

Friday 11-16, NOON

2001 BILL

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

Analysis by the Legislative Reference Bureau

Under current law, the department of commerce (department) must administer a program for certifying 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, or beginning electrician. This bill also requires electrical contractors to be licensed by the department. The bill requires the department to promulgate rules to administer the licensing program and specifies requirements with regard to

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① ②
and local

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.

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

Fix component

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

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

CHAPTER 101
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.

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1 (4) “Electrical contractor” means a person who undertakes or offers to
2 undertake work that constitutes electrical construction or the supervision of
3 electrical construction.

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

5 101.80 (6) “Personal supervision” means oversight, by a master or journeyman
6 electrician licensed by the department, of electrical construction being performed,
7 such that the master or journeyman electrician:

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

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

12 (c) Reviews the electrical construction performed; and

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

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

17 101.80 (9) “Residential property owner” means an individual who performs
18 electrical construction on premises that the individual owns and occupies as a
19 residence or owns and will occupy as a residence upon completion of the electrical
20 construction or the construction of the residence.

21 **SECTION 7.** 101.86 (1) (a) of the statutes is amended to read:

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

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1 requirements of the department's rules ~~adopted~~ promulgated under this subchapter.
2 A county ordinance shall apply in any city, village or town within the county which
3 has not enacted such an ordinance.

4 SECTION 8. 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)~~ sub. (3), no person may act as an electrical contractor in
7 this state without an electrical contractor's license issued by the department. An
8 electrical contractor's license does not authorize the licensee to physically perform
9 electrical construction.

10 (b) Except as provided under ~~sub. (3)~~ sub. (3), no person may act as an electrical
11 contractor in this state unless the person is a master electrician licensed by the
12 department or employs a master electrician licensed by the department who is
13 responsible, under the terms of employment, for the performance and supervision of
14 all electrical construction undertaken by the electrical contractor. If the electrical
15 contractor employs a licensed master electrician, the licensed master electrician may
16 not be employed as an electrician by any other electrical contractor or by any person
17 described under sub. (3).

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

20 (2) ~~No person may perform electrical construction in this state unless the~~
21 person is licensed by the department as a master, journeyman, or beginning
22 electrician or is an apprentice electrician. The department, by rule, may specify the
23 type of electrical construction that a master, journeyman, or beginning electrician or
24 apprentice electrician is authorized to perform, except as follows:

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1 (a) A master electrician may perform any work that a journeyman electrician
2 may perform.

3 (b) An apprentice electrician may perform any work that a beginning
4 electrician may perform.

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

9 (d) No apprentice electrician or beginning electrician may supervise electrical
10 construction.

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

12 (a) A residential property owner.

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

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

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

for listed exception: 50 volts

¶ (e) A person who is employed by a business engaged in the installation, maintenance, servicing, or repair of equipment and systems operating at 50 volts or less.

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1 SECTION 9. 101.87 (title) of the statutes is repealed and recreated to read:

2 101.87 (title) **Licensing of electricians and electrical contractors.**

3 SECTION 10. 101.87 (1) of the statutes is renumbered 101.87 (1) (a) and
4 amended to read:

5 101.87 (1) (a) The department shall ~~adopt~~ promulgate rules establishing a
6 ~~uniform examination providing~~ for the statewide certification licensing of master
7 ~~electricians and establishing certification requirements for~~ electrical contractors,
8 master electricians, journeymen electricians, and beginning electricians. The rules
9 shall specify that only

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10 (b) ~~Except as provided under sub. (1)(b)~~ only licensed master electricians and
11 persons who employ at least one licensed master electrician may be certified licensed
12 as electrical contractors; that ~~persons~~

13 (d) Only persons who pass a journeyman wireman examination administered
14 by the department or are apprentice electricians successfully complete an engaged
15 in their apprenticeship program lasting for at least 4-3 years and approved by the
16 U.S. department of labor and by the department or pass an inside journeyman
17 wireman examination, and who have installed electrical wiring for at least 48
18 months and have maintained and repaired electrical wiring for at least one month
19 shall experience in electrical construction may be certified licensed as journeymen
20 electricians; and that only persons who have some.

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21 (e) Persons who have minimal or no qualifications, training, experience, or
22 technical knowledge with regard to installing and, altering, or repairing electrical
23 wiring, apparatus, or equipment may be certified licensed as beginning electricians
24 or may be apprentice electricians.

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

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1 1. The periodic administration of the licensing examination, shall specify the
2 certification.

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

5 5. The denial, revocation, and suspension of licenses and the conditions under
6 which a denial, revocation, or suspension may occur. The rules shall specify that a
7 license may be suspended for violations of a municipality's electrical code upon
8 notification of such violations by the municipality. Applicants.

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

13 Each applicant for an electrical contractor's license shall provide the name and
14 address of each partner or member of its partners or members, if they are
15 partnerships or limited liability companies, the applicant is a partnership or limited
16 liability company; of the its owner, if they are individual proprietorships and of their
17 the applicant is a sole proprietorship; or its officers, if they are corporations the
18 applicant is a corporation.

19 **SECTION 11.** 101.87 (1) (c) of the statutes is created to read:

20 101.87 (1) (c) Only persons who pass a master electrician examination
21 administered by the department and who have at least 7 years experience in
22 electrical construction may be licensed as master electricians.

23 **SECTION 12.** 101.87 (1) (f) 3. and 4. of the statutes are created to read:

24 101.87 (1) (f) 3. Examination fees.

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

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¶ SEC. ~~X~~. CR; 101.87 (1) (d) (intro.)

¶ INSERT "Z" (From Insert 6-12)

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1 **SECTION 13.** 101.87 (2) of the statutes is renumbered 101.87 (2) (intro.) and
2 amended to read:

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

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

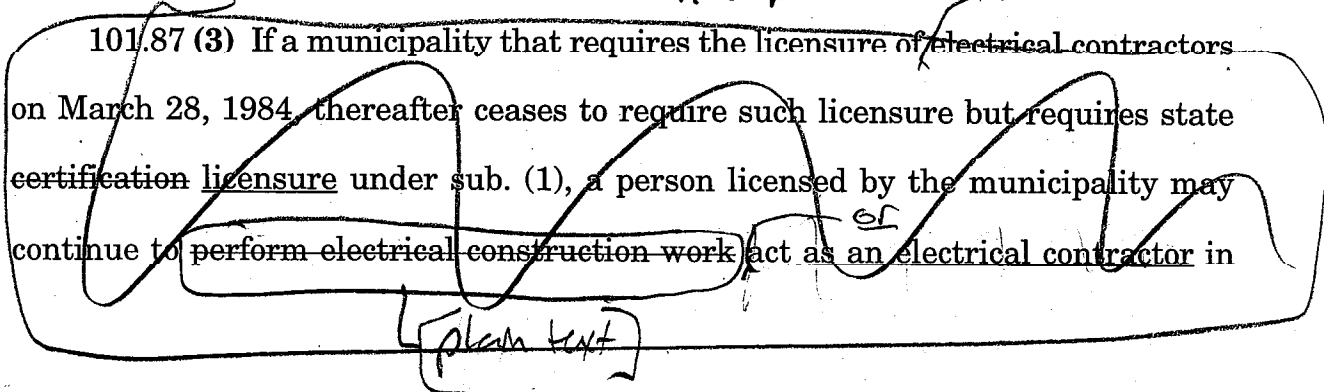
13 **SECTION 14.** 101.87 (2) (b) of the statutes is created to read:

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

Fix COMPONENT

21 **SECTION 15.** 101.87 (3)^x of the statutes is ~~amended to read~~ repealed.

22 101.87 (3) If a municipality that requires the licensure of electrical contractors
23 on March 28, 1984, thereafter ceases to require such licensure but requires state
24 certification licensure under sub. (1), a person licensed by the municipality may
25 continue to perform electrical construction work ^{or} act as an electrical contractor in



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1 that municipality upon application to the department for a restricted certification
2 ~~electrical contractor's license~~ ^{or electrician's} limited to that municipality. The department may
3 charge a fee for such certification ~~the restricted license.~~

4 **SECTION 16.** 101.875 of the statutes is created to read:

5 **101.875 Renewal of licenses.** (1) Except as provided in sub. (3), a licensed
6 master electrician or licensed journeyman electrician shall successfully complete at
7 least 18 hours of educational coursework acceptable to and within the time period
8 established by the department as a condition of renewing the master electrician's or
9 journeyman electrician's license.

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

14 (3) The department may permit an applicant for renewal of a master,
15 journeyman, or beginning electrician's license to substitute hours of work experience
16 for successful completion of educational coursework required under subs. (1) and (2).
17 The department may establish a process for waiving the requirements of subs. (1)
18 and (2) in cases of illness, disability, or similar circumstances.

19 **SECTION 17. Nonstatutory provisions.**

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

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a.r. "B"

a.r. "A"

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1 **SECTION 18. Effective dates.** This act takes effect on the first day of the 12th
2 month beginning after publication, except as follows:

3 (1) SUBMISSION OF PROPOSED RULES. SECTION (17) (1) of this act takes effect on
4 the day after publication.

5 (END)

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101.87(1)

(intro.)

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~~(d) Except as provided under sub. (b),~~ Only the following persons may be licensed as journeymen electricians:

9 (d) 1. Persons who successfully complete an apprenticeship program lasting for at least ~~43~~ years and approved by the U.S. department of labor and by the department or pass an inside journeyman wireman examination and.

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

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

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

101.88 (3) Except as provided under s. 101.865 (2), whoever violates this subchapter or any rule promulgated under this subchapter shall forfeit to the state

be fined not less than \$25 \$100 nor more than \$500 for each violation, imprisoned for 30 days, or both. Each day of violation constitutes a separate offense.

History: 1979 c. 309; 1983 a. 164.

INSERT 9-25

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

of commerce

① New exemptions in sub (3)

① Telecomm. & teledata wiring (information wiring?)

② Elec. construction not in scope of N.E.C. (was 1) Elec. Code) adopted by Commerce ... (see language in (g) in document for R.R.)

③ alarm system keys

④ AM → 101.87(3) to allow restricted to work on maint. OR in any location where license was not required before effective date of this act.

⑤ Bonding - Performance and liability bond required to be cert. of elec. lic. See #s 7 & 8 from info for Rep. M. (also variance)

⑥ Inspection - add 1.0 FTE inspector/consultant
- Dept. certification program for elec. inspectors
- Absent days
- Require final inspection of elec. construction.
(see #4 in info. for Rep. Meyer)

⑦ Clarify that utilities are exempt.

** Additions per Rep. Meyers. **

ADDITIONAL EXCEPTIONS

Page 6 of current draft.

- * (f)* Persons engaged in the planning, installing, maintaining, or repair of telecommunications, signaling, or alarm systems.
 - * (g)* Persons engaged in the planning, installing, maintaining, or repair of manufactured systems designed to provide a function to a building that is not primarily electrical in nature. (This exception is provided to acknowledge the installation and maintenance of machines and units that are engineered as a system. It is not intended to exempt the electrical wiring that serves as the source of such systems.)
- ILY →*

9-5 AM 101.87(3)

**ADDITIONAL BONDING REQUIREMENTS FOR
CERTIFIED ELECTRICAL CONTRACTORS .
(LICENSED)**

Currently, Comm 5.41 requires applicants for Electrical Contractor Certification to submit the following to the department:

1. Social security number
2. Workers compensation number
3. Unemployment insurance account number
4. State tax identification number
5. Federal tax identification number
6. Names and addresses of each partner or member if they are partnerships or limited liability companies, of the owner

~~the following~~ *the following additional requirements to be a
Certified Electrical Contractor:*

Add 7. Each electrical contractor should be required to give and maintain a bond in the sum of \$5,000. *PERFORMANCE*

8. Each electrical contractor should be required to maintain general liability insurance with at least \$100,000 per occurrence, \$300,000 aggregate limit for bodily injury, and property damage insurance of at least \$25,000 or a policy with a single limit for bodily injury and property damage of \$300,000 per occurrence and \$300,000 aggregate limits.

9. ~~No person may act as an electrical contractor in this state unless the person is a certified master electrician or employs a certified master electrician who is responsible for the performance and supervision (defined in Comm 5.003 (20)) of all~~

~~electrical construction undertaken by the electrical contractor. If the electrical contractor employs a master electrician, the certified master may not be employed as an electrician by any other electrical contractor.~~

ELECTRICAL INSPECTION

Currently municipalities may enact ordinances covering electrical construction and inspection of electrical construction in public buildings and places of employment. However, there are 1,673 of 1,850 municipalities that have not adopted and do not enforce ordinances providing for electrical construction inspection.

The Department of Commerce is required by s. 101.82(3m) to provide electrical inspection of public buildings, places of employment, and places where farming is conducted in municipalities that have not adopted and do not enforce ordinances providing electrical construction inspection. However, the department has only 3.0 FTE electrical inspector/consultant positions to provide inspection services, telephone and on-site consultation, code update, and electrical program educational services.

~~_____~~ the following changes to the current system of inspection:

1. Authorize program revenue spending in Safety and Buildings Operations to expand the department's electrical inspection program by 1.0 FTE electrical inspector/consultant position.

2. Direct the department to write rules creating a statewide system of properly credentialed contract commercial electrical inspectors similar to the existing system for Uniform

~~_____~~
~~_____~~
 Dwelling Code inspectors. Contract commercial electrical inspectors would be required to have a Commercial Electrical Inspector Certification already provided for by current rule.

3. Require the inspection of all new electrical services prior to the power company connecting the service. Remove the provision allowing a written statement of compliance furnished by the contractor. In statute s.101.865, proof of compliance is defined as "a certificate furnished by a municipality or other recognized inspection department or officer, or if there is no such inspection department or officer it shall consist of a written statement furnished by the contractor."

4. REQUIRE FINAL INSPECTION OF ELECTRICAL INSTALLATION PRIOR TO OCCUPANCY. INSPECTING ONLY THE SERVICE DOES NOTHING TO ASSURE THAT THE BULK OF THE INSTALLATION MEETS CODE SPECIFICATIONS

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 2 *renumber and amend* 101.87 (1) and 101.87 (2); *to amend* subchapter IV
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 5 101.80 (9), 101.866, 101.87 (1) (c), 101.87 (1) (d) (intro.), 101.87 (1) (f) 3. and 4.,
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electrical contractors and

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Electrical Contractors

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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, or beginning electrician. This bill also requires electrical contractors to be licensed

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INSPECT ANALYSIS A

by the department. 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.

INSPECT ANALYSIS B

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

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6 CONSTRUCTION AND CERTIFICATION
7 OF MASTER ELECTRICIANS,
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10 (b) Is immediately available to the person performing the electrical
11 construction at all times for assistance and direction;

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14 performed in compliance with this subchapter and any applicable rules promulgated
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25 may not be less restrictive than this subchapter and shall meet the minimum

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SECTION 7

INSSA 4-1

requirements of the department's rules adopted ~~promulgated~~ under this subchapter.

A county ordinance shall apply in any city, village or town within the county which has not enacted such an ordinance.

SECTION 8. 101.866 of the statutes is created to read:

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

Except as provided under sub. (3), ^{(and s. 101.87(3m))} no person may act as an electrical contractor in this state ~~without~~ ^{unless the person satisfies all of the following:} an electrical contractor's license issued by the department. An electrical contractor's license does not authorize the licensee to physically perform electrical construction.

~~(b) Except as provided under sub. (3), no person may act as an electrical contractor in this state unless the person is a master electrician licensed by the department or employs a master electrician licensed by the department who is responsible, under the terms of employment, for the performance and supervision of all electrical construction undertaken by the electrical contractor. If the electrical contractor employs a licensed master electrician, the licensed master electrician may not be employed as an electrician by any other electrical contractor or by any person described under sub. (3).~~

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

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

INSSA 4-3

INSSA 4-17

par. (a)2.

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1 (a) A master electrician may perform any work that a journeyman electrician
2 may perform.

3 (b) An apprentice electrician may perform any work that a beginning
4 electrician may perform.

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

9 (d) No apprentice electrician or beginning electrician may supervise electrical
10 construction.

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

12 (a) A residential property owner.

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

INSIDE
5-16

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

d

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

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(e) A person who is employed by a business engaged in the installation, maintenance, servicing, or repair of equipment and systems operating at 50 volts or less.

SECTION 9. 101.87 (title) of the statutes is repealed and recreated to read:

101.87 (title) Licensing of electricians and electrical contractors.

SECTION 10. 101.87 (1) of the statutes is renumbered 101.87 (1) (a) and amended to read:

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

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

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

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

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1 (e) Persons who have minimal or no qualifications, training, experience, or
2 technical knowledge with regard to installing and, altering, or repairing electrical
3 wiring, apparatus, or equipment may be certified licensed as beginning electricians
4 or may be apprentice electricians.

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

6 1. The periodic administration of the licensing examination, shall specify the
7 certification.

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

10 5. The denial, revocation, and suspension of licenses and the conditions under
11 which a denial, revocation, or suspension may occur. The rules shall specify that a
12 license may be suspended for violations of a municipality's electrical code upon
13 notification of such violations by the municipality. Applicants.

14 (g) Each applicant for certification as an electrical contractors contractor's
15 license shall provide the department with their social security number, their the
16 applicant's worker's compensation number, their unemployment insurance account
17 number, their and state and federal tax identification numbers and, as applicable.
18 Each applicant for an electrical contractor's license shall provide the name and
19 address of each partner or member of its partners or members, if they are
20 partnerships or limited liability companies, the applicant is a partnership or limited
21 liability company; of the its owner, if they are individual proprietorships and of their
22 the applicant is a sole proprietorship; or its officers, if they are corporations the
23 applicant is a corporation.

24 SECTION 11. 101.87 (1) (c) of the statutes is created to read:

BILL

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

4 **SECTION 12.** 101.87 (1) (d) (intro.) of the statutes is created to read:

5 101.87 (1) (d) (intro.) Only the following persons may be licensed as
6 journeymen electricians:

7 **SECTION 13.** 101.87 (1) (f) 3. and 4. of the statutes are created to read:

8 101.87 (1) (f) 3. Examination fees.

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

10 **SECTION 14.** 101.87 (2) of the statutes is renumbered 101.87 (2) (intro.) and
11 amended to read:

12 101.87 (2) (intro.) Any municipality which by ordinance requires the licensure
13 of electrical contractors, journeyman electricians, or beginning electricians shall
14 issue a license ~~to~~ as follows:

15 (a) To any electrical contractor who wishes to perform electrical construction
16 work in the municipality upon the submission by the electrical contractor of evidence
17 that at least one of his or her full-time employees has been ~~certified~~ licensed by the
18 ~~state~~ department as a master electrician under sub. (1), and upon the payment of the
19 municipality's licensure fee and the posting of any required bond. ~~The municipality's~~
20 licensure fee may not exceed the amount required to cover the administrative costs
21 of issuing the license.

22 **SECTION 15.** 101.87 (2) (b) of the statutes is created to read:

23 101.87 (2) (b) To any journeyman electrician or beginning electrician who, in
24 the course of his or her employment, wishes to perform electrical construction in the
25 municipality, upon submission by the journeyman or beginning electrician of

That is not
prohibited under
s. 101.87(1)(a)
✓

BILL

1 evidence of licensure by the department under sub. (1) as a journeyman or beginning
2 electrician, respectively, and upon payment of the municipality's licensure fee. The
3 municipality's licensure fee may not exceed the amount required to cover the
4 administrative costs of issuing the license.

5 **SECTION 16.** 101.87 (3) of the statutes is repealed.

6 **SECTION 17.** 101.875 of the statutes is created to read:

7 **101.875 Renewal of licenses.** (1) Except as provided in sub. (3), a licensed
8 master electrician or licensed journeyman electrician shall successfully complete at
9 least 18 hours of educational course work acceptable to and within the time period
10 established by the department as a condition of renewing the master electrician's or
11 journeyman electrician's license.

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

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

21 **SECTION 18.** 101.88 (3) of the statutes is amended to read:

22 101.88 (3) Except as provided under s. 101.865 (2), whoever violates this
23 subchapter or ~~any rule promulgated under this subchapter~~ shall forfeit to the state
24 be fined not less than \$25 \$100 nor more than \$500 for each violation, imprisoned
25 for 30 days, or both. Each day of violation constitutes a separate offense.

*The Wisconsin State
Electrical Code*

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1 **SECTION 19. Nonstatutory provisions.**

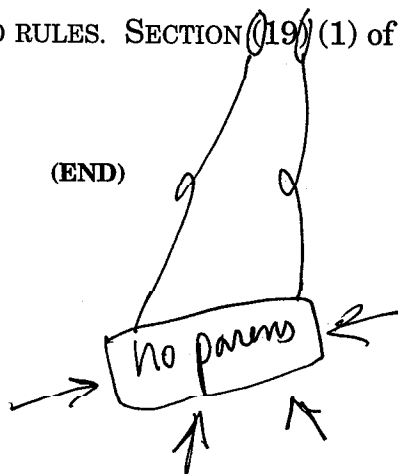
2 (1) SUBMISSION OF PROPOSED RULES. No later than the first day of the 8th month
3 beginning after the effective date of this subsection, the department of commerce
4 shall submit in proposed form the rules governing the licensing of electrical
5 contractors and master, journeyman, and beginning electricians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

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

15 **SECTION 20. Effective dates.** This act takes effect on the first day of the 12th
16 month beginning after publication, except as follows:

17 (1) SUBMISSION OF PROPOSED RULES. SECTION 19 (1) of this act takes effect on
18 the day after publication.

(END)



*INSURE
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2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3932/3ins
RJM:.....

INSERT 6-4

a person who is engaged in
planning, installing, maintaining,
or repairing

(i) A person who is engaged in planning, installing, maintaining, or repairing manufactured systems designed to provide a function to a building that is not primarily electrical in nature. This paragraph does not apply to ~~the planning, installation, maintenance, and repair~~ of wiring that delivers electric current to a manufactured system.

INSERT 9-5

SECTION 1. 101.87 (3m) of the statutes is created to read:

101.87 (3m) Any person who, on the effective date of this subsection [revisor inserts date], has a restricted certification issued by the department under s. 101.87 (3), 1999 stats., may continue to act as an electrical contractor in the municipality specified in the restricted certification and in any municipality that, on the effective date of this subsection [revisor inserts date], does not require the licensure of electrical contractors or require electrical contractors to hold a license or certification issued by the department, upon obtaining an amended restricted certification from the department. The department shall ensure that each amended restricted certification describes the territory where the person is permitted to act as an electrical contractor. The department may charge a fee for the amended restricted certification.

BILL

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1 SECTION 14. Nonstatutory provisions.

2 ~~(X)~~ POSITION INCREASE. The authorized FTE positions for the department of
3 ^{auto ref} commerce, funded from the appropriation under section 20.143 (3) (j) of the statutes,
4 are increased by 1.0 PR position on the effective date of this subsection for the
5 administration of subchapter IV of chapter 101 of the statutes. ^(see ms)

6 SECTION 15. Effective dates. This act takes effect on the first day of the 10th
7 month beginning after publication, except as follows: ^{Auto ref}

8 ~~(1)~~ POSITION INCREASE. SECTION ~~(14)~~ ~~(15)~~ of this act takes effect on the day after
9 publication. ^(see ms)

(END)

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BILL

INSPECT
ANALYSIS
A

county, though, may enact an ordinance requiring this certification or requiring the contractor to obtain a license from the municipality.

^{no 4} ~~With certain exceptions, this bill requires any person who acts as an electrical contractor to be certified by the department.~~ In addition, the bill requires ~~the person~~ ^{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 ~~certification~~, 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.

licensing

INSPECT
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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 a 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.~~

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

- 1 SECTION 1. 101.80 (1) of the statutes is renumbered 101.80 (3).
- 2 SECTION 2. 101.80 (1m), (2m) and (5) of the statutes are created to read:
- 3 101.80 (1m) "Electrical construction" means the installing, altering, repairing,
- 4 planning, or laying out of electrical wiring, apparatus, or equipment.
- 5 (2m) "Electrical contractor" means a person who undertakes or offers to
- 6 undertake work that constitutes electrical construction or the supervision of
- 7 electrical construction.

BILL

1 (5) "Residential property owner" means an individual who performs electrical
2 construction on premises that the individual owns and occupies as a residence or
3 owns and will occupy as a residence upon completion of the electrical construction
4 or the construction of the residence.

5 SECTION 3. 101.80 (2) of the statutes is renumbered 101.80 (4).

6 SECTION 4. 101.80 (9) of the statutes is created to read:

7 101.80 (9) "Wisconsin State Electrical Code" means the rules promulgated by
8 the department under this subchapter.

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

10 101.82 (1) Adopt rules for the construction and inspection of electrical
11 construction of public buildings and, places of employment, and for the inspection of
12 electrical construction of places where farming, as defined in s. 101.01 (11), is
13 conducted. Where feasible, the standards used shall be those nationally recognized.
14 No rule may be adopted which does not take into account the conservation of energy
15 in construction and maintenance of buildings.

16 SECTION 6. 101.84 (2) of the statutes is amended to read:

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

21 SECTION 7. 101.86 (1) (a) of the statutes is amended to read:

22 101.86 (1) (a) Exercise jurisdiction over electrical construction and inspection
23 of electrical construction in public buildings and, places of employment, and places
24 where farming, as defined in s. 101.01 (11), is conducted by passage of ordinances,
25 providing such ordinances. Ordinances enacted under this paragraph may not be

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INSECT 4-1

renumbered 101.865(1)(a) and

FIX COMPONENT

INSECT 4-3

less restrictive than this subchapter and shall meet the minimum requirements of the department's rules adopted under this subchapter Wisconsin State Electrical Code. No ordinance may require an electrical contractor who has filed a bond under s. 101.867 (1) ^{101.866(1)(a) 3.} to maintain a bond as a condition of the electrical contractor undertaking work in a municipality. A county ordinance shall apply in any city, village, or town within the county which has not enacted such an ordinance ^{leave in}

SECTION 9. 101.865 (1) of the statutes is amended to read:

101.865 (1) ^(a) It is hereby made the duty of every ^{every} Every electrical contractor and other person who does any electric wiring in this state to comply shall ensure that all electrical construction the electrical contractor undertakes complies with the Wisconsin state electrical code, and the State Electrical Code or any more stringent requirements under an applicable municipal electrical code. ^(b) The company furnishing the electric current shall obtain proof of such compliance before furnishing such service; provided, that nothing therein contained shall be construed as prohibiting any municipality from making more stringent regulations than those contained in the Wisconsin state electrical code. Proof of such the electric current. The proof of compliance shall consist of a certificate furnished by a municipal or other recognized inspection department or officer, or if there is no such inspection department or officer it shall consist of a written statement furnished by the contractor or other person doing the wiring an electrical inspector certified under s. 101.82 (2), indicating that there has been such the electrical construction is in compliance. ^{leave ms}

SECTION 9. 101.867 of the statutes is created to read:

DO NOT UNDERSCORE

^(B) Sec #. CR; 101.865(1)(c). ^(B) 101.865(1)(c)
^(no #) The owner of the building shall obtain proof of compliance before occupying the building or permitting the building to be occupied. This proof of compliance shall consist of a certificate furnished by an electrical inspector certified under s. 101.82(2), indicating that the electrical construction is in compliance and that the building, as it relates to electrical construction, is fit for occupancy.

Plain text

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1 **101.867 Regulation of electrical contractors.** (1) Except as provided
2 under sub. (2), no person may act as an electrical contractor in this state unless the
3 person satisfies all of the following:

4 (a) ~~The person has an electrical contractor's certification issued by the~~
5 ~~department.~~

3.

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

4.

either

12 ~~The person maintains a policy of general liability insurance which includes~~
13 ~~premises and operations insurance and products and completed operations~~
14 ~~insurance,~~ insuring the person in the amount of at least \$100,000 per occurrence and
15 \$300,000 aggregate for bodily injury to or death of others because of electrical
16 construction undertaken by the person, and a policy of insurance, insuring the
17 person in the amount of at least \$25,000 for damage to property because of electrical
18 construction undertaken by the person, or a policy of insurance insuring the person
19 in the amount of at least \$300,000 per occurrence and \$300,000 aggregate for damage
20 to property and bodily injury to or death of others because of electrical construction
21 undertaken by the person. Each policy of insurance shall be issued by an insurer
22 authorized to do business in this state. The person shall file with the department a
23 certificate, issued by the insurer, indicating that the person is in compliance with the
24 applicable portion of this paragraph. An insurer may not cancel a policy of insurance

subdivision

BILL

1 that is the subject of such a certificate unless the insurer provides written notice of
2 cancellation to the department at least 15 days before the date of cancellation. *Lev ms*

3 (2) Subsection (1) does not apply to any of the following:

4 (a) A residential property owner.

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

8 *IN 5-16-98*
9 (c) An employer of an employee described under par. (b), if electrical
10 construction performed by the employee is undertaken incidental to the employer's
11 performing the primary functions of its business. *Lev ms*

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

14 *IN 5-16-98*
15 (e) A public utility, as defined under s. 196.01 (5), a cooperative association
16 organized under ch. 185 for the purpose of producing or furnishing heat, light, power,
17 or water to its members only, a telecommunications carrier, as defined in s. 196.01
18 (8m), a commercial mobile radio service provider, as defined in s. 196.01 (2g), or an
19 alternative telecommunications utility under s. 196.01 (1d), and any person who is
20 employed by or a subcontractor of such an entity and who is engaged in electrical
construction within the scope of the person's employment or contract.

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

BILL

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

5 (h) A person engaged in planning, installing, maintaining, or repairing
6 communications circuits or communications cabling. *(see ms)*

7 ~~SECTION 10. 101.87 (2) of the statutes is amended to read:~~

8 ~~101.87 (2) Any municipality which by ordinance requires the licensure of~~
9 ~~electrical contractors shall issue a license to any electrical contractor who wishes to~~
10 ~~perform electrical construction work in the municipality upon the submission by the~~
11 ~~electrical contractor of evidence that at least one of his or her full-time employees~~
12 ~~has been certified by the state as a master electrician under sub. (1), and upon the~~
13 ~~payment of the municipality's licensure fee and the posting of any required bond that~~
14 ~~is not prohibited under s. 101.86 (1) (a). The municipality's licensure fee may not~~
15 ~~exceed the amount required to cover the administrative costs of issuing the license.~~

16 ~~SECTION 11. 101.87 (3) of the statutes is repealed.~~

17 ~~SECTION 12. 101.88 (1) of the statutes is amended to read:~~

18 101.88 (1) Every contractor, designer, and owner shall use building materials,
19 methods, and equipment which are in conformance with the ~~rules~~ adopted by the
20 department under this subchapter Wisconsin State Electrical Code. *(ad ms)*

21 ~~SECTION 13. 101.88 (3) of the statutes is amended to read:~~

22 ~~101.88 (3) Except as provided under s. 101.865 (2), whoever violates this~~
23 ~~subchapter or any rule promulgated under this subchapter the Wisconsin State~~
24 ~~Electrical Code shall forfeit to the state not less than \$25 nor more than \$500 for each~~
25 ~~violation. Each day of violation constitutes a separate offense.~~

*IVS&K
9-20-17*

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3932/3dn

RJM:/:.....

is

Representative Meyerhoffer:

Attached is the draft you requested regarding electricians and electrical construction. As you review the draft, please note the following:

1. I have cleaned up the statutory references to the electrical code so that each refers to the Wisconsin State Electrical Code. See, for example, proposed s. 101.80 (10). ✓

2. Per your instructions, this draft includes a bonding requirement. See proposed s. 101.866 (1) (a) 3. I have also specified that, although a municipal ordinance may be more restrictive than the Wisconsin State Electrical Code, the ordinance may not require an electrical contractor who has filed a bond with the state to obtain another bond as a condition of working in the municipality. See proposed s. 101.86 (1) (a). ✓

3. As we discussed, I have changed the exceptions under proposed s. 101.866 (3) in order to ensure that all entities and individuals you intend are exempt from the licensing and other requirements. See, for example, proposed s. 101.866 (3) (c) and (e) to (i). The exception in par. (g) covers alarm contractors and the exception in par. (h) covers data comm. technicians. Please review these exceptions to ensure that they are consistent with your intent. Also, I drafted par. (i) based on the initial language you proposed rather than the language regarding the scope of the national electrical code because, from a legal standpoint, the initial language is preferable because it avoids any delegation of legislative authority to a private body. Please review par. (i) and let me know if it satisfies your intent. ✓

4. Please review the language regarding persons operating as electrical contractors under restricted certifications in proposed s. 101.87 (3m). Because this proposal would expand the scope of the restricted certifications, I have included a requirement that these electrical contractors obtain a new restricted certification from the department that accurately describes the locations where the contractors may work. ✓

Please let me know if you have any questions or if you desire any additional changes. ✓

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: robert.marchant@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3932/3dn
RJM:cjs:kjf

January 24, 2002

Representative Meyerhoffer:

Attached is the draft you requested regarding electricians and electrical construction. As you review the draft, please note the following:

1. I have cleaned up the statutory references to the electrical code so that each refers to the Wisconsin State Electrical Code. See, for example, proposed s. 101.80 (10).
2. Per your instructions, this draft includes a bonding requirement. See proposed s. 101.866 (1) (a) 3. I have also specified that, although a municipal ordinance may be more restrictive than the Wisconsin State Electrical Code, the ordinance may not require an electrical contractor who has filed a bond with the state to obtain another bond as a condition of working in the municipality. See proposed s. 101.86 (1) (a).
3. As we discussed, I have changed the exceptions under proposed s. 101.866 (3) in order to ensure that all entities and individuals you intend are exempt from the licensing and other requirements. See, for example, proposed s. 101.866 (3) (c) and (e) to (i). The exception in par. (g) covers alarm contractors and the exception in par. (h) covers data comm. technicians. Please review these exceptions to ensure that they are consistent with your intent. Also, I drafted par. (i) based on the initial language you proposed rather than the language regarding the scope of the national electrical code because, from a legal standpoint, the initial language is preferable because it avoids any delegation of legislative authority to a private body. Please review par. (i) and let me know if it satisfies your intent.
4. Please review the language regarding persons operating as electrical contractors under restricted certifications in proposed s. 101.87 (3m). Because this proposal would expand the scope of the restricted certifications, I have included a requirement that these electrical contractors obtain a new restricted certification from the department that accurately describes the locations where the contractors may work.

Please let me know if you have any questions or if you desire any additional changes.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: robert.marchant@legis.state.wi.us



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

January 24, 2002

MEMORANDUM

To: Representative Meyerhofer

From: Robert J. Marchant, Legislative Attorney

Re: LRB-3932/3 Licensing of electricians

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

~~X~~ JACKET FOR ASSEMBLY ~~X~~ JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 261-4454 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.