirty-first of the second year. Applicants for renewal of the nurse practitioner license shall pay the relicensure fee of ten dollars and shall submit a scope of practice statement for review.

History: Effective October 1, 1980.

General Authority  
NDCC 43-12.1-08

Law Implemented  
NDCC 43-12.1-08(18)

54-05-03-08. CLINICAL NURSE SPECIALIST - BOARD AUTHORITY - TITLE - ABBREVIATION. The board of nursing shall restrict use of the title "clinical nurse specialist" and the abbreviation "C.N.S." to the registered nurse with a master's degree in nursing who has submitted evidence of specialization within a defined area of nursing practice.

History: Effective October 1, 1980.

General Authority  
NDCC 43-12.1-08

Law Implemented  
NDCC 43-12.1-08(18)

54-05-03-09. CLINICAL NURSE SPECIALIST - REQUIREMENTS FOR LICENSE - TEMPORARY PERMIT. Applicants for licensure as a clinical nurse specialist shall:

1. Possess a current license to practice as a registered nurse in North Dakota.
2. Submit evidence of a master's degree in nursing from a board approved graduate program that included a core of clinical nursing.
3. Submit evidence of passing a qualifying entry-level proficiency examination acceptable to the board of nursing.
  - a. If no qualifying examination is available, the board shall devise a method for determining the candidate's competency.
  - b. A temporary permit may be issued until the results of the first qualifying examination are received.
4. Submit a completed notarized application and pay the fee of fifty dollars.

5. Submit a scope of practice statement according to established guidelines for review and approval by the board of nursing.

History: Effective October 1, 1980.

General Authority  
NDCC 43-12.1-08

Law Implemented  
NDCC 43-12.1-08(18)

54-05-03-10. CLINICAL NURSE SPECIALIST - LICENSE RENEWAL. The license for a clinical nurse specialist shall be valid up to two calendar years and shall be renewed by December thirty-first of the second year. Applicants for renewal of the license shall pay the relicensure fee of ten dollars and shall submit a scope of practice statement for review.

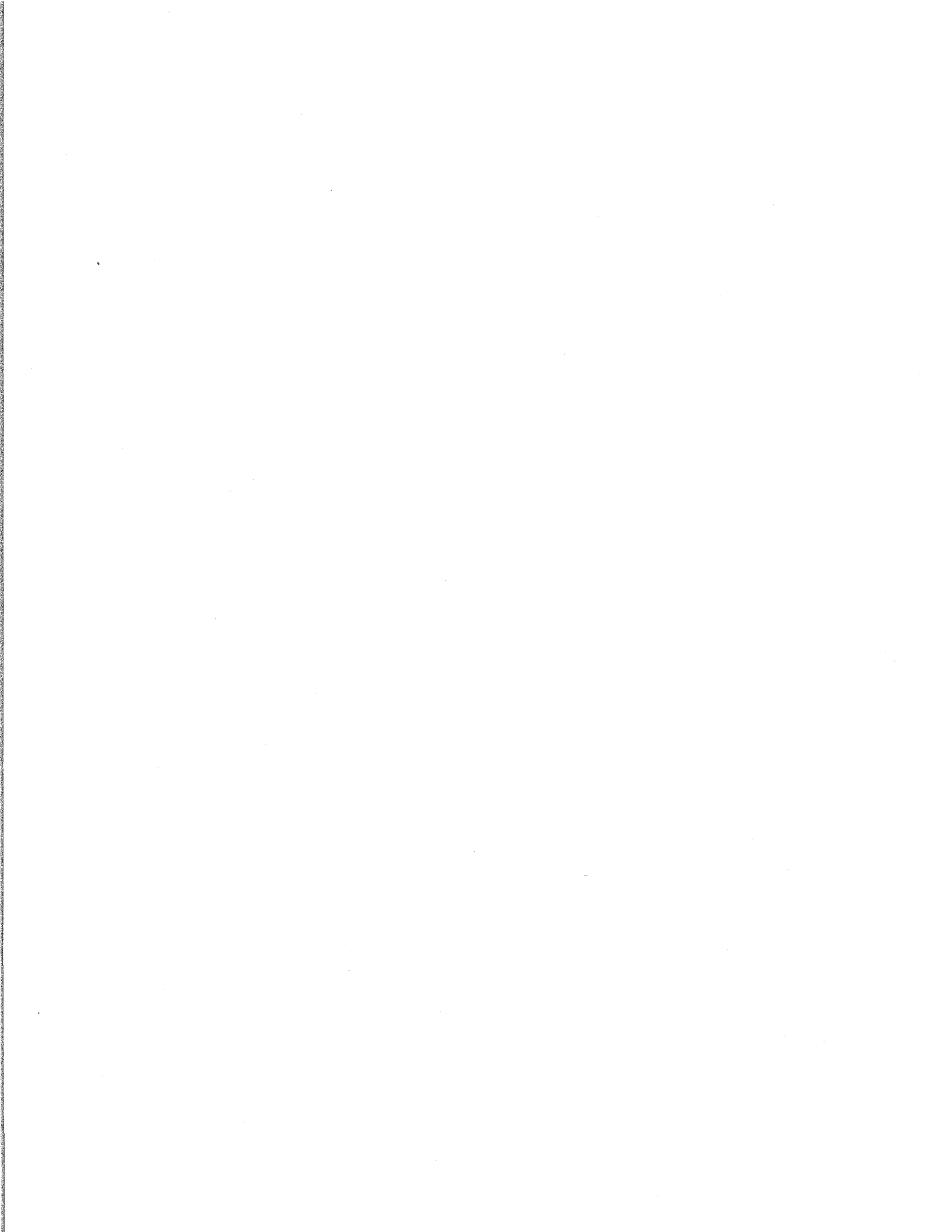
History: Effective October 1, 1980.

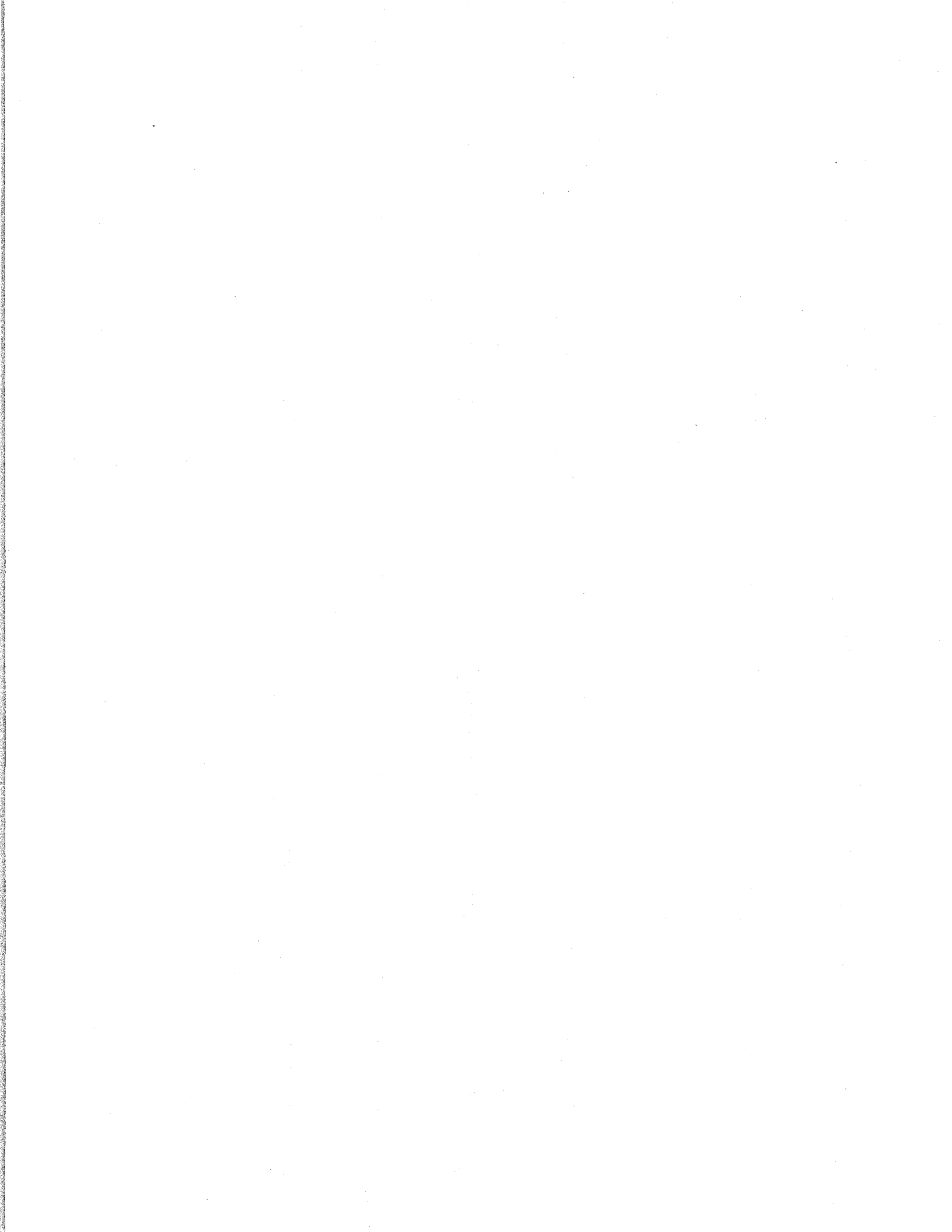
General Authority  
NDCC 43-12.1-08

Law Implemented  
NDCC 43-12.1-08(18)









TITLE 67

Public Instruction, Superintendent of

67-02-01-01. STUDENT TEACHERS. A student teacher is one who teaches in a regular classroom situation as part of the requirements in professional preparation.

1. All college students in education shall have classroom related preprofessional experience prior to student teaching. This experience should be provided as early as possible.
2. The student teacher should be assigned by a college or university to a cooperating school on a full-time block. A full-time block is construed as a full day for nine consecutive weeks with exceptions documented. The student teacher shall be placed in a classroom where the cooperating teacher is regularly assigned.
3. In the event of an emergency, the student teacher may be used as a substitute teacher in the student teacher's regularly assigned classroom for a period of time not to exceed two consecutive days.
4. Student teachers shall be placed only in accredited schools.

History: Amended effective November 1, 1980.

General Authority  
NDCC 15-36-01,  
28-32-02

Law Implemented  
NDCC 15-36-01

67-02-03-01. TWO-YEAR AND FIVE-YEAR RENEWALS.

1. A two-year renewal will be issued to those applicants reentering the profession or to applicants with less than eighteen months of contracted teaching in North Dakota.
2. A The initial five-year renewal will be issued to those applicants who have successfully taught two-years eighteen months in the state on a valid North Dakota certificate. Succeeding five-year renewals require evidence of thirty teaching days of contracted service to avoid reverting to reentry status. Three recommendations are required. Two of the recommendations must be secured from the most recent employing board, supervisors, and administrators. One of the recommendations may

be a person of the applicant's choice. In the event that the applicant has not taught in the last three years or it is impossible to secure recommendations from supervisors or administrators, then the recommendations must be secured from individuals who can speak to the teaching potential and character of the applicant. In the event recommendations are not adequate to issue a five-year certificate, the superintendent of public instruction will provide a hearing following North Dakota Century Code chapter 28-32. The procedure will be as provided in North Dakota Century Code chapter 28-32-05. Following the hearing procedure, the superintendent of public instruction shall make a determination whether to:

- 1- a. Issue a five-year renewal to the applicant;
- 2- b. Issue a two-year probationary certificate; or
- 3- c. Deny recertification.

History: Amended effective November 1, 1980.

General Authority  
NDCC 15-36-01,  
28-32-02

Law Implemented  
NDCC 15-36-01

67-02-03-02. CREDIT. The succeeding renewal of the five-year certificate requires verification of a minimum of four semester hours or six quarter hours of college or university credit earned within the dates of the certificate, contracted teaching of a minimum of thirty days, and three recommendations as outlined in subsection 2 of section 67-02-03-01. Applicants not meeting these requirements will be processed as reentry applicants under section 67-02-04-01.

History: Amended effective November 1, 1980.

General Authority  
NDCC 15-36-01,  
28-32-02

Law Implemented  
NDCC 15-36-01

67-02-06-05. QUALIFICATIONS. The applicant must have proficiency and hold minimal qualifications of a bachelor's degree to teach in the area to be assigned.

History: Amended effective November 1, 1980.

General Authority  
NDCC 15-36-01,  
28-32-02

Law Implemented  
NDCC 15-36-01

67-02-06-06. COLLEGE STUDENT. ~~A--person-who-is-or-who-has-recently-been-enrolled-as-a-regular-student-at-a--college--must--obtain--a--statement--from--the-chairperson--of--the--division--of--teacher--education-indicating-that-there-is-no-objection--to--the--applicant--being--considered--for--an--emergency--certificate-~~  
Repealed effective November 1, 1980.

General Authority  
NBCE-15-36-01,  
28-32-02

Law Implemented  
NBCE-15-36-01

67-02-07-01. RECIPROCITY. North Dakota will have reciprocity for suspensions and revocations with other states during the suspension time and will determine acceptance of applicants case by case based on applicable North Dakota laws.

History: Amended effective November 1, 1980.

General Authority  
NDCC 15-36-01,  
28-32-02

Law Implemented  
NDCC 15-36-01

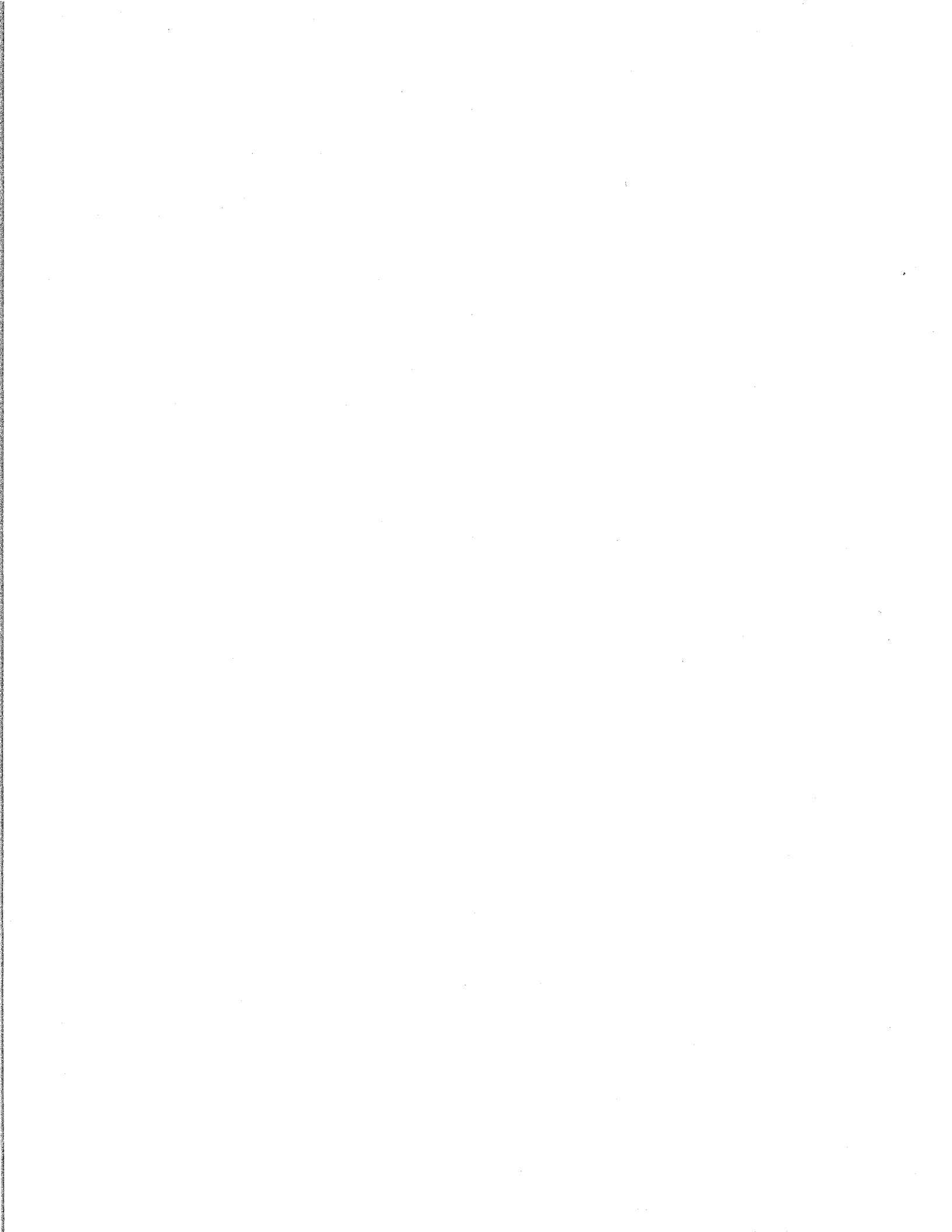
67-02-07-04. ENDORSEMENTS AND RESTRICTIONS. The North Dakota educator's professional certificate is issued to those who hold a bachelor's degree from an accredited college or university approved as a teacher training institution. This degree must include twenty semester hours or thirty quarter hours in education. The coursework in education must include successful student teaching. This certificate qualifies the holder for regular classroom teaching or for functioning in specialized areas with the proper endorsements and restrictions as assigned. The endorsements are elementary, preschool or kindergarten, and secondary. The restrictions are special--education psychology (master's degree with major in school psychology), speech therapy, mental retardation, and reserve officers' training corps. All other special education categories require regular elementary or secondary qualifications.

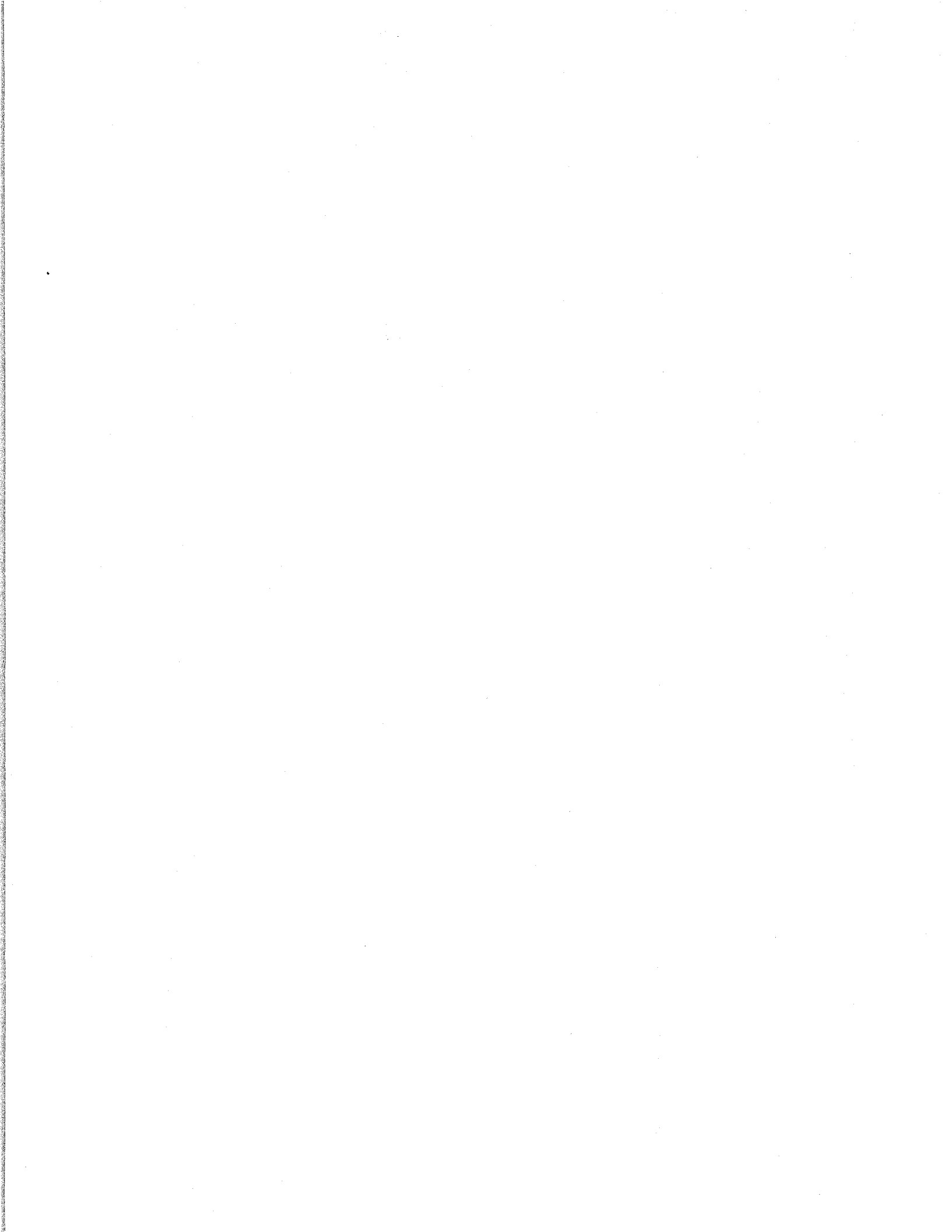
History: Amended effective November 1, 1980.

General Authority  
NDCC 15-36-01,  
28-32-02

Law Implemented  
NDCC 15-36-01









TITLE 69

PUBLIC SERVICE COMMISSION

STAFF COMMENT:

Sections 69-09-01-18.1, 69-09-01-29, 69-09-02-02.1, 69-09-02-05.1, 69-09-02-37, 69-09-02-38, and 69-09-02-39 are all new material and are not underscored to improve readability.

AGENCY SYNOPSIS OF § 69-02-04-01:

This section has been amended to delete the word "electric." This change removes the applicability of this section to electric utilities. Reference to electric utilities in this section is no longer necessary as a new regulation 69-09-02-02.1 has been adopted to provide sufficient information to electric customers in the event an electric utility proposes a rate change. In addition, the notice requirement has been amended from fourteen to twenty days, and Williams County has been added to the list of counties where press releases must be sent.

69-02-04-01. NOTICE. In those proceedings in which a hearing is to be held, the commission will, by order or otherwise, assign a time and place for hearing. Notice of the hearing will be posted in the office of the commission, and will be served upon the parties and such other persons that may be entitled to receive notice at least ~~fourteen~~ twenty days prior to the date set for the hearing except in cases of emergency.

In any proceeding involving the rights of persons who are members of the public generally, notice of hearing shall be given by mailing a copy of the notice to the chairman of the board of county commissioners in each county wherein its citizens who are or will be affected reside, and to the chief executive officer of each city affected in the county. In addition, the commission will serve notice of the hearing by publication thereof to be printed in the official newspaper of each county or counties in which the subject matter involved is located. Notice of publication shall be at least ~~fourteen~~ twenty days prior to the date of the hearing.

Railroads at the time of filing general increases with the public service commission shall prepare press releases in the same format as prescribed by the interstate commerce commission at 49 CFR 1102.1 (a) et seq., and send the releases on the major news wire services and the principal newspapers of general circulation in the following counties: Burleigh, Cass, Grand Forks, Stark, and Ward, and Williams.

Middlewest motor freight bureau and national bus traffic association shall, when filing general increases in rates, fares, or charges with the public service

commission, prepare news releases indicating the amount of the increase (both in terms of percentage and dollars annualized), the geographic scope of the increase and any general exceptions to the increase. The press releases shall be sent to the editors of the newspapers of general circulation in the following counties: Burleigh, Cass, Grand Forks, Stark, and Ward, and Williams.

When determined by the commission to be appropriate, the electric, gas, or telephone utility proposing a change in rates shall notify individually its subscribers of the proposed change by billing stuffer or other appropriate method approved by the commission. If a hearing has been ordered by the commission, the notice shall indicate the place and date of the commencement of the hearing and that the public is invited to attend. Subject to the power of the commission to modify its contents, the notice shall include a summary sheet describing the absolute dollar and percentage impact of the proposed rate changes upon revenues by the various classes of services offered by the petitioning utility and shall include a list of petitioner's business office locations where the proposed rate schedules and a comparison of present and proposed rates can be examined by the public. The notice shall also contain in bold type the following statement: The rate changes described in this notice have been requested by (specific utility).

History: Amended effective October 1, 1980.

General Authority  
NDCC 28-32-02

Law Implemented  
NDCC 49-01-07

AGENCY SYNOPSIS OF § 69-09-01-18.1:

Sections 69-09-01-18.1 and 69-09-02-05.1 are parallel regulations which provide that a utility may disconnect service to a customer for a limited number of reasons upon providing proper notification regarding the termination. The regulations also specify the rights, remedies and responsibilities of electric and gas customers. Furthermore, special protections for customers identified as elderly, handicapped, or those that have medical problems have been included. Finally, tenants in a master metered building are also given additional rights in the event of termination of service to the landlord.

69-09-01-18.1. DISCONTINUANCE OF GAS SERVICE.

1. A utility may disconnect service if the customer is delinquent in payment for services rendered. However, no utility shall discontinue service to a customer for failure to pay for such service until the utility shall first have given the customer notice of its intention to discontinue such service on account of delinquency. The notice shall:
  - a. Be sent by first class mail addressed to the customer at the place where service is rendered, except that in the case of residential customers sixty-five years of age or older, or for handicapped customers, personal notice by delivery is required. A copy of each notice must also be mailed to the nearest social service office and to any other appropriate financial assistance agency, providing that

prior approval has been given by the customer pursuant to subsection 2.

- b. Show the amount of the delinquency.
- c. Advise the customer of the customer's rights and remedies, including but not limited to the right of the customer to stay termination for up to thirty days if the customer advises the utility within the ten-day notice period that dangerous health conditions exist or that the customer is sixty-five years of age or older or that the customer is handicapped. In addition, the notice shall advise the customer of the customer's right to work out a satisfactory deferred installment agreement for delinquent accounts and of the opportunity to enter into equal monthly payment plans for future service.
- d. Inform the customer that service will be discontinued if the delinquent account is not paid within ten calendar days from the date of mailing or personal delivery of the notice, or if a satisfactory installment agreement is not made with the utility for payment of the delinquent bill.

If the customer elects to enter into a deferred installment agreement for delinquent accounts, service may not be terminated; however, the utility may discontinue service without further notice if the customer fails to pay the delinquent account on or before the date specified in the notice, or in accordance with the deferred installment agreement. The customer shall have the privilege of paying the delinquent account at any time prior to the actual disconnection of service, and the person directed by the utility to make the disconnection shall be deemed authorized and shall accept payment of the delinquent account if tendered to the person by the customer before actual disconnection of service is made.

- 2. It shall be the responsibility of all residential customers sixty-five years of age or older, handicapped, or having an emergency medical problem in the household, including life sustaining appliances, such as kidney dialysis, to notify the utility of such status. To assist in such notification, all utilities shall annually include a preaddressed postage-paid post card in the monthly billing mailed to all residential customers during the billing period ending October first. Such notice shall also be provided to all new customers in that service area when they are first provided service by the utility.

The post card shall include the following questions:

- |   | YES | NO |
|---|-----|----|
| 1. Is any member of your household 65 years of age or older, or handicapped?        | —   | —  |
| 2. Do you have any emergency medical problem in your household?                     | —   | —  |
| 3. Do you desire that the area social service office or other appropriate financial |     |    |

assistance agency be notified in the event of a proposed disconnect? \_\_\_\_\_

4. Do you desire that some other third party be contacted in the event of a disconnect? \_\_\_\_\_  
Is so, name and address of person \_\_\_\_\_

5. If you are having difficulty paying your utility bill, please contact our local service representative or business office so that we can work with you on your problem.  
Utility Telephone Number \_\_\_\_\_  
Office Address \_\_\_\_\_

Date \_\_\_\_\_ Name \_\_\_\_\_  
Address \_\_\_\_\_

\_\_\_\_\_  
Signature

3. Service shall not be disconnected under this section on weekends, Fridays, state holidays, the day before a state holiday, or after twelve noon on any day. Whenever service is disconnected under this section during the period October fifteenth to April fifteenth, the utility shall immediately notify the commission of the specific disconnection by telephone. A report describing the total number of actual disconnects, type of customer, and amount of delinquency for each disconnected customer shall be filed monthly with the commission within ten days after the last day of each month.

4. Whenever service has been disconnected for nonpayment of a bill, before reconnection is made the customer shall pay the reconnection fee established in the utility's rate schedules; make a deposit pursuant to section 69-09-02-04 if all or a part of the previous deposit was used in settlement of the delinquent bill; and make a satisfactory settlement for the delinquent bill and for service rendered between the last meter reading date and the date service was disconnected.

5. In the event the customer disputes the amount of a bill for service, the customer may, to prevent disconnection for nonpayment, pay the disputed bill under protest to the utility. Alternatively, the customer may request a formal hearing pursuant to section 69-02-02-02 in which case the utility shall not disconnect service for nonpayment of the disputed bill until a final decision has been issued by the commission. The utility shall immediately give the commission notice of the dispute and the commission may investigate the dispute. The utility shall refund to the customer any part of such payment made under protest found by the commission to be excessive.

6. A utility may not disconnect service to a customer for failure of the customer: to pay for merchandise purchased from the utility; to pay for a different class of service furnished by the utility; to pay for service rendered to a previous occupant of the premises; or to pay the bill of another customer as guarantor thereof.

7. A utility may discontinue service to a customer for failure to comply with regulations of the utility on file with the commission pertaining to installation and operation of utilization equipment, or for use of equipment which interferes with, or adversely affects, the service to other customers, provided the customer has first been notified and afforded reasonable opportunity to change or disconnect such equipment.
8. A utility may discontinue service to a customer upon ten days written notice if it is determined that the meter or other equipment installed by the utility has been tampered with, or if there has been a diversion of service, or if the customer is utilizing gas before the energy has passed through a meter installed by the utility, or if a condition dangerous to life and property exists on the customer's premises.
9. Where a customer who has tenants is including the cost of utility services in the rent charged and the utility bill becomes delinquent, the utility before disconnecting service must also notify the tenants in writing at least ten days prior to the proposed termination date. The utility must allow each tenant to apply to become the customer of the utility in the tenant's own name, to have the service to the rental facility continued or resumed, and to pay the pro rata share of future bills. Such tenant-customer shall be subject to all the provisions of this chapter.

History: Effective October 1, 1980.

General Authority  
NDCC 49-02-11

Law Implemented  
NDCC 49-02-11

AGENCY SYNOPSIS OF § 69-09-01-29:

Sections 69-09-01-29 and 69-09-02-38 are parallel regulations which define the terms "advertising," "institutional advertising," "political advertising," and "promotional advertising." The regulations prohibit a utility from including the costs of institutional, promotional, or political advertising as "above the line" operating expenses in the cost of service determination in ratemaking proceedings. Reasonable advertising expenditures by a utility which are not specifically prohibited may be included as operating expenses in ratemaking proceedings.

69-09-01-29. ADVERTISING BY GAS UTILITIES.

1. Definitions. For purposes of this section:
  - a. "Advertising" means the commercial use, by a gas utility, of any media, including newspaper, printed matter, radio, and television, in order to transmit a message to a substantial number of members of the public or to the utility's gas customers.
  - b. "Institutional advertising" means advertising which has as its primary objective the enhancement or preservation of the corporate

image of the utility and to present it in a favorable light to the general public and investors.

- c. "Political advertising" means any advertising for the purpose of influencing public opinion with respect to legislative, administrative, or electoral matters, or with respect to any controversial issue of public importance.
  - d. "Promotional advertising" means any advertising for the purpose of encouraging any person to select or use the service or additional service of a gas utility or the selection or installation of any appliance or equipment designed to use the utility's service.
  - e. "Institutional advertising," "political advertising," and "promotional advertising" do not include:
    - (1) Advertising which informs gas customers how they can conserve energy or can reduce peak demand for gas energy.
    - (2) Advertising required by law or regulations.
    - (3) Advertising relating to service interruptions, safety measures, or emergency conditions.
    - (4) Advertising concerning employment opportunities with a gas utility.
    - (5) Advertising which promotes the conservation of limited resources, the use of more plentiful resources, or the use of energy efficient appliances, equipment, or services.
    - (6) Any explanation or justification of existing or proposed rate schedules, or notifications of hearings thereon.
    - (7) Advertising determined by the commission to benefit customers and serve the public interest.
2. Any expenditure by the utility for institutional, promotional, or political advertising shall be excluded from operating expenses in the cost of service determination for ratemaking purposes.
3. Advertising expenditures which are reasonable in amount and which are not excluded by the provisions of this section may be included as operating expenses in the cost of service determination for ratemaking purposes.

History: Effective October 1, 1980.

General Authority  
NDCC 49-02-11

Law Implemented  
NDCC 49-02-11

AGENCY SYNOPSIS OF § 69-09-02-02.1:

This section requires each electric utility to provide and send timely informational statements to its customers regarding present and proposed rate schedules of the utility. The customer must also be notified of alternative rate schedules he may select, but once the customer decides on a particular rate schedule, he must take service under that rate schedule for at least one year. Upon request by the customer, each electric utility must provide free of charge a statement of that customer's actual consumption and cost of electric energy for each billing period during the past year.

69-09-02-02.1. INFORMATION TO ELECTRIC CUSTOMERS.

1. Each utility shall keep on file in every office of the utility where payments are received copies of its rate schedules and rules and regulations applicable thereto. Notice shall be given customers as to where this information is available as a part of the statement required by subsection 2.
2. Each utility shall send to each of its electric customers a statement containing a clear and concise explanation of the existing rate schedule, and any rate schedule applied for, that is applicable to such customer. The statement shall be sent:
  - a. Not later than sixty days after the date of commencement of service to such customer or ninety days after October 1, 1980, whichever occurs last; and
  - b. Not later than thirty days after such utility's application for any change in a rate schedule applicable to such customer.

The statement addressing the rate schedule applied for shall include for each of the major classes of its electric customers for which there is a separate rate, a summary analysis which shows the economic impact of the proposed rate change and rate design changes, if any, for an average customer within a class based upon an average annual consumption and a statement that the rates applied for are proposed only and that new rates will not be effective until commission action has been taken.

3. Each utility shall send to each of its electric customers not less frequently than once each year together with the customer's billing:
  - a. A clear and concise summary of the existing rate schedules applicable to each of the major classes of its electric customers for which there is a separate rate;
  - b. An identification of any classes whose rates are not summarized; and
  - c. A notice calling the attention of the customer to the availability of alternative rate schedules for the customer's particular class of service and that, upon request, the utility will assist the customer in determining the billing for load conditions specified by the customer under various rate schedules. The customer, after selecting a particular rate schedule, shall take service under the

rate schedule for a period of not less than twelve months, unless the rates are changed or there is a material change in the customer's load.

4. Each utility, upon request of an electric customer, shall, without charge, send the customer a clear and concise statement of the actual consumption and cost of electric energy by such customer for each billing period during the prior year, unless such consumption and cost data is not reasonably ascertainable by the utility.
5. Each utility shall file with the commission a sample copy of the statement format required by subsections 2 and 4 and a copy of the summary and notice required by subsection 3. Any format changes in statements or notices under this section shall be filed immediately with the commission.

History: Effective October 1, 1980.

General Authority  
NDCC 49-02-11

Law Implemented  
NDCC 49-02-11

AGENCY SYNOPSIS OF § 69-09-02-05.1:

Sections 69-09-02-05.1 and 69-09-01-18.1 are parallel regulations which provide that a utility may disconnect service to a customer for a limited number of reasons upon providing proper notification regarding the termination. The regulations also specify the rights, remedies and responsibilities of electric and gas customers. Furthermore, special protections for customers identified as elderly, handicapped, or those that have medical problems have been included. Finally, tenants in a master metered building are also given additional rights in the event of termination of service to the landlord.

69-09-02-05.1. DISCONTINUANCE OF ELECTRIC SERVICE.

1. A utility may disconnect service if the customer is delinquent in payment for services rendered. However, no utility shall discontinue service to a customer for failure to pay for such service until the utility shall first have given the customer notice of its intention to discontinue such service on account of delinquency. The notice shall:
  - a. Be sent by first class mail addressed to the customer at the place where service is rendered, except that in the case of residential customers sixty-five years of age or older, or for handicapped customers, personal notice by delivery is required. A copy of each notice must also be mailed to the nearest social service office and to any other appropriate financial assistance agency, providing that prior approval has been given by the customer pursuant to subsection 2.
  - b. Show the amount of the delinquency.



- c. Advise the customer of the customer's rights and remedies, including but not limited to the right of the customer to stay termination for up to thirty days if the customer advises the utility within the ten-day notice period that dangerous health conditions exist or that the customer is sixty-five years of age or older or that the customer is handicapped. In addition, the notice shall advise the customer of the customer's right to work out a satisfactory deferred installment agreement for delinquent accounts and of the opportunity to enter into equal monthly payment plans for future service.
- d. Inform the customer that service will be discontinued if the delinquent account is not paid within ten calendar days from the date of mailing or personal delivery of the notice, or if a satisfactory installment agreement is not made with the utility for payment of the delinquent bill.

If the customer elects to enter into a deferred installment agreement for delinquent accounts, service may not be terminated; however, the utility may discontinue service without further notice if the customer fails to pay the delinquent account on or before the date specified in the notice, or in accordance with the deferred installment agreement. The customer shall have the privilege of paying the delinquent account at any time prior to the actual disconnection of service, and the person directed by the utility to make the disconnection shall be deemed authorized and shall accept payment of the delinquent account if tendered to the person by the customer before actual disconnection of service is made.

- 2. It shall be the responsibility of all residential customers sixty-five years of age or older, handicapped, or having an emergency medical problem in the household, including life sustaining appliances, such as kidney dialysis, to notify the utility of such status. To assist in such notification, all utilities shall annually include a preaddressed postage-paid post card in the monthly billing mailed to all residential customers during the billing period ending October first. Such notice shall also be provided to all new customers in that service area when they are first provided service by the utility.

The post card shall include the following questions:

- |  | YES | NO |
|--|-----|----|
| 1. Is any member of your household 65 years of age or older, or handicapped?   | —   | —  |
| 2. Do you have any emergency medical problem in your household?  | —   | —  |
| 3. Do you desire that the area social service office or other appropriate financial assistance agency be notified in the event of a proposed disconnect? | —   | —  |
| 4. Do you desire that some other third party be contacted in the event of a disconnect?  | —   | —  |

Is so, name and address of person \_\_\_\_\_  
\_\_\_\_\_

5. If you are having difficulty paying your utility bill, please contact our local service representative or business office so that we can work with you on your problem.

Utility Telephone Number \_\_\_\_\_

Office Address \_\_\_\_\_

Date \_\_\_\_\_ Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_  
Signature

3. Service shall not be disconnected under this section on weekends, Fridays, state holidays, the day before a state holiday, or after twelve noon on any day. Whenever service is disconnected under this section during the period October fifteenth to April fifteenth, the utility shall immediately notify the commission of the specific disconnection by telephone. A report describing the total number of actual disconnects, type of customer, and amount of delinquency for each disconnected customer shall be filed monthly with the commission within ten days after the last day of each month.
4. Whenever service has been disconnected for nonpayment of a bill, before reconnection is made the customer shall pay the reconnection fee established in the utility's rate schedules; make a deposit pursuant to section 69-09-02-04 if all or a part of the previous deposit was used in settlement of the delinquent bill; and make a satisfactory settlement for the delinquent bill and for service rendered between the last meter reading date and the date service was disconnected.
5. In the event the customer disputes the amount of a bill for service, the customer may, to prevent disconnection for nonpayment, pay the disputed bill under protest to the utility. Alternatively, the customer may request a formal hearing pursuant to section 69-02-02-02 in which case the utility shall not disconnect service for nonpayment of the disputed bill until a final decision has been issued by the commission. The utility shall immediately give the commission notice of the dispute and the commission may investigate the dispute. The utility shall refund to the customer any part of such payment made under protest found by the commission to be excessive.
6. A utility may not disconnect service to a customer for failure of the customer: to pay for merchandise purchased from the utility; to pay for a different class of service furnished by the utility; to pay for service rendered to a previous occupant of the premises; or to pay the bill of another customer as guarantor thereof.
7. A utility may discontinue service to a customer for failure to comply with regulations of the utility on file with the commission pertaining to installation and operation of utilization equipment, or for use of equipment which interferes with, or adversely affects, the service to

other customers, provided the customer has first been notified and afforded reasonable opportunity to change or disconnect such equipment.

8. A utility may discontinue service to a customer upon ten days written notice if it is determined that the meter or other equipment installed by the utility has been tampered with, or if there has been a diversion of service, or if the customer is utilizing electricity before the energy has passed through a meter installed by the utility, or if a condition dangerous to life and property exists on the customer's premises.
9. Where a customer who has tenants is including the cost of utility services in the rent charged and the utility bill becomes delinquent, the utility before disconnecting service must also notify the tenants in writing at least ten days prior to the proposed termination date. The utility must allow each tenant to apply to become the customer of the utility in the tenant's own name, to have the service to the rental facility continued or resumed, and to pay the pro rata share of future bills. Such tenant-customer shall be subject to all the provisions of this chapter.

History: Effective October 1, 1980.

General Authority  
NDCC 49-02-11

Law Implemented  
NDCC 49-02-11

AGENCY SYNOPSIS of § 69-09-02-14:

Section 69-09-02-14 has been amended to include a cross-reference to a new regulation on electric master metering. The purpose of this change is to provide for consistency within the regulations contained in Article 69-09.

69-09-02-14. CLASSIFICATION OF SERVICE.

1. Residential service is defined as service for general household purposes in space occupied as living quarters, such as single private residences, single apartments, fraternity houses and sorority houses, and for garages, or other auxiliary buildings on the same premises used by the residential customer.
2. Commercial service is defined as service to a business enterprise in space occupied and operated for commercial purposes, such as stores, offices, shops, hotels, garages, wholesale houses, filling stations, barber shops, beauty shops, and any other space occupied for commercial purposes.

A business enterprise operated by an individual, a partnership, or a corporation, may include more than one type of business activity at the same location.

A landlord renting space to separate business enterprises in the same building may take electric service through a single meter on the commercial service rate provided electric service is furnished for occupants of the building as part of the rent, subject, however, to the provisions restricting master meters contained in section 69-09-02-37.

If a single business enterprise occupies more than one unit of space in the conduct of the same business, each separate unit will be metered individually and considered a separate service unless the customer makes provision for the necessary circuits to connect the separate units to permit the use of a single meter.

3. A customer occupying a building for residential and commercial purposes jointly may combine the customer's residential and commercial use on the applicable commercial service rate.
4. Other classes of electric service furnished by the utility shall be defined in applicable rate schedules, or in rules and regulations pertaining thereto. Service to customers for which no specific rate schedule is applicable shall be billed on the commercial or general service rate.

History: Amended effective October 1, 1980.

General Authority  
NDCC 49-02-11

Law Implemented  
NDCC 49-02-11

AGENCY SYNOPSIS OF § 69-09-02-37:

Section 69-09-02-37 prohibits the installation of master electric meters in any new or substantially remodeled multiunit commercial or residential building. However, if the owner or builder of such building affirmatively demonstrates to the satisfaction of the Public Service Commission that the costs of purchasing and installing separate meters exceeds the longrun benefits of separate metering to the customers in the building, master metering may be allowed. This section is effective October 1, 1980, so that its application does not occur during the middle of the construction season.

69-09-02-37. ELECTRIC MASTER METERING PROHIBITED - EXCEPTION.

1. Applicability. This section is applicable to any new or substantially remodeled commercial or residential building containing more than one unit or any other multiple use facility in which the occupant of each unit has control over a portion of the electric energy used in the building or facility. This section is applicable to those buildings or facilities on which construction or substantial remodeling is commenced on or after November 1, 1980. This section is not applicable to hotels, motels, dormitories, nursing homes, homes for the elderly, or similar facilities, or to low income rental housing in which the cost of electricity is included in the rent and where the amount of the rental payment is based upon the tenant's ability to pay.

2. Master metering of electric service in new or substantially remodeled buildings is prohibited, except to the extent determined appropriate by the commission pursuant to subsection 3.
3. An owner or builder of a new or substantially remodeled building may petition the commission for approval of master metering of electric service. The commission may approve the petition if the owner or builder affirmatively demonstrates to the satisfaction of the commission that the costs of purchasing and installing separate meters in such building exceed the longrun benefits of separate metering to the customers in such building.

History: Effective October 1, 1980.

General Authority  
NDCC 49-02-11

Law Implemented  
NDCC 49-02-11

AGENCY SYNOPSIS OF § 69-09-02-38:

Sections 69-09-02-38 and 69-09-01-29 are parallel regulations which define the terms "advertising," "institutional advertising," "political advertising," and "promotional advertising." The regulations prohibit a utility from including the costs of institutional, promotional, or political advertising as "above the line" operating expenses in the cost of service determination in ratemaking proceedings. Reasonable advertising expenditures by a utility which are not specifically prohibited may be included as operating expenses in ratemaking proceedings.

69-09-02-38. ADVERTISING BY ELECTRIC UTILITIES.

1. Definitions. For purposes of this section:

- a. "Advertising" means the commercial use, by an electric utility, of any media, including newspaper, printed matter, radio, and television, in order to transmit a message to a substantial number of members of the public or to the utility's electric customers.
- b. "Institutional advertising" means advertising which has as its primary objective the enhancement or preservation of the corporate image of the utility and to present it in a favorable light to the general public and investors.
- c. "Political advertising" means any advertising for the purpose of influencing public opinion with respect to legislative, administrative, or electoral matters, or with respect to any controversial issue of public importance.
- d. "Promotional advertising" means any advertising for the purpose of encouraging any person to select or use the service or additional service of an electric utility or the selection or installation of any appliance or equipment designed to use the utility's service.

e. "Institutional advertising," "political advertising," and "promotional advertising" do not include:

- (1) Advertising which informs electric customers how they can conserve energy or can reduce peak demand for electric energy.
  - (2) Advertising required by law or regulations.
  - (3) Advertising relating to service interruptions, safety measures, or emergency conditions.
  - (4) Advertising concerning employment opportunities with an electric utility.
  - (5) Advertising which promotes the conservation of limited resources, the use of more plentiful resources, or the use of energy efficient appliances, equipment, or services.
  - (6) Any explanation or justification of existing or proposed rate schedules, or notifications of hearings thereon.
  - (7) Advertising determined by the commission to benefit customers and serve the public interest.
2. Any expenditure by the utility for institutional, promotional, or political advertising shall be excluded from operating expenses in the cost of service determination for ratemaking purposes.
  3. Advertising expenditures which are reasonable in amount and which are not excluded by the provisions of this section may be included as operating expenses in the cost of service determination for ratemaking purposes.

History: Effective October 1, 1980.

General Authority  
NDCC 49-02-11

Law Implemented  
NDCC 49-02-11

AGENCY SYNOPSIS OF § 69-09-02-39:

This section allows electric utilities to periodically adjust their electric rates without a prior hearing to reflect increases or decreases in the actual cost of the utility's purchased energy costs. The automatic adjustment clauses are to be applied uniformly by all utilities subject to Public Service Commission jurisdiction. A utility's automatic adjustment clause must be reviewed periodically by the Public Service Commission and is also subject to an evidentiary hearing every four years to determine whether such clause provides for the maximum economies in the utility's operations and purchases which affect the rates to which the clause applies. Where the cost of any utility's fuel includes fuel from company-owned or controlled sources, this fact must be disclosed by the utility.

69-09-02-39. AUTOMATIC ADJUSTMENT CLAUSES.

1. As used in this section, the term "automatic adjustment clause" means a provision of a rate schedule which provides for increases or decreases or both, without prior hearing, in rates reflecting increases or decreases or both in energy costs incurred by an electric utility. The term does not include an interim rate which takes effect subject to a later determination of the appropriate amount of the rate.
2. Automatic adjustment clauses which are not in conformity with the principles set out in this section are not in the public interest. This section contemplates that the filing of proposed rate schedules which embody automatic adjustment clauses failing to conform to these principles may result in suspension of those parts of such rate schedules.
3. The automatic adjustment clause shall be uniformly applied by all utilities subject to commission jurisdiction and shall be of the form that provides for periodic adjustments per kilowatt-hour of sales equal to the difference between the energy cost per kilowatt-hour of sales in the base period and in the current period in accordance with the following formula:

$$\text{Adjustment Factor} = (F_m \div S_m) - (F_b \div S_b)$$

For the purposes of this formula: "Fm" is the expense of fossil and nuclear fuel in the current period; "Fb" is the expense of fossil and nuclear fuel in the base period; "Sm" is the kilowatt-hour sales in the current period; and "Sb" is the kilowatt-hour sales in the base period. The energy costs per kilowatt-hour for the current period shall be calculated from data covering actual costs from the most recent four-month period as follows: Energy costs for actual months 1, 2, 3, and 4 plus unrecovered (or less overrecovered) prior cumulative energy costs divided by kilowatt-hour sales for actual months 1, 2, 3, and 4 = energy cost adjustment for month 6. The effective date for application of this formula is September 1, 1980. Any amounts overrecovered or underrecovered in a utility's existing automatic adjustment clause as of March 31, 1980, shall not be carried forward for the initial automatic adjustment clause computation.

4. Energy costs (f) shall be the cost of:
  - a. Fossil and nuclear fuel consumed in the utility's own plants, and the utility's share of fossil and nuclear fuel consumed in jointly owned or leased plants.
  - b. The actual identifiable fossil and nuclear fuel costs associated with energy purchased for reasons other than those identified in subdivision c.
  - c. The net energy cost of energy purchases, exclusive of capacity or demand charges, irrespective of the designation assigned to such transaction, when such energy is purchased on an economic dispatch basis. Included therein may be such costs as the charges for

economic energy purchases and the charges as a result of scheduled outage, all such kinds of energy being purchased by the buyer to substitute for its own higher cost energy; and less

- d. The cost of fossil and nuclear fuel recovered through intersystem sales including the fuel costs related to economy energy sales and other energy sold on an economic dispatch basis.
5. Sales (S) shall be all kilowatt-hours sold, excluding intersystem sales. Where for any reason, billed system sales cannot be coordinated with fuel costs for the billing period, sales may be equated to the sum of:
  - a. Generation;
  - b. Purchases;
  - c. Interchange-in; less
  - d. Energy associated with pumped storage operations; less
  - e. Intersystem sales referred to in subdivision d of subsection 4; less
  - f. Total system losses.
6. The adjustment factor developed according to this procedure shall be modified to properly allow for losses (estimated if necessary) associated only with wholesale sales for resale.
7. The cost of fossil fuel shall include no items other than those listed in Account 151 of the Uniform System of Accounts for Public Utilities and Licensees. The cost of nuclear fuel shall be that as shown in Account 518, except that if Account 518 also contains any expense for fossil fuel which has already been included in the cost of fossil fuel, it shall be deducted from this account.
8. Where the cost of fuel includes fuel from company-owned or controlled sources, that fact shall be noted and described as part of any filing. Where the utility purchases fuel from a company-owned or controlled source, the price of which is subject to the jurisdiction of a regulatory body, such cost shall be deemed to be reasonable and includable in the adjustment clause. If the current price, however, is in litigation and is being collected subject to refund, the utility shall so advise the commission and shall keep a separate account of such amounts paid which are subject to refund, and shall advise the commission of the final disposition of such matter by the regulatory body having jurisdiction. With respect to the price of fuel purchases from company-owned or controlled sources pursuant to contracts which are not subject to regulatory authority, the utility company shall file such contracts and amendments thereto with the commission for its acceptance at the time it files its fuel clause or modification thereof. Any subsequent amendment to such contracts shall likewise be filed with the commission. Fuel charges by affiliated companies which do not appear to be reasonable may result in the suspension of the automatic adjustment



clause or cause an investigation thereof to be made by the commission on its own motion.

9. Whenever particular circumstances prevent the use of the standards provided for herein, or the use thereof would result in an undue burden, the commission may, upon application and for good cause shown, permit deviation from this section.
10. The commission shall conduct an evidentiary hearing for each utility subject to commission jurisdiction not less often than every four years, which may be consolidated with an existing rate proceeding for the affected utility, to determine whether the automatic adjustment clause of the utility provides for the maximum economies in those operations and purchases which affect the rates to which the clause applies.
11. The commission shall review an automatic adjustment clause of an electric utility not less often than every two years to ensure the maximum economies in those operations and purchases which affect the rates to which the clause applies. In making this review, the commission shall examine and, if appropriate, cause to be audited, the practices of an electric utility relating to costs subject to an automatic adjustment clause, and shall require such reports as may be necessary to carry out the review, including a disclosure of any ownership or corporate relationship between the electric utility and the seller of fuel, electric energy, or other items to the utility.

History: Effective October 1, 1980.

General Authority  
NDCC 49-02-11

Law Implemented  
NDCC 49-02-11

