



## 2001 ASSEMBLY BILL 874

February 27, 2002 - Introduced by Representatives MEYERHOFER, OTT, PLOUFF, HINES, GRONEMUS, PETTIS, J. LEHMAN and JESKEWITZ, cosponsored by Senators BAUMGART, M. MEYER and BURKE. Referred to Committee on Labor and Workforce Development.

1     **AN ACT** *to repeal* 101.87 (3); *to renumber* 101.80 (1) and 101.80 (2); *to*  
2             *renumber and amend* 101.865 (1), 101.87 (1) and 101.87 (2); *to amend*  
3             subchapter IV (title) of chapter 101 [precedes 101.80], 101.84 (2), 101.86 (1) (a),  
4             101.88 (1) and 101.88 (3); *to repeal and recreate* 101.87 (title); and *to create*  
5             101.80 (2m), (3) and (4), 101.80 (6), 101.80 (9), 101.80 (10), 101.865 (1) (c),  
6             101.866, 101.87 (1) (c), 101.87 (1) (d) (intro.), 101.87 (1) (f) 3. and 4., 101.87 (2)  
7             (b), 101.87 (3m) and 101.875 of the statutes; **relating to:** licensing of  
8             electricians and electrical contractors, regulation of electrical construction,  
9             granting rule-making authority, and providing a penalty.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, the department of commerce (department) must administer a program for certifying electrical contractors and master, journeyman, and beginning electricians. However, current law does not require a person who works as an electrician or electrical contractor to be certified by the department. A city, village, town, or county, though, may enact an ordinance requiring this certification or requiring the electrician or contractor to obtain a license from the municipality.

With certain exceptions, this bill requires every person who performs electrical construction in this state to be licensed by the department as a master, journeyman,

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or beginning electrician. This bill also requires electrical contractors to be licensed by the department. In addition, the bill requires an electrical contractor to maintain a bond in the amount of at least \$5,000 and to obtain liability insurance in specified amounts. The bill prohibits a municipality from imposing an additional bonding requirement upon any electrical contractor who satisfies the bonding requirements under the bill. The bill specifies several persons who are exempt from the licensing, bonding, and insurance requirements, including certain individuals who perform work on their own residences, persons working for public utilities, certain maintenance electricians, elevator and escalator technicians, persons who install or maintain low voltage systems and equipment, alarm system contractors, and certain communications technicians. The bill requires the department to promulgate rules to administer the licensing program and specifies requirements with regard to supervision at work sites, qualifications for licensure, and other matters. The bill retains municipal authority to regulate electrical construction, provided the municipal ordinance is not less restrictive than the statutes and meets the minimum requirements of the department's rules.

Current law requires every electrical contractor and other person who does any electric wiring in this state to comply with the department's rules and requires the company furnishing the electric current to obtain proof of compliance before furnishing the current. Under current law, this proof may be in the form of a certificate furnished by an electrical inspector or, if there is no electrical inspector, a written statement furnished by the electrical contractor or other person doing the wiring.

This bill, instead, requires every electrical contractor to ensure that all electrical construction the contractor undertakes complies with the rules of the department. The bill retains the requirement that the company supplying electric current obtain proof of compliance. However, under the bill, the proof must be a certificate of an electrical inspector certified by the department, indicating that the electrical construction is in compliance. The bill also requires the property owner to obtain proof of compliance from a certified inspector indicating that the electrical construction is sufficient for occupancy.

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

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

1           **SECTION 1.** Subchapter IV (title) of chapter 101 [precedes 101.80] of the  
2 statutes is amended to read:

3                                   **CHAPTER 101**

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SUBCHAPTER IV

INSPECTION OF ELECTRICAL

CONSTRUCTION AND CERTIFICATION

OF MASTER ELECTRICIANS,

ELECTRICAL CONTRACTORS, AND

JOURNEYMEN AND BEGINNING

ELECTRICIANS

**SECTION 2.** 101.80 (1) of the statutes is renumbered 101.80 (5).

**SECTION 3.** 101.80 (2) of the statutes is renumbered 101.80 (8).

**SECTION 4.** 101.80 (2m), (3) and (4) of the statutes are created to read:

101.80 **(2m)** "Apprentice electrician" means an apprentice under an electrician apprenticeship program that is operated in compliance with ch. 106 and recognized by the U.S. department of labor.

**(3)** "Electrical construction" means the installing, altering, repairing, planning, or laying out of electrical wiring, apparatus, or equipment.

**(4)** "Electrical contractor" means a person who undertakes or offers to undertake work that constitutes electrical construction or the supervision of electrical construction.

**SECTION 5.** 101.80 (6) of the statutes is created to read:

101.80 **(6)** "Personal supervision" means oversight, by a master or journeyman electrician licensed by the department, of electrical construction being performed, such that the master or journeyman electrician:

(a) Is present at the work site and provides personal supervision for the entire working day;

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1 (b) Is immediately available to the person performing the electrical  
2 construction at all times for assistance and direction;

3 (c) Reviews the electrical construction performed; and

4 (d) Is able to and does determine whether the electrical construction is  
5 performed in compliance with this subchapter and any applicable rules promulgated  
6 under this subchapter.

7 **SECTION 6.** 101.80 (9) of the statutes is created to read:

8 101.80 (9) "Residential property owner" means an individual who performs  
9 electrical construction on premises that the individual owns and occupies as a  
10 residence or owns and will occupy as a residence upon completion of the electrical  
11 construction or the construction of the residence.

12 **SECTION 7.** 101.80 (10) of the statutes is created to read:

13 101.80 (10) "Wisconsin State Electrical Code" means the rules promulgated by  
14 the department under this subchapter.

15 **SECTION 8.** 101.84 (2) of the statutes is amended to read:

16 101.84 (2) At the request of the owner or tenant, enter, inspect and examine  
17 the exterior and interior wiring of a public building or place of employment necessary  
18 to ascertain compliance with the rules ~~promulgated under this subchapter~~  
19 Wisconsin State Electrical Code.

20 **SECTION 9.** 101.86 (1) (a) of the statutes is amended to read:

21 101.86 (1) (a) Exercise jurisdiction over electrical construction and inspection  
22 of electrical construction in public buildings and places of employment by passage  
23 of ordinances, ~~providing such ordinances.~~ Ordinances enacted under this paragraph  
24 may not be less restrictive than this subchapter and shall meet the minimum  
25 requirements of the department's rules ~~adopted under this subchapter~~ Wisconsin

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1 State Electrical Code. No ordinance may require an electrical contractor who has  
2 filed a bond under s. 101.866 (1) (a) 3. to maintain a bond as a condition of the  
3 electrical contractor undertaking work in a municipality. A county ordinance shall  
4 apply in any city, village or town within the county which has not enacted such an  
5 ordinance.

6 **SECTION 10.** 101.865 (1) of the statutes is renumbered 101.865 (1) (a) and  
7 amended to read:

8 101.865 (1) (a) ~~It is hereby made the duty of every~~ Every electrical contractor  
9 ~~and other person who does any electric wiring in this state to comply~~ shall ensure  
10 that all electrical construction the electrical contractor undertakes complies with the  
11 ~~Wisconsin state electrical code, and the~~ State Electrical Code or any more stringent  
12 requirements under an applicable municipal electrical code.

13 (b) The company furnishing the electric current shall obtain proof of such  
14 ~~compliance before furnishing such service; provided, that nothing therein contained~~  
15 ~~shall be construed as prohibiting any municipality from making more stringent~~  
16 ~~regulations than those contained in the Wisconsin state electrical code. Proof of such~~  
17 the electric current. The proof of compliance shall consist of a certificate furnished  
18 by a municipal or other recognized inspection department or officer, or if there is no  
19 ~~such inspection department or officer it shall consist of a written statement~~  
20 ~~furnished by the contractor or other person doing the wiring~~ an electrical inspector  
21 certified under s. 101.82 (2), indicating that there has been such the electrical  
22 construction is in compliance.

23 **SECTION 11.** 101.865 (1) (c) of the statutes is created to read:

24 101.865 (1) (c) The owner of the building shall obtain proof of compliance before  
25 occupying the building or permitting the building to be occupied. This proof of

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1 compliance shall consist of a certificate furnished by an electrical inspector certified  
2 under s. 101.82 (2), indicating that the electrical construction is in compliance and  
3 that the building, as it relates to electrical construction, is fit for occupancy.

4 **SECTION 12.** 101.866 of the statutes is created to read:

5 **101.866 Regulation of electricians and electrical contractors. (1) (a)**

6 Except as provided under sub. (3) and s. 101.87 (3m), no person may act as an  
7 electrical contractor in this state unless the person satisfies all of the following:

8 1. The person has an electrical contractor's license issued by the department.

9 An electrical contractor's license does not authorize the licensee to physically  
10 perform electrical construction.

11 2. The person is a master electrician licensed by the department or employs a  
12 master electrician licensed by the department who is responsible, under the terms  
13 of employment, for the performance and supervision of all electrical construction  
14 undertaken by the electrical contractor. If the electrical contractor employs a  
15 licensed master electrician, the licensed master electrician may not be employed as  
16 an electrician by any other electrical contractor or by any person described under  
17 sub. (3).

18 3. The person files with the department, and maintains, a bond endorsed by a  
19 surety company authorized to do business in this state of not less than \$5,000,  
20 conditioned upon the electrical contractor's ensuring that all electrical construction  
21 the electrical contractor undertakes complies with the Wisconsin State Electrical  
22 Code. The bond shall be for the benefit of persons damaged by reason of a failure to  
23 so comply.

24 4. The person maintains either a policy of general liability insurance insuring  
25 the person in the amount of at least \$100,000 per occurrence and \$300,000 aggregate

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1 for bodily injury to or death of others because of electrical construction undertaken  
2 by the person, and a policy of insurance insuring the person in the amount of at least  
3 \$25,000 for damage to property because of electrical construction undertaken by the  
4 person, or a policy of insurance insuring the person in the amount of at least \$300,000  
5 per occurrence and \$300,000 aggregate for damage to property and bodily injury to  
6 or death of others because of electrical construction undertaken by the person. Each  
7 policy of insurance shall be issued by an insurer authorized to do business in this  
8 state. The person shall file with the department a certificate, issued by the insurer,  
9 indicating that the person is in compliance with the applicable portion of this  
10 subdivision. An insurer may not cancel a policy of insurance that is the subject of  
11 such a certificate unless the insurer provides written notice of cancellation to the  
12 department at least 15 days before the date of cancellation.

13 (b) All written requests for permits and inspection made by an electrical  
14 contractor shall be signed by a master electrician who satisfies par. (a) 2.

15 (2) Except as provided under sub. (3), no person may perform electrical  
16 construction in this state unless the person is licensed by the department as a master,  
17 journeyman, or beginning electrician or is an apprentice electrician. The  
18 department, by rule, may specify the type of electrical construction that a master,  
19 journeyman, or beginning electrician or apprentice electrician is authorized to  
20 perform, except as follows:

21 (a) A master electrician may perform any work that a journeyman electrician  
22 may perform.

23 (b) An apprentice electrician may perform any work that a beginning  
24 electrician may perform.

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1           (c) No apprentice electrician or beginning electrician may perform electrical  
2 construction unless, at all times during which the electrical construction is  
3 performed, at least one master or journeyman electrician licensed by the department  
4 provides personal supervision at the work site.

5           (d) No apprentice electrician or beginning electrician may supervise electrical  
6 construction.

7           **(3)** This section does not apply to any of the following:

8           (a) A residential property owner.

9           (b) A person who is employed as a maintenance electrician by a single employer  
10 and who, within the scope of employment, is engaged in maintaining or repairing  
11 electrical wiring, apparatus, or equipment owned or leased by the employer and  
12 located on premises owned or leased by the employer.

13           (c) An employer of an employee described under par. (b), if electrical  
14 construction performed by the employee is undertaken incidental to the employer's  
15 performing the primary functions of its business.

16           (d) A person engaged in planning, installing, maintaining, or repairing wiring,  
17 apparatus, or equipment for elevators or escalators.

18           (e) A public utility, as defined under s. 196.01 (5), a cooperative association  
19 organized under ch. 185 for the purpose of producing or furnishing heat, light, power,  
20 or water to its members only, a telecommunications carrier, as defined in s. 196.01  
21 (8m), a commercial mobile radio service provider, as defined in s. 196.01 (2g), or an  
22 alternative telecommunications utility under s. 196.01 (1d), and any person who is  
23 employed by or a subcontractor of such an entity and who is engaged in electrical  
24 construction within the scope of the person's employment or contract.



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1 (f) A business engaged in the installation, maintenance, or repair of equipment  
2 and systems operating at 50 volts or less and any person who is employed by such  
3 an entity and who is engaged in electrical construction within the scope of the  
4 person's employment.

5 (g) A person engaged in planning, installing, maintaining, or repairing an  
6 electronic system designed to monitor a premises for the presence of, detect and  
7 summon aid for, or issue an alarm as a result of, an emergency, such as fire, burglary,  
8 or intrusion.

9 (h) A person engaged in planning, installing, maintaining, or repairing  
10 communications circuits or communications cabling.

11 (i) A person who is engaged in planning, installing, maintaining, or repairing  
12 manufactured systems designed to provide a function to a building that is not  
13 primarily electrical in nature. This paragraph does not apply to a person who is  
14 engaged in planning, installing, maintaining, or repairing wiring that delivers  
15 electric current to a manufactured system.

16 **SECTION 13.** 101.87 (title) of the statutes is repealed and recreated to read:

17 **101.87 (title) Licensing of electricians and electrical contractors.**

18 **SECTION 14.** 101.87 (1) of the statutes is renumbered 101.87 (1) (a) and  
19 amended to read:

20 101.87 (1) (a) The department shall ~~adopt~~ promulgate rules establishing a  
21 ~~uniform examination providing for the statewide certification~~ licensing of master  
22 ~~electricians and establishing certification requirements for electrical contractors,~~  
23 master electricians, journeymen electricians, and beginning electricians. ~~The rules~~  
24 ~~shall specify that only~~

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1           **(b) Only licensed** master electricians and persons who employ at least one  
2 **licensed** master electrician may be certified **licensed** as electrical contractors; that  
3 persons.

4           **(d) 1. Persons** who successfully complete an apprenticeship program lasting for  
5 at least ~~4~~ **3** years and ~~approved by the U.S. department of labor and by the~~  
6 ~~department or pass an inside journeyman wireman examination and.~~

7           **2. Persons** who have installed electrical wiring for at least **6,000 hours of**  
8 **experience in electrical construction during at least 48 months** and have maintained  
9 and repaired electrical wiring for at least one month shall be certified as journeymen  
10 electricians; and that only persons who have some **who pass a journeyman wireman**  
11 **examination administered by the department. Only persons who have obtained the**  
12 **specified hours of experience during the time period required under this subdivision**  
13 **may take the journeyman wireman examination.**

14           **(e) Persons who have minimal or no qualifications, training, experience, or**  
15 **technical knowledge with regard to installing and, altering, or repairing electrical**  
16 **wiring, apparatus, or equipment** may be certified **licensed** as beginning electricians  
17 **or may be apprentice electricians.**

18           **(f) The rules promulgated under par. (a) shall provide for the all of the following:**

19           **1. The periodic administration of the licensing examination, shall specify the**  
20 **certification.**

21           **2. A licensure period and examination fee and shall establish criteria for the**  
22 **suspension of the certificate by the department not to exceed 3 years.**

23           **5. The denial, revocation, and suspension of licenses and the conditions under**  
24 **which a denial, revocation, or suspension may occur. The rules shall specify that a**

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1 license may be suspended for violations of a municipality's electrical code upon  
2 notification of such violations by the municipality. Applicants.

3 (g) Each applicant for certification as an electrical contractors contractor's  
4 license shall provide the department with their social security number, their the  
5 applicant's worker's compensation number, their unemployment insurance account  
6 number, their and state and federal tax identification numbers and, as applicable.

7 Each applicant for an electrical contractor's license shall provide the name and  
8 address of each partner or member of its partners or members, if they are  
9 partnerships or limited liability companies, the applicant is a partnership or limited  
10 liability company; of the its owner, if they are individual proprietorships and of their  
11 the applicant is a sole proprietorship; or its officers, if they are corporations the  
12 applicant is a corporation.

13 **SECTION 15.** 101.87 (1) (c) of the statutes is created to read:

14 101.87 (1) (c) Only persons who pass a master electrician examination  
15 administered by the department and who have at least 7 years experience in  
16 electrical construction may be licensed as master electricians.

17 **SECTION 16.** 101.87 (1) (d) (intro.) of the statutes is created to read:

18 101.87 (1) (d) (intro.) Only the following persons may be licensed as  
19 journeymen electricians:

20 **SECTION 17.** 101.87 (1) (f) 3. and 4. of the statutes are created to read:

21 101.87 (1) (f) 3. Examination fees.

22 4. Renewal of licenses, consistent with s. 101.875.

23 **SECTION 18.** 101.87 (2) of the statutes is renumbered 101.87 (2) (intro.) and  
24 amended to read:

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1           101.87 (2) (intro.) Any municipality which by ordinance requires the licensure  
2 of electrical contractors, journeyman electricians, or beginning electricians shall  
3 issue a license ~~to~~ as follows:

4           (a) To any electrical contractor who wishes to perform electrical construction  
5 work in the municipality upon the submission by the electrical contractor of evidence  
6 that at least one of his or her full-time employees has been ~~certified~~ licensed by the  
7 state department as a master electrician under sub. (1), and upon the payment of the  
8 municipality's licensure fee and the posting of any required bond that is not  
9 prohibited under s. 101.86 (1) (a). The municipality's licensure fee may not exceed  
10 the amount required to cover the administrative costs of issuing the license.

11           **SECTION 19.** 101.87 (2) (b) of the statutes is created to read:

12           101.87 (2) (b) To any journeyman electrician or beginning electrician who, in  
13 the course of his or her employment, wishes to perform electrical construction in the  
14 municipality, upon submission by the journeyman or beginning electrician of  
15 evidence of licensure by the department under sub. (1) as a journeyman or beginning  
16 electrician, respectively, and upon payment of the municipality's licensure fee. The  
17 municipality's licensure fee may not exceed the amount required to cover the  
18 administrative costs of issuing the license.

19           **SECTION 20.** 101.87 (3) of the statutes is repealed.

20           **SECTION 21.** 101.87 (3m) of the statutes is created to read:

21           101.87 (3m) Any person who, on the effective date of this subsection .... [revisor  
22 inserts date], has a restricted certification issued by the department under s. 101.87  
23 (3), 1999 stats., may continue to act as an electrical contractor in the municipality  
24 specified in the restricted certification and in any municipality that, on the effective  
25 date of this subsection .... [revisor inserts date], does not require the licensure of

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1 electrical contractors or require electrical contractors to hold a license or certification  
2 issued by the department, upon obtaining an amended restricted certification from  
3 the department. The department shall ensure that each amended restricted  
4 certification describes the territory where the person is permitted to act as an  
5 electrical contractor. The department may charge a fee for the amended restricted  
6 certification.

7 **SECTION 22.** 101.875 of the statutes is created to read:

8 **101.875 Renewal of licenses.** (1) Except as provided in sub. (3), a licensed  
9 master electrician or licensed journeyman electrician shall successfully complete at  
10 least 18 hours of educational course work acceptable to and within the time period  
11 established by the department as a condition of renewing the master electrician's or  
12 journeyman electrician's license.

13 (2) Except as provided in sub. (3), a licensed beginning electrician shall  
14 successfully complete at least 50 hours of educational course work acceptable to and  
15 within the time period established by the department as a condition of renewing the  
16 beginning electrician's license.

17 (3) A licensed master, journeyman, or beginning electrician may apply to the  
18 department for a waiver of the requirements of sub. (1) or (2), as appropriate, on the  
19 grounds of prolonged illness, disability, or similar circumstances. The department  
20 shall consider each application for a waiver under this subsection individually on its  
21 merits and may grant a waiver for any meritorious application.

22 **SECTION 23.** 101.88 (1) of the statutes is amended to read:

23 101.88 (1) Every contractor, designer, and owner shall use building materials,  
24 methods, and equipment which are in conformance with the rules adopted by the  
25 department under this subchapter Wisconsin State Electrical Code.

**ASSEMBLY BILL 874****SECTION 24**

1           **SECTION 24.** 101.88 (3) of the statutes is amended to read:

2           101.88 (3) Except as provided under s. 101.865 (2), whoever violates this  
3 subchapter or any rule promulgated under this subchapter the Wisconsin State  
4 Electrical Code shall ~~forfeit to the state~~ be fined not less than \$25 \$100 nor more than  
5 \$500 ~~for each violation, imprisoned for 30 days, or both.~~ Each day of violation  
6 constitutes a separate offense.

7           **SECTION 25. Nonstatutory provisions.**

8           (1) SUBMISSION OF PROPOSED RULES. No later than the first day of the 8th month  
9 beginning after the effective date of this subsection, the department of commerce  
10 shall submit in proposed form the rules governing the licensing of electrical  
11 contractors and master, journeyman, and beginning electricians under subchapter  
12 IV of chapter 101 of the statutes, as affected by this act, to the legislative council staff  
13 under section 227.15 (1) of the statutes.

14           (2) GRANDFATHER PROVISION. Except as provided in section 101.02 (20) (b) and  
15 (21) (b) of the statutes and notwithstanding section 101.87 of the statutes, as affected  
16 by this act, the department of commerce shall license as a journeyman electrician any  
17 person who applies for a journeyman electrician's license within one year after the  
18 effective date of this subsection and who provides the department with sufficient  
19 evidence that the person has at least 1,000 hours of experience in electrical  
20 construction during each of at least 10 years.

21           (3) POSITION INCREASE. The authorized FTE positions for the department of  
22 commerce, funded from the appropriation under section 20.143 (3) (j) of the statutes,  
23 are increased by 1.0 PR position on the effective date of this subsection for the  
24 administration of subchapter IV of chapter 101 of the statutes.

