

The Department of Safety and Professional Services proposes an order to repeal SPS 316.004 (2) Notes, SPS 316.007, SPS 316.011, SPS 316.100, and SPS 316.900 to 316.960; to renumber SPS 316.006, SPS 316.008, SPS 316.009, SPS 316.012 and 316.013, SPS 316.014, and SPS 316.015; to renumber and amend SPS 316.010; to repeal and recreate SPS 305.62 (6) (d), SPS 305.63 (5), ch. SPS 316 Subchapter I (title), SPS 316.002, SPS 316.003, SPS 316.004 (2), Chapter SPS 316 Subchapter II (title), Chapter SPS 316 Subchapter III (title), and Chapter SPS 316 Subchapter IV (title); and to create SPS 305.01 (4) (j), SPS 305.02 Table 305.02 line 37m., SPS 305.06 Table 305.06 line 32m., SPS 305.627, SPS 316.006, SPS 316.011 to 316.013, and SPS 316.020 (3), relating to electrical inspection.

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## **Analysis of Rule**

### **1. Statutes Interpreted**

Statutes Interpreted: ss. 101.82 (2m), 101.862, and 101.88, Stats.

### **2. Statutory Authority**

Statutes Interpreted: ss. 101.02 (1), and 101.82 (2m) and 101.84 (3), Stats.

### **3. Related Statute or Rule**

None

### **4. Explanation of Agency Authority**

Section 101.82 (1), Stats., grants the Department of Safety and Professional Services general authority for protecting the health, safety and welfare of the public by establishing reasonable and effective safety standards for the installation, repair and maintenance of electrical wiring. Section 101.82 (2m), Stats., directs the Department to establish an inspection program for electrical wiring.

### **5. Summary of Proposed Rules**

Primarily, the proposed rules establish a state wide inspection program for electrical wiring installations for farms, public buildings and places of employment. The program will require electrical permits to be obtained for new electrical services, new electrical feeders and new branch circuits. The permits will result in electrical inspections being conducted before the wiring is to be energized and concealed. A final inspection will also be required once the installation is completed. Permits are to be obtained from inspection agencies that will provide the inspections. Inspection agencies will be either municipalities or third party independent entities as designated by the Department. The cost of the permits and the resulting inspections will be determined by the respective enforcing municipal inspection agency or by the state contract procurement process when involving an independent inspection agency. The inspections will be conducted by certified commercial electric inspectors. The rules do not restrict municipalities from enacting a more robust permitting and inspection program.

The proposed rules also rearrange the material and subchapters within chapter SPS 316.

## **6. Summary of, and Comparison with, Existing or Proposed Federal Regulations**

An internet search on U.S. federal regulations and U.S. federal register yielded no results regarding inspection of electrical wiring installations.

## **7. Comparison with Rules in Adjacent States**

**Illinois:** Illinois does not administer a state electrical inspection program.

**Iowa:** Inspections are required for almost all new electrical wiring installations for farms, commercial and industrial applications, public-use buildings and facilities, and residential applications in excess of single-family and new electrical service equipment for single-family applications. Permits are required to commence electrical wiring installations. Inspections are to be conducted by state inspectors or by certified local inspectors.

**Michigan:** With the exception of farms and universities, Michigan requires electrical permits and inspections for electrical wiring installations. The inspections are typically conducted by state certified electrical inspectors for municipalities that meet state minimum requirements. Where municipal inspection is not provided state inspectors conduct the inspections.

**Minnesota:** In Minnesota, all new electrical wiring installations are subject to inspection with the exception of minor repairs. Requests for inspections are to be made by the person responsible for the installation to an enforcing municipality recognized by the state or the state for non-enforcing municipalities. State electrical inspections are conducted by contracted inspectors under the oversight of regional state representatives. All inspectors are either licensed journeyman or master electricians.

## **8. Summary of Factual Data and Analytical Methodologies**

The proposed rules for a state wide electrical inspection program were developed based upon the following:

- The mandates and the objectives of 2007 Wisconsin Act 63 with respect to electrical inspections.
- The state wide inspection program for the construction of new one- and two family dwellings.
- Current municipal electrical inspection schemes as well other state programs besides the four bordering states.

A working draft of the proposed rules was shared with the Electrical Code Advisory Council for their input. The Council's membership includes electrical contractors and municipal inspectors.

## **9. Effect on Small Business including an Analysis and Supporting Documents Used to Determine the Effect or in Preparation of Economic Impact Report.**

Pursuant to 2007 Wisconsin Act 63, the proposed electrical inspection program for farms, public buildings and places of employment will affect all electrical contractors installing electrical wiring in and for such establishments as well as the owners or tenants of these establishments. The rules will require obtaining permits before electrical wiring installations commence for farms, public buildings and places of employment. The issuance of the permits will result in periodic construction inspections by enforcing municipal or independent building inspection agencies during the electrical wiring installation. The cost of the permits and the resulting inspections will be determined by the respective enforcing municipal inspection agency or by the state contract procurement process when involving an independent building inspection agency. Many of the more populous municipalities in the state currently administer electrical permit and inspection program. Municipal electrical permits and inspections are typically determined on the basis of a base fee plus a cost for each electrical opening which varies with the size and type of building and occupancy. The Department does not believe that the proposed rules will increase the effect on small businesses over that imposed by the Act.

Due to the publication date of the Scope Statement, an economic impact report has not been required pursuant to s. 227.137, Stats.

**10. Agency Contact.**

James Quast, Program Manager, [jim.quast@wisconsin.gov](mailto:jim.quast@wisconsin.gov), (608) 266-9292

**11. Public Hearing Comments.**

The hearing record on this proposed rulemaking will remain open until May 15, 2009. Written comments on the proposed rule may be submitted to James Quast, at the Department of Safety and Professional Services, P.O. Box 8935, Madison, WI 53701-8935, or Email at [jim.quast@wisconsin.gov](mailto:jim.quast@wisconsin.gov).

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SECTION 1. SPS 305.01 (4) (j) is created to read:

**SPS 305.01 (4) (j)** Inspection agency.

SECTION 2. SPS 305.02 Table 305.02 line 37m. is created to read:

**Table 305.02  
(Partial Table)  
FEES**

	License, Certification or Registration Category	Type	Application Fee	Examination Fee	License, Certification or Registration Fee
37m.	Inspection Agency	Registration	\$15	NA	\$40

SECTION 3. SPS 305.06 Table 305.06 line 32m. is created to read:

**Table 305.06  
(Partial Table)  
TERMS**

	License, Certification or Registration Category	Term	Expiration Date	Continuing Education Cycle
32m.	Inspection Agency	4 years	Date of Issuance	NA

SECTION 4. SPS 305.62 (6) is repealed and recreated to read:

**SPS 305.62 (6) RESPONSIBILITIES.** A person who inspects electrical construction work as a certified commercial electrical inspector shall do all of the following:

(a) Maintain a record of the inspections made including the dates and the findings of the inspections.

(b) Document any compliance deficiencies in the inspection report, and include the specific code reference or citation relative to the deficiency.

(c) Provide a copy of the inspection report to the property owner or his or her agent.

(d) Make available to the department upon request his or her inspection records.

(e) Contact and indicate to the electrical utility, cooperative or other entity furnishing electric current when an electrical service installation complies with ch. SPS 316 within 2 business days of the determination of compliance.

SECTION 5. SPS 305.627 is created to read:

**SPS 305.627 Inspection agency. (1) GENERAL.** No person or municipality may engage in or offer to engage in providing plan review, permit issuance or inspections regarding electrical wiring under the scope of ch. SPS 316 unless the person or municipality holds a registration from the department as a registered inspection agency.

**(2) APPLICATION FOR REGISTRATION.** A person applying for an inspection agency registration shall submit all of the following:

- (a) An application in accordance with s. SPS 305.01.
- (b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

**(3) QUALIFICATIONS FOR REGISTRATION.** The person applying for an inspection agency registration shall be one of the following:

- (a) If a municipality, the department head of the agency administering the electrical program.
- (b) If not a municipality, the owner of the business, a partner in the business applying on behalf of a partnership, or the chairman of the board or chief executive officer applying on behalf of the corporation.

**(4) RESPONSIBILITIES.** A person or municipality who is responsible for facilitating plan review, permit issuance or inspection regarding electrical wiring under ch. SPS 316 as a registered inspection agency shall be responsible for all of the following:

- (a) Utilizing persons appropriately certified under s. SPS 305.62 to conduct the inspections.
- (b) Maintaining a record of the electrical permits issued under s. SPS 316.012.
- (c) Making the records relative to permit issuance and inspections available to the department upon request.
- (d) Providing inspection services for all inspections required under s. SPS 316.013.
- (e) Cooperating with the department in any program monitoring, enforcement activities, and investigations related to electrical wiring under the scope of ch. SPS 316.
- (f) Following all procedures established by the department for enforcement.

**(5) RENEWAL.** (a) A person may renew his or her registration as an inspection agency.

(b) An inspection agency registration shall be renewed in accordance with s. SPS 305.07.

**SECTION 6.** SPS 305.63 (5) is repealed and recreated to read:

**SPS 305.63 (5) RESPONSIBILITIES.** (a) A person who inspects one- and 2-family dwellings as a certified UDC-construction inspector, certified UDC-electrical inspector, certified UDC-HVAC inspector, certified UDC-plumbing inspector, or certified soil erosion inspector shall do all of the following:

1. Maintain a record of the inspections made including the dates and the findings of the inspections.
2. Document any compliance deficiencies in the inspection report, and include the specific code reference or citation relative to the deficiency.
3. Provide a copy of the inspection report to the property owner or his or her agent.
4. Make available to the department upon request his or her inspection records.

(b) A person who inspects one- and 2- family dwellings as a certified UDC-electrical inspector shall contact and indicate to the electrical utility, cooperative or other entity furnishing electric current when an electrical service installation complies with ch. SPS 316 within 2 business days of the determination of compliance.

SECTION 7. Chapter SPS 316 Subchapter I (title) is repealed and recreated to read:

#### **Subchapter I – Purpose, Scope and Application**

(Note to Code Editor: Subchapter I includes ss. SPS 316.001 through 316.007.)

SECTION 8. SPS 316.002 is repealed and recreated to read:

**SPS 316.002 Scope. (1) GENERAL.** Except as provided in sub. (2), this chapter applies to electrical wiring installations.

**(2) EXCLUSIONS.** This chapter does not cover any of the following electrical wiring installations:

- (a) Installations in ships, watercraft, railway rolling stock, aircraft, or automotive vehicles.
- (b) Installations for generation, transformation or distribution of power used exclusively by railways for signaling and communication purposes.
- (c) Installations of communication equipment under exclusive control of communication utilities, located outdoors or in building spaces used exclusively for such installations.
- (d) Installations in manufactured homes, other than electrical wiring alterations in existing manufactured homes.
- (e) Installations under the exclusive control of an electric utility, an electric cooperative or a wholesale merchant operator where such installations meet any of the following situations:

1. Consist of service drops or service laterals, and associated metering.
2. Are located in legally established easements or right-of-ways designated by public service commissions, utility commissions, or other regulatory agencies having jurisdiction for such installations.
3. Are on property owned or leased by the electric utility for the purpose of communications, metering, generation, control, transformation, transmission, or distribution of electric energy.

SECTION 9. SPS 316.003 is repealed and recreated to read:

**SPS 316.003 Application. (1) STANDARDS.** The standard that is referenced in this chapter, and any additional codes and standards which are subsequently referenced in that standard, shall apply to the prescribed extent of each such reference, except as modified by this chapter.

**(2) RETROACTIVITY.** A rule of this chapter does not apply retroactively to an electrical wiring installation existing prior to the effective date of the rule unless specifically stated in the rule.

**(3) DIFFERING RULES.** (a) Where any department-written rule in this chapter differs from a requirement within a standard referenced in this chapter, the department-written rule shall govern.

(b) Where a provision of this chapter prescribes a general requirement and another provision of this chapter prescribes a specific or more detailed requirement regarding the same subject, the specific or more detailed requirement shall govern, except as provided in par. (a).

(c) Where different sections of this chapter specify conflicting requirements, the most restrictive requirement, as determined by the department, shall govern, except as provided in pars. (a) and (b).

**(4) LOCAL ORDINANCES.** (a) Except as provided in par. (b), pursuant to s. 101.02 (7), Stats., a city, village, town or local board of health may enact and enforce additional or more restrictive standards for electrical wiring installations, provided the standards do not conflict with this chapter.

**Note:** Pursuant to s. 66.0628 (2), Stats., “an fee that is imposed by a political subdivision shall be a reasonable relationship to the service for which the fee is imposed”.

(b) 1. Pursuant to ss. 66.1019 (1) and 101.02 (7m), Stats., a city, village, town or county may not enact and enforce additional or more restrictive standards for electrical wiring installations in one- and 2- family dwellings and multifamily dwellings, except as provided under subd. 2.

2. Any municipality exercising or intending to exercise jurisdiction under this chapter may apply to the department for a variance permitting the municipality to adopt an ordinance pertaining to one- and 2- family dwellings or multifamily dwellings not in conformance with this chapter. The

department shall review and make a determination on a municipal request under this section within 60 business days of receipt of the request.

3. a. The department may grant a municipal variance only where all of the conditions in subds. 3. b. and c. are demonstrated.

b. The municipality demonstrates that the variance is necessary to protect the health, safety, and welfare of individuals within the municipality because of specific climate or soil conditions generally existing within the municipality.

c. The municipality demonstrates that the granting of the variance, when viewed both individually and in conjunction with other variances requested by the municipality, does not impair the statewide uniformity of this chapter.

d. Prior to making a determination on a municipal variance, the department shall solicit within the municipality and consider the statements of any interested persons as to whether the variance should be granted.

e. This subdivision shall be strictly construed in accordance with the goal of promoting statewide uniformity.

4. Pursuant s. 101.121, Stats., a city, village, town or county may not enact or enforce additional or more restrictive standards regarding issues addressed under this chapter that would apply to alteration or change of occupancy for a historic building.

**(5) TYPES OF INSTALLATIONS.** The provisions of this chapter apply to all new electrical wiring installations, electrical alterations and electrical additions.

**(6) EXISTING INSTALLATIONS.** (a) Unless otherwise specifically stated in this chapter, existing electrical wiring installations shall be maintained to conform to the electrical code that applied when the installations were installed.

(b) The existing electrical wiring for a building or portion of building which undergoes a change of use shall be evaluated by the building owner, tenant or their agent to determine whether the electric wiring conforms to the current provisions of this chapter for the use.

**(7) REPAIRS.** Repairs to electrical wiring installations shall conform to the electrical code that applied when the installations were installed.

**(8) TESTING.** Rooms which are used exclusively for routine or special electrical test work shall comply with this chapter where practicable for the character of the testing done.

SECTION 10. SPS 316.004 (2) is repealed and recreated to read:

**SPS 316.004 (2) INTERPRETATIONS.** Any departmental interpretation of the requirements in this chapter or in the codes and standards that are adopted in this chapter shall supersede any differing interpretation by either a lower level jurisdiction or an issuer of the adopted code or standard.



SECTION 11. SPS 316.004 (2) Notes are repealed.

SECTION 12. SPS 316.007 is repealed.

SECTION 13. SPS 316.014 is renumbered SPS 316.007.

SECTION 14. SPS 316.006 is renumbered SPS 316.014.

SECTION 15. SPS 316.006 is created to read:

**SPS 316.006 Definitions.** In this ~~subchapter~~ chapter:

(1) “Department” means the department of safety and professional services.

(2) “Electrical wiring” has the meaning given in s. 101.80 (1m), Stats.

**Note:** Under s. 101.80 (1m), Stats., “electrical wiring” means all equipment, wiring, material, fittings, devices, appliances, fixtures, and apparatus used for the production, modification, regulation, control, distribution, utilization, or safeguarding of electrical energy for mechanical, chemical, cosmetic, heating, lighting, or similar purposes, as specified under the state electrical wiring code. “Electrical wiring” does not include the equipment, wiring, material, fittings, devices, appliances, fixtures, and apparatus used by a public utility, an electric cooperative, or a wholesale merchant operator for the purpose of generating, transmitting, distributing, or controlling heat, light, power, or natural gas to its customers or members.

(3) “Farm” means a place where farming is conducted.

(4) “Farming” has the meaning given in s. 102.04 (3), Stats.

**Note:** Under s. 102.04 (3), Stats., “farming” means the operation of farm premises owned or rented by the operator. “Farm premises” means areas used for operations herein set forth, but does not include other areas, greenhouses or other similar structures unless used principally for the production of food and farm plants.

**Note:** Section 102.04 (3), Stats., states that the operation of farm premises shall be deemed to be the planting and cultivating of the soil thereof; the raising and harvesting of agricultural, horticultural or arboricultural crops thereon; the raising, breeding, tending, training and management of livestock, bees, poultry, fur-bearing animals, wildlife or aquatic life, or their products, thereon; the processing, drying, packing, packaging, freezing, grading, storing, delivering to storage, to market or to a carrier for transportation to market, distributing directly to consumers or marketing any of the above-named commodities, substantially all of which have been planted or produced thereon; the clearing of such premises and the salvaging of timber and management and use of wood lots thereon, but not including logging, lumbering or wood cutting operations unless conducted as an accessory to other farming operations; the managing, conserving, improving and maintaining of such premises or the tools, equipment and improvements thereon and the exchange of labor, services or the exchange of use of equipment with other farmers in pursuing such activities.

(5) “Multifamily dwelling” has the meaning given in s. 101.971 (2), Stats.

**Note:** Under s. 101.971 (2), Stats., “multifamily dwelling” means an apartment building, rowhouse, town house, condominium or manufactured building, as defined in s. 101.71 (6), that does not exceed 60 feet in height or 6 stories and that consists of 3 or more attached dwelling units the initial construction of which is begun on or after January 1, 1993. ‘Multifamily dwelling’ does not include a facility licensed under ch. 50.”

(6) “Municipality” means a city, village, town or county in this state.

(7) “One- and 2- family dwelling” means any building that contains one or 2 dwelling units that construction of which commenced on or after December 1, 1978.

(8) “Place of employment” has the meaning given in s. 101.01 (11), Stats.

**Note:** Under s. 101.01 (11), Stats., “place of employment” includes every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming. “Farming” includes those activities specified in s. 102.04 (3), and also includes the transportation of farm products, supplies or equipment directly to the farm by the operator of said farm or employees for use thereon, if such activities are directly or indirectly for the purpose of producing commodities for market, or as an accessory to such production. When used with relation to building codes, “place of employment” does not include an adult family home, as defined in s. 50.01 (1), or, except for the purposes of s. 101.11, a previously constructed building used as a community-based residential facility, as defined in s. 50.01 (1g), which serves 20 or fewer residents who are not related to the operator or administrator.

(9) “Public building” has the meaning given in s. 101.01 (12), Stats.

**Note:** Under s 101.01 (12), Stats., “public building” means any structure, including exterior parts of such building, such as a porch, exterior platform or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy or use by the public or by 3 or more tenants. When used in relation to building codes, “public building” does not include a previously constructed building used as a community-based residential facility as defined in s. 50.01 (1g) which serves 20 or fewer residents who are not related to the operator or administrator or an adult family home, as defined in s. 50.01 (1).

SECTION 16. SPS 316.008 is renumbered SPS 316.015.

SECTION 17. Chapter SPS 316 Subchapter II (title) is repealed and recreated to read:

**Subchapter II – Administration and Enforcement**

(Note to Code Editor: Subchapter II includes ss. SPS 316.011 through 316.015.)

SECTION 18. SPS 316.009 is renumbered SPS 316.020.

SECTION 19. SPS 316.010 is renumbered SPS 316.021 and amended to read:

**SPS 316.021 ~~Inspection and maintenance~~ Maintenance.** All electrical wiring installations and equipment shall be cleaned and inspected at intervals as experience has shown to be necessary.

Any equipment or electrical wiring installation known to be defective so as to endanger life or property shall be promptly repaired, permanently disconnected, or isolated until repairs can be made. ~~Construction, repairs, additions and changes to electrical equipment and conductors shall be made by qualified persons only.~~

SECTION 20. SPS 316.011 is repealed.

SECTION 21. SPS 316.012 and 16.013 are renumbered SPS 316.022 and 316.023.

SECTION 22. SPS 316.015 is renumbered SPS 316.080.

SECTION 23. SPS 316.011 to 316.013 is created to read:

**SPS 316.011 Administration (1) MUNICIPAL ADMINISTRATION.** (a) *Jurisdiction conditions.* Pursuant to s. 101.86 (1), Stats., municipalities may exercise jurisdiction over the inspection of electrical wiring installations at farms, public buildings, places of employment, campgrounds, manufactured home communities, public marinas, piers, docks, or wharves and recreational vehicle parks provided the municipality complies with all of the following:

1. The municipality holds a registration issued by the department as an inspection agency for the purpose of issuing permits and inspecting electrical wiring at farms, public buildings, places of employment, campgrounds, manufactured home communities, public marinas, piers, docks, or wharves and recreational vehicle parks.
2. The municipality notifies the department at least 60 days prior to the date upon which the municipality intends to assume the jurisdiction.
3. The municipality provides the department with a copy of its electrical ordinances and subsequent revisions to the ordinances.
4. The municipality's ordinances adopt this chapter in its entirety, except as provided under s. SPS 316.003 (4) (b) 2.
5. The municipality employs or contracts with certified commercial electrical inspectors or independent inspection agencies to perform electrical inspection activities.
6. The municipality provides the department with the names of its certified commercial electrical inspectors and independent inspection agencies employed or contracted by the municipality, if applicable.

**Note:** Section 13.48 (13), Stats., exempts state buildings from local ordinances or regulations relating to building construction, permits and similar restrictions.

**Note:** These provisions do not limit municipal authority to implement regulatory oversight for other electrical wiring installations at other locations not addressed under this section. The permitting and inspection of electrical wiring installations for the construction of new one- and 2- family dwellings are addressed under ch. SPS 320.

(b) *County.* Ordinances enacted by a county under this subsection establishing electrical inspection functions may not prevent or prohibit a municipality within that county from assuming those functions at any time.

**Note:** Pursuant to s. 101.86 (1) (a), Stats., a county ordinance shall apply in any city, village or town which has not enacted such an ordinance.

(c) *Relinquishing of jurisdiction.* A municipality shall notify the department, in writing, at least 60 days prior to the date upon which the municipality intends to relinquish jurisdiction responsibilities.

**(2) DEPARTMENT ADMINISTRATION.** (a) In municipalities not exercising jurisdiction under sub. (1), the department shall provide permit and inspection services for the installation of electrical wiring on farms and in public buildings, places of employment, campgrounds, manufactured home communities, public marinas, piers, docks, or wharves and recreational vehicle parks.

(b) Pursuant to ss. 101.02 (5) and (15) and 101.82 (2m), Stats., municipalities engaging in providing plan review, permit issuance or inspections regarding electrical wiring under the scope of ch. SPS 316 as a designated inspection agency may be monitored or audited by the department for compliance with administrative requirements of this chapter and s. SPS 305.627.

**SPS 316.012 Permits. (1)** (a) Except as provided in par. (b), no electrical wiring project may commence unless the owner of the premises where the installation is to occur or their agent holds a permit from the designated inspection agency if the project involves the installation of a new or additional electrical service, feeder or branch circuit serving any of the following:

1. A farm.
2. A public building.
3. A place of employment.
4. A campground.
5. A manufactured home community.
6. A public marina, pier, dock, or wharf.
7. A recreational vehicle park.

(b) Under emergency conditions, the necessary electrical wiring may commence without obtaining a permit, provided the owner of the premises where the installation is to occur or their agent submits a permit application to the inspection agency designated by the department to provide

electrical inspections for the installation no later than the next business day after commencement of the installation.

**Note:** These rules do not limit municipality authority to require permits for other electrical wiring projects beyond the scope of this section.

(2) The application for a permit required under sub. (1) shall contain at least all of the following information:

- (a) The name of the applicant.
- (b) The name of the building or property owner.
- (c) The location of the electrical wiring installation.
- (d) The scope and extent of the electrical wiring installation.
- (e) 1. The name of the person responsible for the installation.

2. The name and license number of the master electrician or residential master electrician responsible for the installation on or after April 1, 2013, unless exempted under s. 101.862 (4), Stats.

(3) (a) The issuing inspection agency shall indicate on the electrical permit the date of issuance.

(b) A permit required under sub. (1) shall expire 12 months after the date of issuance, if installation of the electrical wiring has not commenced.

**SPS 316.013 Inspections.** (1) Electrical wiring installations shall be subject to inspection.

**Note:** See s. SPS 320.10 regarding the inspections for the construction of new one- and 2- family dwellings.

(2) Inspections of electrical wiring installations described under s. SPS 316.012 (1) (a) shall be conducted by a certified commercial electrical inspector.

**Note:** See SPS 305.62 for certification provisions for commercial electrical inspectors.

(3) (a) The building owner or their agent shall notify the inspection agency designated by the department to provide electrical inspections when the electrical wiring installation is ready for inspection.

(b) Except as provided in par. (c), to facilitate inspection all of the following shall apply:

1. Electrical wiring shall remain accessible and exposed for inspection purposes.
2. Electrical wiring may not be energized.

(c) 1. The concealment or energizing of electrical wiring, other than an electrical service, may proceed if inspection has not been completed within 2 business days after notification is received or as otherwise agreed between the wiring installer and the designated inspection agency providing the inspection.

2. The notification that an electrical wiring installation is ready for final inspection shall be made to indicate when all electrical fixtures, outlets and face plates are in place and the installation or that portion of the installation is energized.

(d) 1. If upon inspection, it is found that the installation is in compliance with this chapter, the certified inspector shall approve the installation prior to concealing or energizing the electrical wiring.

2. If upon inspection, it is found that the installation is incomplete or not in compliance with this chapter, orders to correct shall be issued. An order may include the condition that the electrical wiring is to remain unconcealed and non-energized until re-inspected.

SECTION 24. Chapter SPS 316 Subchapter III (title) is repealed and recreated to read:

### **Subchapter III – General Requirements**

(Note to Code Editor: Subchapter III includes ss. SPS 316.020 through 316.023.)

SECTION 25. SPS 316.020 (3) is created to read:

**SPS 316.020 (3) LIGHTING.** Installations for the purpose of street or area lighting owned and under exclusive control of electrical utilities or municipalities where located outdoors on property owned or leased by the utility; on or along public highways, streets, roads or similar public thoroughfares; or outdoors on private property by established rights such as easements shall comply with this chapter or ch. PSC 114.

SECTION 26. SPS 316.100 is repealed and recreated to read:

**SPS 316.100 Definitions. (1) ADDITIONS.** The following are department definitions in addition to the definitions in NEC 100:

(a) “Floors” means stories as specified in chs. SPS 361 to 366.

(b) “Nonrated construction” means Types III, IV and V construction in accordance with chs. SPS 361 to 366 and is considered to be nonfire-rated for the purposes of this chapter.

(c) “Private on-site wastewater treatment system” has the meaning specified under s. 145.01 (12), Stats.

**Note:** Under s. 145.01 (12), Stats., “Private on-site wastewater treatment system” means a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as

the structure. This term also means an alternative sewage system approved by the department including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. A private on-site wastewater treatment system may be owned by the property owner or by a special purpose district.

**(2) SUBSTITUTIONS.** The following department definition is substitution for the respective definitions in NEC 100: “Building” means a structure that stands alone or is separated from adjoining structures by fire walls with all openings therein protected with approved fire doors”.

**Note:** See chs. SPS 361 to 366 and IBC section 706 for fire-resistance standards to create separate buildings.

SECTION 27. Chapter SPS 316 Subchapter IV (title) is repealed and recreated to read:

**Subchapter IV – Changes, Additions or Omissions to the NEC**

(Note to Code Editor: Subchapter IV includes ss. SPS 316.080 through 316.701.)

SECTION 28. SPS 316.900 to 316.960 are repealed.

SECTION 29. Pursuant to s. 227.22 (2) (intro.) and (b), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, except ss. SPS 316.012 and 316.013 (1) which shall take effect on April 1, 2014.

**END**