

Final Interpretation

Subject: AHJ Interpretive Authority (RFI 26-04)

References: 2023 NEC Section 90.4

Submitted By: Tim Kunkel/Kunkel Electric

Approved By: Minnesota Board of Electricity/Chair Trevor Turek

Date Received: April 14, 2026

Date Issued: April 17, 2026

Question: Does an Authority Having Jurisdiction (“AHJ”) operating within a political subdivision and authorized under Minnesota Statutes, section 326B.36, subdivision 1, to inspect electrical installations have the authority to interpret and enforce Code provisions on a case-by-case basis?

Answer: Yes. Minnesota Statutes, section 326B.36, subdivision 1, permits political subdivisions to retain local authority for electrical inspection and enforcement. When a political subdivision exercises this authority, it becomes the Authority Having Jurisdiction (“AHJ”) for purposes of applying and enforcing the Minnesota Electrical Code, which incorporates the National Electrical Code (“NEC”) as adopted by Minnesota Rules. 2023 NEC Section 90.4 assigns the AHJ responsibility for enforcing the Code and authorizes the AHJ to render interpretations and approve equipment, materials, methods, and installations that comply with the Code’s intent. Section 90.4 also recognizes that field conditions may involve circumstances not fully addressed by prescriptive requirements and therefore permits AHJs to make case-by-case determinations that provide an equivalent level of safety, consistent with the purpose and intent of the NEC. However, the Minnesota Department of Labor and Industry has oversight authority when a local AHJ makes a determination that exceeds, contradicts, or imposes requirements over and above those found in the NEC as adopted by Minnesota Rules. In such cases, the Department may intervene to ensure that local enforcement does not create requirements beyond what the state electrical code authorizes.

Note: The Board considered this Request for Interpretation at the April 14, 2026, regular Board meeting. All persons present who wished to speak on the topic were given a full and fair opportunity to do so. As required by Minnesota Statutes §326B.127, subdivision 5, the Board may consider this Final Interpretation for adoption as part of the Minnesota Electrical Code.

Date: April 17, 2026



Trevor Turek, Chair

Minnesota Board of Electricity

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