2013 Assembly Bill 683 (LRB -2698)

An Act to repeal 101.87 (5); to renumber and amend 101.88 (2); to amend 101.82 (1m), 101.82 (1r), 101.82 (3r), 101.84 (3), 101.862 (title), 101.862 (2), 101.862 (4) (b), 101.862 (4) (g), 101.87 (title), 101.87 (1) (intro.), 101.87 (1) (a) and 101.87 (1) (b); and to create 101.80 (1p), 101.82 (1g), 101.82 (1n), 101.84 (5), 101.862 (4) (am), 101.862 (4) (n), 101.862 (5), 101.862 (6), 101.868, 101.87 (2m) and (3m), 101.874, 101.875 (title) and 101.875 (2) of the statutes; relating to: licensing structure for electricians and electrical apprentices; reciprocal agreements between this state and other states relating to the regulation of electricians, electrical contractors, electrical inspectors, and electrical apprentices; exemptions from licensing and supervisory requirements for electricians; inspections of electrical work within certain facilities; and granting rule-making authority. (FE)

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2013
ENROLLED BILL

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Amendments to above (if none, write "NONE"):

AA1-a1573/1 AA3-a1653/1 AA4-a1664/1
AA5-a1675/1 AA6-a1684/1 AA7-a1830/1

Corrections – show date (if none, write "NONE"): NONE

Topic licensing of electricians and electrical apprentices; reciprocal agreements with other states; exemptions from licensing and supervisory requirements; inspections of electrical work within certain facilities

2-21-14
Date

Enrolling Drafter

State of Wisconsin
2013 - 2014 LEGISLATURE

LRB-2698/1
MGG:eev&jld:rs

2013 ASSEMBLY BILL 683

January 29, 2014 - Introduced by Representative T. LARSON, cosponsored by Senator GROTHMAN. Referred to Committee on Labor.

AN ACT ***to repeal*** 101.87 (5); ***to renumber and amend*** 101.88 (2); ***to amend*** 101.82 (1m), 101.82 (1r), 101.82 (3r), 101.84 (3), 101.862 (title), 101.862 (2), 101.862 (4) (b), 101.862 (4) (g), 101.87 (title), 101.87 (1) (intro.), 101.87 (1) (a) and 101.87 (1) (b); and ***to create*** 101.80 (1p), 101.82 (1g), 101.82 (1n), 101.84 (5), 101.862 (4) (am), 101.862 (4) (n), 101.862 (5), 101.862 (6), 101.868, 101.87 (2m) and (3m), 101.874, 101.875 (title) and 101.875 (2) of the statutes; **relating to:** licensing structure for electricians and electrical apprentices; reciprocal agreements between this state and other states relating to the regulation of electricians, electrical contractors, electrical inspectors, and electrical apprentices; exemptions from licensing and supervisory requirements for

1 electricians; inspections of electrical work within certain facilities; and
2 granting rule–making authority.

Analysis by the Legislative Reference Bureau

Licensing structure

Under provisions that will become law on April 1, 2014, no person may work as an electrician, and no person may engage in business as an electrical contractor, unless the person is licensed by, or registered with, the Department of Safety and Professional Services (DSPS).

Current statutory law classifies electricians as follows: beginning electricians, journeyman electricians, and master electricians. The statutes require that different licensing requirements be established by rule for residential journeyman electricians. DSPS, by rule, has created the following additional types of electricians: residential master electricians and industrial journeyman electricians. DSPS, by rule, has also created "electrical apprentices" as an additional classification of electrician. This classification includes residential and industrial electrical apprentices. This bill incorporates these types of electricians into the current statutory licensing structure.

Master electricians

Under current rules promulgated by DSPS, in order to be licensed as a master electrician, a person must have at least 1,000 hours per year of experience in installing electrical wiring for at least seven years and have passed an examination, as required by DSPS. If the person will be licensed as a residential master electrician, he or she only needs 1,000 hours per year for at least five years. Under these rules, DSPS must accept completed semesters at an institution of higher education in an electrical–related educational program as partial credit towards this experience.

This bill establishes statutory requirements for being a master electrician, other than a residential master electrician. Under the bill, a person is eligible to be licensed as a master electrician if he or she has a bachelor's or master's degree in electrical engineering, if he or she has 12 months of experience in installing, repairing, or maintaining electrical work while being licensed as a journeyman electrician, or if he or she has at least 10,000 hours of experience in a period of not less than 60 months, and has passed the DSPS examination. These statutory requirements established under the bill apply only to persons who apply for master electrician licenses after the bill becomes law. The bill does not establish separate statutory requirements for residential master electricians, but it requires DSPS to have rules in effect that establish requirements for these electricians.

Journeyman electricians

Current statutory law requires DSPS to promulgate rules that require that, in order to be licensed as a journeyman electrician, a person must have completed an apprenticeship program of at least four years that is recognized by both the U.S.

Department of Labor (USDOL) and the Wisconsin Department of Workforce Development (DWD), or must have had experience as an electrician for at least 60 months and have passed the DSPS examination. If the person will be licensed as a residential journeyman electrician, the rules must provide that he or she needs to have completed an apprenticeship program of at least three years or have a minimum of 36 months of experience. The requirements for licensure as an industrial journeyman electrician are promulgated as rules by the department.

This bill eliminates the provision that the requirements for journeyman electricians, other than residential journeyman electricians, must be established by rule and incorporates the requirements for these journeyman electricians into the statutes. The bill also makes changes to these requirements. Under the bill, the minimum term for the apprenticeship program remains at four years, but a person completing the apprenticeship program must also pass the DSPS examination. Under the bill, the apprenticeship program need only be recognized by either USDOL or DWD. Also, under the bill, the number of months of experience is reduced to not less than 48 months of experience. During those 48 months, the person must have 8,000 hours of experience. Under the bill, DSPS must accept a degree from a two–year program in electrical engineering or a related program as partial credit toward this experience. The statutory requirements established under the bill apply only to persons who apply for journeyman electrician licenses after the bill becomes law.

The bill repeals the provision specifying the requirements that must be contained in the rules for residential journeyman electricians. Instead, the bill requires that DSPS have rules in effect that establish requirements for residential and industrial journeyman electricians.

Other electricians

This bill requires that DSPS have in place rules for the registration of electrical apprentices, and the bill specifically authorizes DSPS to promulgate rules that establish additional types and subtypes of electricians. Finally, the bill changes the term "beginning electrician" to "registered electrician," and requires registered electricians to be supervised by licensed journeyman or master electricians.

Exemptions

Under current law, various types of electrical work need not be performed by licensed electricians. This bill makes the following changes in relation to these exemptions:

1. Current law exempts from this licensing requirement a person who repairs or maintains electrical wiring within a facility or on premises that are owned or leased by that person or that are owned or leased by an entity for which that person is an agent. The bill adds language to this provision so as to specifically include an employee of the entity under this exemption. The bill also creates a provision that broadens this exemption to cover installation of electrical wiring in facilities that are existing industrial or manufacturing facilities.

2. The bill makes changes to an exemption that covers the installation, repair, and maintenance of equipment that provides a function that is not primarily electrical in nature.

3. The bill creates a new exemption for the replacement of certain existing switches or outlets.

4. This bill exempts from the licensing requirements electricians who were born before January 1, 1955, and who have at least 15 years of experience in performing electrical work. This bill also exempts a person from these licensing requirements if the person is performing electrical work for a qualified nonprofit corporation that consists of installing electrical wiring in a new one–family dwelling and if the person is not being paid or is not receiving another type of compensation for the work. Under the bill, a qualified nonprofit corporation is one that has as its purpose the construction and rehabilitation of residential dwellings in a specific community or area and has completed the construction of at least five new one–family dwellings within the last 12 months.

Inspections

Under current law, DSPS must promulgate rules to establish standards and a process for the inspection of electrical wiring. This bill prohibits DSPS from promulgating a rule requiring inspections of electrical wiring that is installed, maintained, or repaired as part of a project in an existing industrial facility or existing manufacturing facility unless the project is required to be reviewed by DSPS or by a municipality before the project is started.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 101.80 (1p) of the statutes is created to read:

2 101.80 **(1p)** "Manufacturing facility" means a facility assessed as
3 manufacturing property under s. 70.995.

4 **SECTION 2.** 101.82 (1g) of the statutes is created to read:

5 101.82 **(1g)** Regulate all of the following types of electricians:

6 (a) Master electricians, including residential master electricians.

7 (b) Journeyman electricians, including residential journeyman electricians
8 and industrial journeyman electricians.

9 (c) Electrical apprentices, including residential electrical apprentices and
10 industrial electrical apprentices.

(d) Registered electricians.

SECTION 3. 101.82 (1m) of the statutes is amended to read:

101.82 **(1m)** Promulgate rules that establish criteria ~~and procedures~~ for the ~~registration~~ enrollment of ~~beginning~~ registered electricians and for the ~~examination and licensing of different types of electricians, including journeymen electricians and master electricians~~ registration of electrical apprentices.

SECTION 4. 101.82 (1n) of the statutes is created to read:

101.82 **(1n)** Promulgate rules that establish procedures for the enrollment of registered electricians, the registration of electrical apprentices, and the licensing of journeyman electricians and master electricians.

SECTION 5. 101.82 (1r) of the statutes is amended to read:

101.82 **(1r)** Promulgate rules that establish requirements for the supervision of ~~beginning~~ registered electricians. Registered electricians must be supervised by licensed journeyman or master electricians.

SECTION 6. 101.82 (3r) of the statutes is amended to read:

101.82 **(3r)** Promulgate rules that establish criteria and a process for the suspension or revocation of registrations issued to ~~beginning~~ registered electricians, licenses issued to electricians and electrical contractors, and certifications issued to electrical inspectors.

SECTION 7. 101.84 (3) of the statutes is amended to read:

101.84 **(3)** Promulgate rules to differentiate the scope of installation, repair, or maintenance of electrical wiring that may be performed by electrical contractors ~~and by different types of electricians, including beginning~~, registered electricians, ~~journeymen~~ journeyman electricians, ~~and~~ master electricians, and any additional types of electricians recognized under sub. (5).

1 **SECTION 8.** 101.84 (5) of the statutes is created to read:

2 101.84 **(5)** The department may promulgate rules that recognize and regulate
3 different types and subtypes of electricians that are in addition to those specified in
4 s. 101.82 (1g) and that establish criteria and procedures for enrolling, registering, or
5 licensing these electricians.

6 **SECTION 9.** 101.862 (title) of the statutes, as affected by 2007 Wisconsin Act 63
7 and 2013 Wisconsin Act 4, is amended to read:

8 **101.862** (title) **License, <u>or</u> registration~~, or certification~~ required.**

9 **SECTION 10.** 101.862 (2) of the statutes, as affected by 2007 Wisconsin Act 63
10 and 2013 Wisconsin Act 4, is amended to read:

11 101.862 **(2)** No person may install, repair, or maintain electrical wiring unless
12 the person is licensed as an electrician by the department or unless the person is
13 ~~registered~~ <u>enrolled</u> as a ~~beginning~~ <u>registered</u> electrician by the department.

14 **SECTION 11.** 101.862 (4) (am) of the statutes is created to read:

15 101.862 **(4)** (am) A person engaged in installing electrical wiring within an
16 existing industrial facility or existing manufacturing facility owned or leased by the
17 person or by an entity for which the person is an agent or employee.

18 **SECTION 12.** 101.862 (4) (b) of the statutes, as affected by 2007 Wisconsin Act
19 63 and 2013 Wisconsin Act 4, is amended to read:

20 101.862 **(4)** (b) A person engaged in maintaining or repairing electrical wiring
21 within ~~a~~ <u>an existing</u> facility or on premises owned or leased by the person or by an
22 entity for which the person is an agent <u>or employee</u>. INS AA 3-1

23 **SECTION 13.** 101.862 (4) (g) of the statutes, as affected by 2007 Wisconsin Act
24 63 and 2013 Wisconsin Act 4, is amended to read:

101.862 **(4)** (g) A person engaged in installing, repairing, or maintaining manufactured equipment or utilization equipment, including ballasts, electric signs, and luminaires, or ~~a~~ any other manufactured system that is designed to provide a function that is not primarily electrical in nature if the installation, repair, or maintenance does not involve the modification or installation of branch circuit conductors ~~beyond the disconnecting point or beyond the last junction, pull, or device box, whichever is nearer to the point where the person is performing the installation, repair, or maintenance~~ that are external to the manufactured or utilization equipment or other manufactured system. INS. AA6-1

SECTION 14. 101.862 (4) (n) of the statutes is created to read:

AA1-1

101.862 **(4)** (n) A person who installs a replacement for an existing switch or outlet located in a dwelling unit, as defined in s. 101.61 (1), if the replacement switch or outlet has a rating of not more than 20 amperes.

SECTION 15. 101.862 (5) of the statutes is created to read: INS. AA 5-1

101.862 **(5)** Subsections (2) and (3) do not apply to a person who was born on or before January 1, 1955, and who has at least 15 years of experience in installing, repairing, or maintaining electrical wiring. INS. AA 5-2 INS. AA 5-3 INS. AA 5-4

SECTION 16. 101.862 (6) of the statutes is created to read:

101.862 **(6)** (a) Subsections (2) and (3) do not apply to a person who installs electrical wiring, without receiving payment or other consideration, in a new one–family dwelling that is being constructed by a qualified nonprofit corporation.

(b) For purposes of par. (a), a qualified nonprofit corporation is one that meets all of the following conditions:

INS. AA 7-1

1. The corporation is described in section 501 (c) (3) of the Internal Revenue Code and is exempt from federal income tax under section 501 (a) of the Internal Revenue Code.

2. The corporation has as its purpose the construction and rehabilitation of residential dwellings in a specific community or area.

AA 7-2

3. The corporation has completed the construction of at least 5 new one–family dwellings within the specific community or area within the last 12 months.

SECTION 17. 101.868 of the statutes is created to read:

101.868 Requirements for master electricians. (1) An applicant for licensure as a master electrician shall have at least one of the following qualifications:

(a) A bachelor's degree or master's degree in electrical engineering, followed by passage of an examination required by the department.

(b) Twelve months of experience in installing, repairing, and maintaining electrical wiring while being licensed as a journeyman electrician, followed by passage of an examination required by the department.

(c) Experience in installing, repairing, and maintaining electrical wiring during a period of not less than 60 months, with at least 10,000 hours of experience over that period, followed by passage of an examination required by the department.

(2) Subsection (1) does not apply to any residential master electrician or to any other type of master electrician that may be recognized under s. 101.84 (5). The qualifying criteria required for licensing residential master electricians and any other such type of master electrician shall be established by the department by rule.

SECTION 18. 101.87 (title) of the statutes is amended to read:

101.87 (title) **Requirements for ~~journeymen~~ journeyman electricians.**

SECTION 19. 101.87 (1) (intro.) of the statutes is amended to read:

101.87 **(1)** (intro.) ~~The rules governing the licensing of journeymen electricians under s. 101.82 (1m) shall require that an~~ An applicant for licensure as a journeyman electrician ~~who is not a residential journeyman electrician~~ shall have at least one of the following qualifications:

SECTION 20. 101.87 (1) (a) of the statutes is amended to read:

INS. AA4-1

101.87 **(1)** (a) Completion of an apprenticeship program in installing, repairing, and maintaining electrical wiring that has a duration of at least 4 years and that is approved by the U.S. department of labor ~~and~~ or by the department of workforce development, followed by passage of an examination required by the department.

INS. AA4-

SECTION 21. 101.87 (1) (b) of the statutes is amended to read:

101.87 **(1)** (b) Experience in installing, repairing, and maintaining electrical wiring ~~for at least 60~~ during a period of not less than 48 months ~~and~~, with at least 8,000 hours of experience over that period, followed by passage of an examination required by the department.

SECTION 22. 101.87 (2m) and (3m) of the statutes are created to read:

101.87 **(2m)** For purposes of meeting the requirement relating to experience under sub. (1) (b), a degree or diploma from a 2–year program in a school of electrical engineering or from a 2–year program in an accredited technical or vocational school in an electrical–related program shall be accepted by the department as being equivalent to 12 months and 2,000 hours of experience.

(3m) Subsection (1) does not apply to any residential or industrial journeyman electricians or to any other type of journeyman electrician that may be recognized under s. 101.84 (5). The qualifying criteria required for licensing residential and

industrial journeyman electricians and any other such type of journeyman electrician shall be established by the department by rule.

SECTION 23. 101.87 (5) of the statutes is repealed.

SECTION 24. 101.874 of the statutes is created to read:

101.874 Reciprocity. (1) In this section, "credential" means a registration, license, certification, or other approval to perform or inspect electrical work.

(2) The department may enter into a reciprocal agreement with another state under which credentials issued to electricians, electrical apprentices, electrical contractors, and electrical inspectors by either state are recognized as comparable credentials by the other state. Under the agreement, the department may recognize credentials from the other state only if the education, experience, and examination requirements in the other state are at least equivalent to the education, experience, and examination requirements for being issued credentials under this subchapter.

(3) Upon entering into an agreement under this section, the department may issue a credential only if all of the following apply:

(a) The individual seeking the credential submits an application and pays the applicable fee established under s. 101.82 (4).

(b) The individual holds a valid comparable credential issued by the other state.

SECTION 25. 101.875 (title) of the statutes is created to read:

101.875 (title) **Inspections.**

SECTION 26. 101.875 (2) of the statutes is created to read:

101.875 **(2)** Any rule promulgated under s. 101.82 (2m) may not require the inspection of any of the installation, repair, or maintenance of electrical wiring within an existing industrial facility or an existing manufacturing facility unless the plan for the installation, repair, or maintenance is required to be examined under s.

101.12 (2) by the department or by a municipality that has its examinations accepted by the department under s. 101.12 (3) (a), (am), or (b).

SECTION 27. 101.88 (2) of the statutes is renumbered 101.875 (1) and amended to read:

101.875 **(1)** All inspections of electrical wiring shall be ~~made~~ performed by ~~persons~~ inspectors certified by the department.

SECTION 28. Initial applicability.

(1) The treatment of sections 101.868 and 101.87 (title), (1) (intro.), (a), and (b), (2m), (3m), and (5) of the statutes first applies to persons applying for licenses on the effective date of this subsection.

SECTION 29. Effective dates. This act takes effect on the day after publication, except as follows:

INS AA 3-2

(1) The treatment of sections 101.80 (1p) and 101.862 (title), (2), (4) (am), (b), (g), and (n), (5), and (6) of the statutes takes effect on April 1, 2014, or on the day after publication, whichever is later.

(END)

State of Wisconsin
2013 – 2014 LEGISLATURE

LRBa1573/1
MGG:kjf:jm

ASSEMBLY AMENDMENT 1,

TO ASSEMBLY BILL 683

January 31, 2014 – Offered by Representative T. LARSON.

At the locations indicated, amend the bill as follows:

1. Page 7, line 12: delete "located in a dwelling unit, as defined in s. 101.61 (1),".

(END)

State of Wisconsin
2013 – 2014 LEGISLATURE

LRBa1653/1
MGG&MDK:kjf:jf

ASSEMBLY AMENDMENT 3,

TO ASSEMBLY BILL 683

February 10, 2014 – Offered by Representative T. LARSON.

AA3-1

At the locations indicated, amend the bill as follows:

1. Page 6, line 22: after that line insert:

"**SECTION 12m.** 101.862 (4) (f) of the statutes, as affected by 2013 Wisconsin Act 125, is amended to read:

101.862 **(4)** (f) A person engaged in installing, repairing, or maintaining electrical wiring of ~~transmission~~ facilities~~, as defined in s. 196.01 (12), 2011 stats.~~ that support telecommunications service, as defined in s. 182.017 (1g) (cq), that is provided by a telecommunications provider, as defined in s. 196.01 (8p).".

2. Page 11, line 14: before "(g)" insert "(f),".

AA3-2

(END)

State of Wisconsin
2013 - 2014 LEGISLATURE

LRBa1664/1
MGG:kjf:jm

ASSEMBLY AMENDMENT 4,

TO ASSEMBLY BILL 683

February 11, 2014 – Offered by Representative T. LARSON.

AA4-1

At the locations indicated, amend the bill as follows:

1. Page 9, line 7: delete "an" and substitute "~~an~~ a construction electrician".

2. Page 9, line 8: delete "4 years" and substitute "~~4~~ 3 years".

(END)

AA4-2

State of Wisconsin
2013 – 2014 LEGISLATURE

LRBa1675/1
MGG:jld:jf

ASSEMBLY AMENDMENT 5,

TO ASSEMBLY BILL 683

February 11, 2014 – Offered by Representative T. LARSON.

AA 5-1

At the locations indicated, amend the bill as follows:

1. Page 7, line 15: before "Subsections" insert "(a)".

AA 5-2

2. Page 7, line 16: substitute "1956" for "1955".

AA 5-3

3. Page 7, line 17: after "wiring" insert ", subject to par. (b)".

AA 5-4

4. Page 7, line 17: after that line insert:

"(b) The department shall promulgate rules establishing criteria and procedures for issuing licenses to electricians who were born on or before January 1, 1956, and who have at least 15 years of experience in installing, repairing, or maintaining electrical wiring. Upon promulgation of these rules, an electrician who meets these age and experience requirements may not install, repair, or maintain electrical wiring unless he or she is licensed in compliance with these rules or is otherwise licensed or registered as an electrician under this subchapter.".

(END)

State of Wisconsin
2013 - 2014 LEGISLATURE

LRBa1684/1
MGG:kjf:rs

ASSEMBLY AMENDMENT 6,

TO ASSEMBLY BILL 683

February 11, 2014 – Offered by Representative T. LARSON.

AA6-1

At the locations indicated, amend the bill as follows:

1. Page 7, line 1: delete lines 1 to 9 and substitute:

"101.862 **(4)** (g) A person engaged in installing, repairing, or maintaining manufactured equipment or utilization equipment, including ballasts, electric signs and luminaires, or ~~a~~ any other manufactured system that is designed to provide a function that is not primarily electrical in nature if the installation, repair, or maintenance ~~does not involve~~ only involves the modification or installation of conductors ~~beyond~~ that are considered part of the equipment or system under this paragraph. For purposes of this paragraph, any conductor going from the disconnecting point or ~~beyond~~ the ~~last~~ nearest junction, pull, or device box~~,~~ ~~whichever is nearer to the point where the person is performing the installation,~~

1 ~~repair, or maintenance~~ to the manufactured equipment or utilization equipment or
2 the manufactured system is considered part of the equipment or system.".
3 **(END)**

State of Wisconsin
2013 - 2014 LEGISLATURE

LRBa1830/1
MGG:eev:jf

ASSEMBLY AMENDMENT 7,

TO ASSEMBLY BILL 683

February 17, 2014 – Offered by Representative T. LARSON.

AA 7-1

At the locations indicated, amend the bill as follows:

1. Page 7, line 21: after "one–family" insert "or 2–family".

2. Page 8, line 6: delete lines 6 and 7.

(END)