

Chapter ILHR 17

ELECTRICAL INSPECTION, AND CERTIFICATION OF
ELECTRICAL INSPECTORS AND MASTER ELECTRICIANS

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Subchapter I — General Requirements

ILHR 17.01 Purpose. Pursuant to ch. 101, subch. IV, Stats., the purpose of this chapter is to establish reasonable and effective rules for electrical inspection of public buildings and places of employment, certification of commercial electrical inspectors and independent inspection agencies, and certification of master electricians. These rules establish uniform standards related to the enforcement of the Electrical Code, Volume 2, ch. ILHR 16.

Note 1: The Electrical Code, Volume 2, ch. ILHR 16 applies to one- and 2-family dwellings, all manufactured buildings for dwellings, public buildings and places of employment, and other locations as specified in s. ILHR 16.002 (1).

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Note 2: The Electrical Code, Volume 1 is issued and administered by the public service commission in ch. PSC 114.

History: Cr. Register, April, 1986, No. 364, eff. 5-1-86.

ILHR 17.02 Petition for variance. (1) **PROCEDURE.** The department shall consider and may grant a variance to a provision in this chapter upon receipt of a fee and a completed petition for variance form from the owner, provided an equivalency is established in the petition for variance which meets the intent of the rule being petitioned. The department may impose specific conditions in granting a variance to promote the protection of the health, safety and welfare of the employes or the public. Violation of those conditions under which the variance is granted shall constitute a violation of these rules.

Note 1: Copies of the petition for variance (form SB-8) are available at no charge from the Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707.

Note 2: Section 101.02 (6), Stats., and ch. ILHR 3 outline the procedure for submitting petitions to the department and the department procedures for hearing petitions.

(2) **PETITION PROCESSING TIME.** Except for priority petitions, the department shall review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents and fees required to complete the review. The department shall process priority petitions within 10 business days of receipt of the required items.

History: Cr. Register, April, 1986, No. 364, eff. 5-1-86.

ILHR 17.03 Penalties. Penalties for violations of the provisions of this chapter shall be assessed in accordance with s. 101.88 (3), Stats.

Note: Section 101.88 (3), Stats., states that except as provided under s. 101.865 (2), Stats., whoever violates this subchapter or any rule promulgated under this subchapter shall forfeit to the state not less than \$25 nor more than \$500 for each violation. Each day that the violation continues shall constitute a separate offense.

History: Cr. Register, April, 1986, No. 364, eff. 5-1-86.

ILHR 17.04 Fees. Fees for electrical inspections, certification examinations, and certifications issued under the provisions of this chapter shall be submitted as specified in ch. Ind 69.

History: Cr. Register, April, 1986, No. 364, eff. 5-1-86.

ILHR 17.05 Definitions. For the purpose of this chapter, the following definitions shall apply:

- (1) "Approved" means acceptable to the department.
- (2) "Certified inspection" means an inspection performed by a certified inspector or independent inspection agency to ensure compliance with the Electrical Code, Volume 2, ch. ILHR 16.
- (3) "Certified inspector" means a certified commercial electrical inspector or a certified restricted commercial electrical inspector.
- (4) "Certified master electrician" means a person who has been certified by the department as a master electrician.
- (5) "Commercial electrical inspector" means a person who conducts inspections of electrical construction in public buildings and places of employment.

(6) "Conflict of interest" means a certified inspector inspecting construction work in which the inspector or the inspector's employer, other than the state or a municipality, has participated or has a monetary or personal interest.

(7) "Department" means the department of industry, labor and human relations.

(8) "Electrical construction" means the installation of electrical wiring.

(9) "Electrical contractor" means any person, firm or corporation engaged in the business of erecting, installing, altering, repairing, servicing or maintaining electrical wiring.

(10) "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 covered by the scope of the Electrical Code, Volume 2, ch. ILHR 16.

(11) "Electrical work" means the installation or superintending of electrical wiring.

(12) "Full-time" means work which is performed for more than 30 hours per week.

(13) "Incompetence" means conduct which evidences a lack of ability to discharge the duty required to protect the health, safety and welfare of the public, lack of knowledge of the fundamental principles of electrical inspection or the Electrical Code, Volume 2, ch. ILHR 16 or an inability to apply those principles, or failure to maintain competency in the current practices and methods applicable to inspection services and the Electrical Code, Volume 2, ch. ILHR 16.

(14) "Independent inspection agency" means any corporation, partnership or sole proprietor with one or more employes, other than a municipal corporation, that performs inspections of buildings.

(15) "Misconduct" means an act performed in the discharge of enforcement duties which jeopardizes the interests of the public, including violation of federal or state laws, local ordinances or administrative rules relating to the position, preparation of deficient or falsified reports, failure to submit information or reports required by law or contract when requested by the municipality or the department, conduct which evidences a lack of trustworthiness, misrepresentation of qualifications such as education, experience or certification, illegal entry of premises, misuse of funds, or misrepresentation of authority.

(16) "Municipality" means any city, village, town or county in this state.

(17) "Negligence" means failure by omission or commission to discharge the duty required to protect the health, safety and welfare of the public.

(18) "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,

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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 a) private domestic service which does not involve the use of mechanical power or b) farming.

(19) "Practical experience" means personally installing or superintending the installation, alteration or repair of electrical wiring for electrical lighting, heating or power.

(20) "Public building" means and includes 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.

(21) "Restricted commercial electrical inspector" means a commercial electrical inspector whose certification is restricted to specific municipalities.

(22) "Restricted master electrician" means a certified master electrician whose certification is restricted to specific municipalities.

(23) "Secretary" means the secretary of the department of industry, labor and human relations.

History: Cr. Register, April, 1986, No. 364, eff. 5-1-86.

Subchapter II — Electrical Inspection of Public Buildings and Places of Employment

The administrative rules for the inspection of electrical construction of public buildings and places of employment are being developed and will be printed in this subchapter after completion of the rulemaking process specified in ch. 227, Stats.

Subchapter III — Certification of Commercial Electrical Inspectors and Independent Inspection Agencies

Part I — General

ILHR 17.20 Purpose. The purpose of this subchapter is to promote effective and uniform enforcement of the Electrical Code, Volume 2, ch. ILHR 16 through state certification of inspectors and independent inspection agencies.

History: Cr. Register, April, 1986, No. 364, eff. 8-1-86.

ILHR 17.21 Scope. The rules contained in this subchapter establish the standards and procedures for certification of electrical inspectors and independent inspection agencies for the purpose of inspecting the electrical wiring of public buildings and places of employment.

History: Cr. Register, April, 1986, No. 364, eff. 8-1-86.

ILHR 17.22 Application. The rules contained in this subchapter shall apply to all persons, independent inspection agencies, municipalities and state governmental agencies engaged in the administration and enforcement of the Electrical Code, Volume 2, ch. ILHR 16 in public buildings and places of employment.

History: Cr. Register, April, 1986, No. 364, eff. 8-1-86.
Register, April, 1986, No. 364