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2005 BILL

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1 AN ACT *to repeal* 59.79 (4), 101.80 (2), 101.82 (3), 101.82 (3m), 101.84 (2), 101.86

2 (2), 101.865, 101.87 (2), 101.87 (3) and 101.87 (4); *to renumber and amend*

3 101.80 (1), 101.86 (3) and 101.87 (1); *to amend* 86.16 (2), 101.02 (20) (a), 101.02

4 (21) (a), subchapter IV (title) of chapter 101 [precedes 101.80], 101.82 (1),

5 101.82 (2), 101.86 (1) (a), 101.86 (1) (c), 101.88 (1), 101.88 (2), 101.88 (3), 182.018

6 (3) and 289.33 (3) (d); *to repeal and recreate* 101.87 (title); and *to create*

7 101.80 (1g), 101.80 (1j), 101.80 (1m), 101.80 (3), 101.80 (4), 101.80 (5), 101.82

8 (1m), 101.82 (1r), 101.82 (1v), 101.82 (2m), 101.82 (3r), 101.84 (3), 101.862 and

9 101.87 (5) of the statutes; **relating to:** the state electrical wiring code;

10 regulation of electricians, electrical contractors, and electrical inspectors;

11 electrical inspection services performed by the Department of Commerce;

regulation of

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1 regulation of heating and air conditioning contractors by a county with a
 2 population of 500,000 or more; and granting rule-making authority.

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Analysis by the Legislative Reference Bureau

Regulation by Department of Commerce

Under current law, the Department of Commerce (Commerce) promulgates rules for electric construction in public buildings and places of employment and in places where farming is conducted. This bill expands Commerce's duty in this regard to promulgate a state wiring code that establishes standards for installing, repairing, and maintaining electrical wiring, regardless of what type of building is involved. It also requires Commerce to promulgate rules for the inspection of all electrical wiring. The bill defines "electrical wiring" to be equipment and wiring for the production and control of electrical energy; "electrical wiring" does not include the equipment and wiring used by public utilities, electric cooperatives, or operators of wholesale merchant plants, for the generation, transmission, and distribution of electricity to their customers or members. (A "wholesale merchant plant" is a plant that is generally not owned by a public utility and that provides service to wholesale customers.)

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Electrical and other contractors and electricians

Under current law, Commerce administers a program for certifying electrical contractors. Under current law, a city, village, town, or county (municipality) may license an electrical contractor if the contractor has at least one master electrician as an employee. Current law requires Commerce to promulgate rules establishing a uniform examination for the statewide certification of master electricians. To be certified as a master electrician by Commerce, current law requires that the electrician pass the uniform examination. However, current law does not specifically require that a person who works as an electrician be licensed or certified by Commerce.

Under this bill, a municipality may no longer license a contractor, resulting in the elimination of any requirement that electrical contractors be licensed or certified either by a municipality or the state. Also, the bill specifically prohibits municipalities from registering or licensing electricians. Instead, under the bill, no person may work as an electrician or as an electrical contractor unless the person is licensed by or registered with Commerce. Commerce is required to promulgate rules for the licensing of electrical contractors and for the licensing and examination of all types of electricians, including journeyman and master electricians, but excluding beginning electricians. Under the bill, beginning electricians are required to be registered but do not need to pass an examination. The bill also requires that no person may do electrical work unless a master electrician is at all times responsible for the work.

The bill specifies several persons who are exempt from licensing or registration, including individuals who perform certain types of electrical work on their own residences or in their own facilities, and persons who perform electrical work on elevators

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and escalators, alarm systems, ~~and plant and equipment used for carrying telecommunication services~~ ^{STET} ^{at transmission facilities}. Also exempt are employees and subcontractors of electricity providers, persons who work on lighting or signals for public thoroughfares or airports, and persons who work on the utility side of substations and other distribution facilities owned or operated by customers or members of electricity providers.

In addition to the ~~rules required to be promulgated by~~ ^{requiring} Commerce ^{to promulgate rules} for all electricians, the bill imposes specific requirements as to the amount of experience necessary to be licensed as a residential or nonresidential journeyman electrician.

The bill repeals a provision authorizing the licensing and regulation of heating and air conditioning contractors in any county with a population of 500,000 or more (currently only Milwaukee County).

Electrical inspections

Under current law, a municipality may enact an ordinance regulating electrical construction and the inspection of electrical construction if the ordinance meets the minimum state requirements. Under current law, Commerce is ~~required to contract with a municipality for inspections of electrical wiring for compliance with state law if the municipality has enacted such an ordinance and if Commerce is requested to do so by the municipality.~~ ^{No ff} ^{This bill eliminates the provision that Commerce must contract with a municipality for} Commerce is ~~also required to provide such inspection in a municipality that has not enacted such an ordinance.~~ ^{must} ^{Requests Commerce to do so} Also, Commerce may, at the request of the owner or tenant, inspect the exterior and interior wiring of a public building or place of employment to determine compliance with state law. Current law also requires the company furnishing electric current to obtain ^{finally} proof of compliance with state law before furnishing the current. ^{Finally} This bill eliminates these provisions.

The bill requires that Commerce promulgate rules establishing standards and a process for the inspection of electrical wiring, including the inspection of electrical wiring for which a municipality does not provide inspection. The bill specifically prohibits municipalities from certifying electrical inspectors.

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.** 59.79 (4) of the statutes is repealed.

2 **SECTION 2.** 86.16 (2) of the statutes is amended to read:

3 86.16 (2) All poles used in the construction of such lines shall be set in such
4 manner as not to interfere with the use of such highway by the public, nor with the
5 use of the adjoining land by the owner thereof; and all pole lines shall hereafter be

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constructed so as to meet the requirements of the Wisconsin provisions of the state electrical code promulgated by the public service commission.

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SECTION 3. 101.02 (20) (a) of the statutes is amended to read:

101.02 (20) (a) For purposes of this subsection, "license" means a license, permit or certificate of certification or registration issued by the department under ss. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

SECTION 4. 101.02 (21) (a) of the statutes is amended to read:

101.02 (21) (a) In this subsection, "license" means a license, permit or certificate of certification or registration issued by the department under s. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

SECTION 5. Subchapter IV (title) of chapter 101 [precedes 101.80] of the statutes is amended to read:

CHAPTER 101

SUBCHAPTER IV

**INSPECTION OF ELECTRICAL CONSTRUCTION WIRING AND
CERTIFICATION OF MASTER ELECTRICIANS, CONTRACTORS,
JOURNEYMEN AND BEGINNING ELECTRICIANS**

SECTION 6. 101.80 (1) of the statutes is renumbered 101.80 (1r) and amended to read:

plain → 101.0985(1) to (3)

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1 101.80 (1r) "Municipality" means a city, town, village and, or county.

2 SECTION 7. 101.80 (1g) of the statutes is created to read:

3 101.80 (1g) "Electric cooperative" has the meaning given in s. 196.025 (5) (ag).

4 SECTION 8. 101.80 (1j) of the statutes is created to read:

5 101.80 (1j) "Electricity provider" means a public utility, an electric cooperative,
6 or a wholesale merchant plant operator.

7 SECTION 9. 101.80 (1m) of the statutes is created to read:

8 101.80 (1m) "Electrical wiring" means all equipment, wiring, material,
9 fittings, devices, appliances, fixtures, and apparatus used for the production,
10 modification, regulation, control, distribution, utilization, or safeguarding of
11 electrical energy for mechanical, chemical, cosmetic, heating, lighting, or similar
12 purposes, as specified under the state electrical wiring code. "Electrical wiring" does
13 not include the equipment, wiring, material, fittings, devices, appliances, fixtures,
14 and apparatus used by a public utility, or by an electric cooperative, or by a wholesale
15 merchant operator, for the purpose of generating, transmitting, or distributing
16 electricity to its customers or members.

17 SECTION 10. 101.80 (2) of the statutes is repealed.

18 SECTION 11. 101.80 (3) of the statutes is created to read:

19 101.80 (3) "Public utility" has the meaning given in s. 196.01 (5).

20 SECTION 12. 101.80 (4) of the statutes is created to read:

21 101.80 (4) "State electrical wiring code" means the rules promulgated under
22 s. 101.82 (1) for electrical wiring.

23 SECTION 13. 101.80 (5) of the statutes is created to read:

24 101.80 (5) "Wholesale merchant plant operator" means the operator of a
25 wholesale merchant plant, as defined in s. 196.491 (1) (w).

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SECTION 14

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1 **SECTION 14.** 101.82 (1) of the statutes is amended to read:

2 101.82 (1) ~~Adopt rules for the construction and inspection of electrical~~
3 ~~construction of public buildings and places of employment and for the inspection of~~
4 ~~electrical construction of places where farming, as defined in s. 101.01 (11), is~~
5 ~~conducted~~ Promulgate by rule a state electrical wiring code that establishes
6 standards for installing, repairing, and maintaining electrical wiring. Where
7 feasible, the ~~standards used shall be those~~ rules shall reflect nationally recognized.
8 No rule may be adopted which does not take into account the conservation of energy
9 ~~in construction and maintenance of buildings standards.~~

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10 **SECTION 15.** 101.82 (1m) of the statutes is created to read:

11 101.82 (1m) Promulgate rules that establish criteria and procedures for the
12 registration of beginning electricians and for the examination and licensing of
13 different types of electricians, including journeymen electricians and master
14 electricians.

15 **SECTION 16.** 101.82 (1r) of the statutes is created to read:

16 101.82 (1r) Promulgate rules that establish requirements for the supervision
17 of beginning electricians.

18 **SECTION 17.** 101.82 (1v) of the statutes is created to read:

19 101.82 (1v) Promulgate rules that establish criteria and procedures for the
20 licensing of electrical contractors. ~~These rules shall require that these licenses be~~
21 ~~renewed every 3 years.~~

22 **SECTION 18.** 101.82 (2) of the statutes is amended to read:

23 101.82 (2) Promulgate rules that establish criteria and procedures for the
24 certification, including provisions for suspension and revocation thereof, of electrical
25 inspectors for the purpose of inspecting the electrical wiring of public buildings and

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1 ~~places of employment. Persons certified as inspectors may be employees of the~~
2 ~~department, a municipality or private inspection agency.~~ ✓

3 **SECTION 19.** 101.82 (2m) of the statutes is created to read:

4 101.82 (2m) Promulgate rules that establish standards and a process for the
5 inspection of electrical wiring, including the inspection of electrical wiring for which
6 a municipality does not provide inspection under s. 101.86 (1). ✓

7 **SECTION 20.** 101.82 (3) ✓ of the statutes is repealed.

8 **SECTION 21.** 101.82 (3m) ✓ of the statutes is repealed.

9 **SECTION 22.** 101.82 (3r) of the statutes is created to read:

10 101.82 (3r) Promulgate rules that establish criteria and a process for the
11 suspension or revocation of registrations issued to beginning electricians, licenses
12 issued to electricians and electrical contractors, and certifications issued to electrical
13 inspectors.

14 **SECTION 23.** 101.84 (2) ✓ of the statutes is repealed.

15 **SECTION 24.** 101.84 (3) ✓ of the statutes is created to read:

16 101.84 (3) Promulgate rules to differentiate the scope of installation, repair, or
17 maintenance of electrical wiring that may be performed by electrical contractors and
18 by different types of electricians, including beginning electricians, journeyman
19 electricians, and master electricians. PLAIN

20 **SECTION 25.** 101.86 (1) (a) of the statutes is amended to read: PLAIN

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

SECTION AM; 101.86 (Title)
101.86 (Title) MUNICIPAL INSPECTION AUTHORITY

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1 ~~subchapter. A county ordinance shall apply in any city, village, or town which that~~
2 ~~has not enacted such an ordinance.~~

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3 **SECTION 26.** 101.86 (1) (c) of the statutes is amended to read:

4 101.86 (1) (c) By ordinance, establish and collect fees to defray the cost of
5 jurisdiction exercised under par. (a) or (b) ~~or a contract under sub. (2).~~

6 **SECTION 27.** 101.86 (2) of the statutes is repealed.

7 **SECTION 28.** 101.86 (3) of the statutes is renumbered 101.86 (3) (a) and amended
8 to read:

9 101.86 (3) (a) The cost of inspection services provided by any county ~~which that~~
10 has enacted an ordinance under sub. (1) ~~or contracted under sub. (2)~~, if not defrayed
11 by fees, shall be charged to or taxed ~~upon~~ against the property within those cities,
12 villages, and towns in the county ~~which that~~ have not enacted a local construction
13 ~~and inspection an ordinance under sub. (1) or contracted under sub. (2), and no~~

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14 ~~except as provided in par. (b)~~

15 (b) No part of the cost of inspection services, if not defrayed by fees, may be
16 charged to or taxed against the property within any city, village, or town ~~which that~~
17 has enacted such an ordinance ~~or contracted under sub. (2)~~ (1)

Insert 8-19

18 **SECTION 29.** 101.862 of the statutes is created to read:

19 **101.862 License, registration, or certification required.** (1) (No person
20 may install, repair, or maintain electrical wiring unless the person is licensed as an
21 electrical contractor or as an electrician by the department or unless the person is
22 registered as a beginning electrician by the department.

23 (B) (3) (2) No person who is not a master electrician may install, repair, or maintain
24 electrical wiring unless a master electrician is at all times responsible for the
25 person's work.

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1 (B) (A) (3) Subsections (1) and (2) ^{and (3)} do not apply to any of the following:

2 ✓ (a) A residential property owner who installs, repairs, or maintains electrical
3 wiring on premises that the property owner owns and occupies as a residence, unless
4 a license or registration issued by the department is required by local ordinance.

5 ✓ (b) A person engaged in maintaining or repairing electrical wiring within a
6 facility or on premises owned or leased by the person or by an entity for which the
7 person is an agent.

8 ✓ (c) A person engaged in installing, repairing, or maintaining electrical wiring,
9 apparatus, or equipment for elevators and escalators.

10 (d) A person engaged in installing, repairing, or maintaining equipment or
11 systems that operate at 50 volts or less.

12 ✓ (e) A person engaged in installing, repairing, or maintaining an electronic
13 system designed to monitor a premises for the presence of an emergency, to issue an
14 alarm for an emergency, or to detect and summon aid for an emergency.

15 ✓ (f) A person engaged in installing, repairing, or maintaining electrical wiring
16 of transmission facilities, as defined in s. 196.01 (12).

17 (g) A person engaged in installing, repairing, or maintaining manufactured
18 equipment or a manufactured system that is designed to provide a function that is
19 not primarily electrical in nature if the installing, repairing, or maintaining does not
20 involve the delivery of electrical current to the equipment or the system.

21 (h) A person engaged in installing electrical wiring for components of a
22 manufactured home, as defined in s. 101.91 (2), while the manufactured home is at
23 or in the facility at which it is being manufactured.

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or a manufactured building, as defined in 501.06 71(6)

or the manufactured building

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1 (i) A person engaged in installing, repairing, or maintaining electric wiring who
2 is employed by a electricity provider, or a subcontractor of an electricity provider,
3 within the scope of the person's employment.

4 (j) A person engaged in installing, repairing, or maintaining electrical wiring
5 that provides lighting or signals for public thoroughfares and for public airports.

6 (k) A person engaged in installing, repairing, or maintaining electrical wiring
7 on the utility side of substations and other distribution facilities owned or operated
8 by customers or members of electricity providers.

9 ⁽⁵⁾ (4) A municipality may not impose a registration, licensing, or certification
10 requirements on electrical contractors, electricians, or electrical inspectors.

11 **SECTION 30.** 101.865 of the statutes is repealed.

12 **SECTION 31.** 101.87 (title) of the statutes is repealed and recreated to read:

13 **101.87 (title) Requirements for journeymen electricians.**

14 **SECTION 32.** 101.87 (1) of the statutes is renumbered 101.87 (1) (intro.) and
15 amended to read:

16 101.87 (1) (intro.) ~~The department shall adopt rules establishing a uniform~~
17 ~~examination for the statewide certification of master electricians and establishing~~
18 ~~certification requirements for electrical contractors, journeymen electricians and~~
19 ~~beginning electricians. The rules shall specify that only master electricians and~~
20 ~~persons who employ at least one master electrician may be certified as electrical~~
21 ~~contractors; that persons who successfully complete~~ The rules governing the
22 licensing of journeymen electricians under s. 101.82 (1m) shall require that an
23 applicant for licensure as a journeyman electrician who is not a residential
24 journeyman electrician have at least one of the following qualifications:

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1 ~~(a) Completion of an apprenticeship program lasting for in installing,~~
2 ~~repairing, and maintaining electrical wiring that has a duration of~~ at least 4 years
3 ~~and that is approved by the U.S. department of labor and by the department or pass~~
4 ~~an inside journeyman wireman examination and who have installed of workforce~~
5 ~~development.~~

6 ~~(b) Experience in installing, repairing, and maintaining electrical wiring for at~~
7 ~~least 48 60 months and have maintained and repaired electrical wiring for at least~~
8 ~~one month shall be certified as journeymen electricians; and that only persons who~~
9 ~~have some experience installing and repairing electrical wiring may be certified as~~
10 ~~beginning electricians. The rules shall provide for the periodic administration of the~~
11 ~~examination, shall specify the certification period and examination fee and shall~~
12 ~~establish criteria for the suspension of the certificate by the department for~~
13 ~~violations of a municipality's electrical code upon notification of such violations by~~
14 ~~the municipality. Applicants for certification as electrical contractors shall provide~~
15 ~~the department with their social security number, their worker's compensation~~
16 ~~number, their unemployment insurance account number, their state and federal tax~~
17 ~~identification numbers and the name and address of each partner or member if they~~
18 ~~are partnerships or limited liability companies, of the owner if they are individual~~
19 ~~proprietorships and of their officers if they are corporations~~ passage of an
20 ~~examination required by the department for journeymen electricians who are not~~
21 ~~residential journeymen electricians.~~

22 **SECTION 33.** 101.87 (2) of the statutes is repealed.

23 **SECTION 34.** 101.87 (3) of the statutes is repealed.

24 **SECTION 35.** 101.87 (4) of the statutes is repealed.

25 **SECTION 36.** 101.87 (5) of the statutes is created to read:

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1 101.87 (5) The rules promulgated under s. 101.82 (1m) shall require that an
2 applicant for licensure as a residential journeyman electrician have at least one of
3 the following qualifications:

4 (a) Completion of an apprenticeship program in installing, repairing, and
5 maintaining residential electrical wiring that has a duration of at least 3 years and
6 that is approved by the U.S. department of labor and by the department of workforce
7 development.

8 (b) Experience in installing, repairing, and maintaining electrical wiring for at
9 least 36 months, and passage of an examination required by the department for
10 residential journeymen electricians.

11 **SECTION 37.** 101.88 (1) of the statutes is amended to read:

12 101.88 (1) Every contractor, designer and owner person installing, repairing,
13 or maintaining electrical wiring shall use building materials, methods, and
14 equipment ^{that} which are in conformance with the rules adopted by the department
15 under this subchapter state electrical wiring code.

16 **SECTION 38.** 101.88 (2) of the statutes is amended to read:

17 101.88 (2) All inspections of electrical wiring shall be made by persons certified
18 by the department as an electrical inspector.

19 **SECTION 39.** 101.88 (3) of the statutes is amended to read:

20 101.88 (3) Except as provided under s. 101.865 (2), whoever Any person who
21 violates this subchapter or any rule promulgated under this subchapter shall forfeit
22 to the state not less than \$25 nor more than \$500 for each violation. Each day of
23 violation constitutes a separate offense.

24 **SECTION 40.** 182.018 (3) of the statutes is amended to read:

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1 182.018 (3) All wires strung over any railroad on or after August 1, 1949, shall
2 be strung in such a way as to meet requirements of the ~~Wisconsin~~ provisions of the
3 state electrical code promulgated by the public service commission. Any person
4 stringing wires in violation of the code shall be subject to a forfeiture of not more than
5 \$100 nor less than \$25. Each 10-day period, after the first day, that such violation
6 occurs shall be a separate violation and shall subject the violator to an additional
7 forfeiture of not less than \$25 nor more than \$100 for each such violation.

8 **SECTION 41.** 289.33 (3) (d) of the statutes is amended to read:

9 289.33 (3) (d) "Local approval" includes any requirement for a permit, license,
10 authorization, approval, variance or exception or any restriction, condition of
11 approval or other restriction, regulation, requirement or prohibition imposed by a
12 charter ordinance, general ordinance, zoning ordinance, resolution or regulation by
13 a town, city, village, county or special purpose district, including without limitation
14 because of enumeration any ordinance, resolution or regulation adopted under s.
15 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2), (5), (6), (7), (8), (9),
16 (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26) and (27),
17 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19), (20) and (23),
18 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10), (11), (12), (16),
19 (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4), (5) and (6), 59.56
20 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57 (1), 59.58 (1) and
21 (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1), (2), (3), (5), (7), (8),
22 (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (4), (5), (6), (7), (8), (10) and (11),
23 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34, 61.35, 61.351,
24 61.354, 62.11, 62.23, 62.231, 62.234, 66.0101, 66.0415, 87.30, 91.73, 196.58, 200.11
25 (8), 236.45, 281.43 or 349.16 or subch. VIII of ch. 60.

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regulation of heating and air conditioning contractors by a county with a population of 500,000 or more; and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Regulation by Department of Commerce ^{DO} *of electrical wiring*

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Under current law, the Department of Commerce (Commerce) promulgates rules for electric construction in public buildings and places of employment and in places where farming is conducted. This bill expands Commerce's duty in this regard to promulgate a state wiring code that establishes standards for installing, repairing, and maintaining electrical wiring, regardless of what type of building is involved. ~~It also requires Commerce to promulgate rules for the inspection of all electrical wiring.~~ The bill defines "electrical wiring" to be equipment and wiring for the production and control of electrical energy; "electrical wiring" does not include the equipment and wiring used by public utilities, electric cooperatives, or operators of wholesale merchant plants for the generation, transmission, and distribution of electricity to their customers or members. (A "wholesale merchant plant" is a plant that is generally not owned by a public utility and that provides service to wholesale customers.)

Electrical and other contractors and electricians

Under current law, Commerce administers a program for certifying electrical contractors. Under current law, a city, village, town, or county (municipality) may license an electrical contractor if the contractor has at least one master electrician as an employee. Current law requires Commerce to promulgate rules establishing a uniform examination for the statewide certification of master electricians. To be certified as a master electrician by Commerce, current law requires that the electrician pass the uniform examination. However, current law does not specifically require that a person who works as an electrician be licensed or certified by Commerce.

Under this bill, a municipality may no longer license a contractor, resulting in the elimination of any requirement that electrical contractors be licensed or certified either by a municipality or the state. Also, the bill specifically prohibits municipalities from registering or licensing electricians. Instead, under the bill, no person may work as an electrician or as an electrical contractor unless the person is licensed by or registered with Commerce. Commerce is required to promulgate rules for the licensing of electrical contractors and for the licensing and examination of all types of electricians, including journeyman and master electricians, but excluding beginning electricians. Under the bill, beginning electricians are required to be registered but do not need to pass an examination. The bill also requires that no person may do electrical work unless a master electrician is at all times responsible for the work.

The bill specifies several persons who are exempt from licensing or registration, including individuals who perform certain types of electrical work on their own residences or in their own facilities, persons who perform electrical work on elevators

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The authority of a city, village, town, or county (municipality) to enact a local electrical code is also expanded in the same manner.

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FROM THE
LEGISLATIVE REFERENCE BUREAU

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a state electrical wiring code;
regulation of electricians, electrical contractors, and electrical inspectors;
inspections of electrical ~~construction~~ *wiring*; regulation of electrical wiring; regulation of
heating and air conditioning contractors by a county with a population of 500,000 or
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Regulation of electricians and electrical and other contractors

Under current law, the Department of Commerce (Commerce) administers a program requiring a uniform examination for the statewide certification of electrical contractors. Under current law, ~~a city, village, town, or county (municipality)~~ may license an electrical contractor if the contractor has at least one master electrician as an employee. However, current law does not specifically require that a person who works as an electrician be licensed or certified by Commerce or by a municipality.

STET Under this bill, a municipality may no longer license a contractor. Also, the bill *specifically* prohibits municipalities from registering or licensing electricians. Instead, under the bill, no person may work as an electrician or as an electrical contractor unless the person is licensed by or registered with Commerce. Commerce must promulgate rules for the licensing of electrical contractors and for the licensing and examination of all types of electricians, including journeyman and master electricians, but excluding beginning electricians. Under the bill, beginning electricians *must register* are required to be registered but do not need to pass an examination. The bill also requires that no person may do electrical work unless a master electrician is at all times responsible for the work.

Persons The bill specifies several persons who are exempt from licensing or registration, including individuals who perform certain types of electrical work on their own residences or in their own facilities, persons who perform electrical work on elevators, escalators, and alarm systems, and *and* persons performing equipment installation that is not primarily electrical in nature. Also exempt are employees and subcontractors of electricity providers, persons who work on lighting or signals for public thoroughfares or airports, and persons who work on the utility side of substations and other distribution facilities owned or operated by customers or members of electricity providers.

In addition to requiring Commerce to promulgate rules for the regulation of all electricians, the bill imposes specific requirements as to the amount of experience necessary to be licensed as a residential or nonresidential journeyman electrician.

Finally, the bill repeals a provision authorizing the licensing and regulation of heating and air conditioning contractors in any county with a population of 500,000 or more (currently only Milwaukee County).

INS ANLB
(cont.)

INS wiring

Inspections of electrical construction

Under current law, Commerce promulgates rules for inspections of electrical construction of public building, places of employment, and place where farming is conducted. Under current law, a municipality may enact an ordinance regulating the inspection of electrical construction in public buildings and places of employment if the ordinance meets the minimum state requirements. Under current law, Commerce must contract with a municipality for inspections of electrical construction for compliance with state law if the municipality has enacted such an ordinance and if the municipality requests Commerce to do so. Commerce must also provide such inspection in a municipality that has not enacted such an ordinance. This bill eliminates these provisions concerning contracting between Commerce and a municipality.

51ET
one
period

Commerce may, at the request of the owner or tenant, inspect the exterior and interior wiring of a public building or place of employment to determine compliance with state law. Current law also requires the company furnishing electric current to obtain proof of compliance with state law before furnishing the current. This bill also eliminates these provisions.

The bill requires that Commerce ^{to} promulgate rules establishing criteria for certifying all electrical inspectors of electrical wiring. Under current law, Commerce is only required to promulgate certification criteria for inspectors of public buildings and places of employment. The bill also requires that Commerce promulgate rules establishing standards and a process for the inspection of electrical wiring, including the inspection of electrical wiring for which a municipality does not provide inspection. The bill specifically prohibits municipalities from certifying electrical inspectors and requires that all inspections of electrical wiring be conducted by inspectors certified by Commerce.

FE-SL

inspection

Not

The bill also expands the scope of municipal authority to cover all electrical wiring.

Not

This bill expands ^{the} ~~this~~ ~~scope~~ scope of this rule-making authority to cover all electrical wiring.

1 **Insert 6-9**

2 **SECTION 1.** 101.82 (1) of the statutes is amended to read:

3 101.82 (1) ~~Adopt~~ Promulgate rules for the construction and inspection of
4 electrical construction of public buildings and places of employment and for the
5 ~~construction and~~ inspection of electrical construction of places where farming, as
6 defined in s. 101.01 (11), is conducted. Where feasible, the standards used shall be
7 those nationally recognized. No rule may be adopted which does not take into
8 account the conservation of energy in construction and maintenance of buildings.

9 History: 1979 c. 309; 1989 a. 348; 1995 a. 27.

9 **Insert 8-2**

10 **SECTION 2.** 101.86 (1) (a) of the statutes is amended to read:

11 101.86 (1) (a) ~~Exercise~~ Enact an electrical code or otherwise exercise
12 jurisdiction over electrical ~~construction~~ ^{wiring} and inspection of electrical ~~construction in~~
13 ~~public buildings and places of employment~~ ^{wiring} by passage enactment of ordinances,
14 providing such ordinances meet the minimum requirements of the department's
15 rules adopted under this subchapter. An ordinance enacted under this paragraph
16 may not be less restrictive than ^{this} subchapter. ^{plain} A county ordinance shall apply in any
17 city, village or town which has not enacted such an ordinance.

18 History: 1979 c. 309; 1999 a. 150 s. 672.

18 **Insert 8-17**

19 **SECTION 3.** 101.861 of the statutes is created to read:

20 **101.861 Municipal regulatory authority.** (1) Any ordinance enacted by a
21 municipality that ^{relates or} relating to licensure or certification of electrical contractors or
22 electricians pursuant to the municipality's authority under s. 101.865 ^{2005 stats.} or 101.87 and
23 that is existence on the effective date of the section ... [revisor inserts date] shall

1 remain in effect without being amended or repealed until the first day of the 61st
2 month beginning after the effective date of this ^{er} subsection [revisor inserts date].

3 Beginning the first day of the 61st month beginning after the effective date of this
4 section, ^{.... [revisor inserts date]} such an ordinance is no longer in effect.

5 **Insert 8-19**

6 ^{No ff} (1) No person may engage in the business of installing repair or maintaining
7 electrical wiring unless the person^s is licensed as an electrical contractor by the
8 department.

9 **Insert 9-20**

10 (g) A person engaged in installing, repairing, or maintaining manufactured
11 equipment or a manufactured system that is designed to provide a function that is
12 not primarily electrical in nature if the installation, repair, or maintenance does not
13 involve, for the delivery of electrical current to the equipment or system, the
14 modification or installation of conductors beyond the disconnecting point or beyond
15 the last junction, pull, or device box, whichever is nearer to the point where the
16 person is performing the installation, repair or maintenance.

5

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0475/?dn

MGG:|:....

WLJ

30 I have rewritten the analysis. Please review carefully.

1. As requested, I have removed the language requiring the promulgation of an overall electrical wiring code. It is my understanding, but I may be wrong, that most if not all buildings are covered by a code for electrical wiring under the current electrical code found in Comm. 16 adm. code. I am not sure that repairs and maintenance in one- and two-family dwellings are currently covered by any statewide electrical code. See Comm 20.05 (3) adm. code. Also I am unsure about multifamily dwellings. Also note the reference to a "state electrical code" is being eliminated due to the repeal of s. 101.865.

In light of the above, please review the elimination of the statewide electrical code provisions to make sure that it will not result in some unintended consequences.

2. Regarding municipal authority under current law and this bill draft, please note the following:

Municipalities will continue to be able to have a municipal electrical code. References to the code and municipal regulation are disappearing with the repeal of s. 101.865 and 101.87 but are brought back in the amendment of s. 101.86 (1) (a). These changes are taking effect on the general effective date of the bill.

Municipalities will continue to have inspection jurisdiction under s. 101.86, except that the ability to enter into contracts with the state is eliminated. These change regarding contracting is taking effect on the general effective date of the bill.

Municipalities will no longer be able to license electrical contractors or be able to license electricians. This will be done by the state. These changes are taking effect 5 years after the general effective date. In the interim, municipalities will be able to continuing licensing but may not create, amend or appeal licensing ordinances.

3. Are you sure you do not want language authorizing Commerce to recognize out of state licenses? The recent legislation concerning elevator mechanics has specific language authorizing Commerce to do so. See 101.985(2)(b). Not including language in this new legislation may be used as an argument that Commerce does not have such authority. Licensing out-of-state mechanics.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

INS
DN

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

??dn
MGG:.....

insert DN

*not checked
in ;)*

4. Because the creation of a statewide electrical code is being eliminated in this redraft, I have restored the "public buildings and places of employment" limitation in some places. It is restored in s. 101.86 (1) and 101.86 (1) (a), but not in s. 101.86 (2). OK?

5. Please review the use of the terms "electrical wiring" and "electrical construction" throughout the draft since this redraft no longer contains a code that establishes statewide standards for "electrical wiring".

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0475/1dn
MGG:wlj:pg

February 6, 2007

1. Regarding municipal authority under current law and this bill draft, please note the following:

Municipalities will continue to be able to have a municipal electrical code. References to the code and municipal regulation are disappearing with the repeal of ss. 101.865 and 101.87 but are brought back in the amendment of s. 101.86 (1) (a). These changes take effect on the general effective date of the bill.

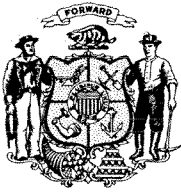
Municipalities will continue to have inspection jurisdiction under s. 101.86, except that the ability to enter into contracts with the state is eliminated. The change regarding contracting takes effect on the general effective date of the bill.

Municipalities will no longer be able to license electrical contractors or be able to license electricians. This will be done by the state. These changes take effect five years after the general effective date. In the interim, municipalities will be able to continue licensing but may not create, amend, or appeal licensing ordinances.

2. Are you sure you do not want language authorizing Commerce to recognize out-of-state licenses? The recent legislation concerning elevator mechanics has specific language authorizing Commerce to do so. See 101.985 (2) (b). Not including language in this new legislation may be used as an argument that Commerce does not have such authority.

3. I have rewritten the analysis. Please review carefully.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215



State of Wisconsin
2007 - 2008 LEGISLATURE

RMR 2

LRB-0475/F

MGG&MDK:wlj:pg

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2007 BILL

Regen

1 AN ACT *to repeal* 59.79 (4), 101.80 (2), 101.82 (3), 101.82 (3m), 101.84 (2), 101.86

2 (2), 101.865, 101.87 (2), 101.87 (3) and 101.87 (4); *to renumber and amend*

3 101.80 (1), 101.86 (3) and 101.87 (1); *to amend* 86.16 (2), 101.02 (20) (a), 101.02

4 (21) (a), subchapter IV (title) of chapter 101 [precedes 101.80], 101.82 (1),

5 101.82 (2), 101.86 (1) (a), 101.86 (1) (c), 101.88 (1), 101.88 (2), 101.88 (3), 182.018

6 (3) and 289.33 (3) (d); *to repeal and recreate* 101.87 (title); and *to create*

7 101.80 (1g), 101.80 (1j), 101.80 (1m), 101.80 (3), 101.80 (4), 101.80 (5), 101.82

8 (1m), 101.82 (1r), 101.82 (1v), 101.82 (2m), 101.82 (3r), 101.84 (3), 101.861,

9 101.862 and 101.87 (5) of the statutes; **relating to:** a state electrical wiring

10 code; regulation of electricians, electrical contractors, and electrical inspectors;

11 inspections of electrical wiring; regulation of electrical wiring; regulation of

BILL

1 heating and air conditioning contractors by a county with a population of
2 500,000 or more; and granting rule-making authority.

*Analysis by the Legislative Reference Bureau****Regulation of electrical wiring***

Under current law, the Department of Commerce (Commerce) promulgates rules for electric construction in public buildings and places of employment and in places where farming is conducted. This bill expands Commerce's duty in this regard to promulgate a state wiring code that establishes standards for installing, repairing, and maintaining electrical wiring, regardless of what type of building is involved. The authority of a city, village, town, or county (municipality) to enact a local electrical code is also expanded in the same manner. The bill defines "electrical wiring" to be equipment and wiring for the production and control of electrical energy; "electrical wiring" does not include the equipment and wiring used by public utilities, electric cooperatives, or operators of wholesale merchant plants for the generation, transmission, and distribution of electricity to their customers or members. (A "wholesale merchant plant" is a plant that is generally not owned by a public utility and that provides service to wholesale customers.)

Regulation of electricians and electrical and other contractors

~~Under current law, Commerce administers a program requiring a uniform examination for the statewide certification of electrical contractors. Under current law, a municipality may license an electrical contractor if the contractor has at least one master electrician as an employee. However, current law does not specifically require that a person who works as an electrician be licensed or certified by Commerce or by a municipality.~~ *to work as an electrician or electrical*

Under this bill, a municipality may no longer license a contractor. Also, the bill specifically prohibits municipalities from registering or licensing electricians. *contractor* Instead, under the bill, no person may work as an electrician or as an electrical contractor unless the person is licensed by or registered with Commerce. Commerce must promulgate rules for the licensing of electrical contractors and for the licensing and examination of all types of electricians, including journeyman and master electricians, but excluding beginning electricians. Under the bill, beginning electricians must register but do not need to pass an examination. The bill also requires that no person may do electrical work unless a master electrician is at all times responsible for the work. *

The bill specifies several persons who are exempt from licensing or registration, including persons who perform certain types of electrical work on their own residences or in their own facilities, persons who perform electrical work on elevators, escalators, and alarm systems, and persons who perform equipment installation that is not primarily electrical in nature. Also exempt are employees and subcontractors of electricity providers, persons who work on lighting or signals for public thoroughfares or airports, and persons who work on the utility side of

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substations and other distribution facilities owned or operated by customers or members of electricity providers.

In addition to requiring Commerce to promulgate rules for the regulation of all electricians, the bill imposes specific requirements as to the amount of experience necessary to be licensed as a residential or nonresidential journeyman electrician.

Finally, the bill repeals a provision authorizing the licensing and regulation of heating and air conditioning contractors in any county with a population of 500,000 or more (currently only Milwaukee County).

Inspections of electrical wiring

Under current law, Commerce promulgates rules for inspections of electrical construction in public buildings, places of employment, and places where farming is conducted. This bill expands the scope of this rule-making authority to cover all electrical wiring. Under current law, a municipality may enact an ordinance regulating the inspection of electrical construction in public buildings and places of employment if the ordinance meets the minimum state requirements. Under current law, Commerce must contract with a municipality for inspections of electrical construction for compliance with state law if the municipality has enacted such an ordinance and if the municipality requests Commerce to do so. Commerce must also provide such inspection in a municipality that has not enacted such an ordinance. This bill eliminates these provisions concerning contracting between Commerce and a municipality. The bill also expands the scope of municipal inspection authority to cover all electrical wiring.

Commerce may, at the request of the owner or tenant, inspect the exterior and interior wiring of a public building or place of employment to determine compliance with state law. Current law also requires the company furnishing electric current to obtain proof of compliance with state law before furnishing the current. This bill eliminates these provisions.

The bill requires Commerce to promulgate rules establishing criteria for certifying all electrical inspectors of electrical wiring. Under current law, Commerce is required to promulgate certification criteria only for inspectors of public buildings and places of employment. The bill also requires Commerce to promulgate rules establishing standards and a process for the inspection of electrical wiring, including the inspection of electrical wiring for which a municipality does not provide inspection. The bill specifically prohibits municipalities from certifying electrical inspectors and requires that all inspections of electrical wiring be conducted by inspectors certified by Commerce.

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:

BILL

SUBCHAPTER IV

~~INSPECTION OF ELECTRICAL CONSTRUCTION WIRING AND
CERTIFICATION OF MASTER ELECTRICIANS, CONTRACTORS,
JOURNEYMEN AND BEGINNING ELECTRICIANS~~

SECTION 6. 101.80 (1) of the statutes is renumbered 101.80 (1r) and amended to read:

101.80 (1r) "Municipality" means a city, town, village ~~and, or~~ county.

SECTION 7. 101.80 (1g) of the statutes is created to read:

101.80 (1g) "Electric cooperative" has the meaning given in s. 196.025 (5) (ag).

SECTION 8. 101.80 (1j) of the statutes is created to read:

101.80 (1j) "Electricity provider" means a public utility, an electric cooperative, or a wholesale merchant plant operator.

SECTION 9. 101.80 (1m) of the statutes is created to read:

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

SECTION 10. 101.80 (2) of the statutes is repealed.

SECTION 11. 101.80 (3) of the statutes is created to read:

101.80 (3) "Public utility" has the meaning given in s. 196.01 (5).

BILL

1 **SECTION 12.** 101.80 (4) of the statutes is created to read:

2 101.80 (4) "State electrical wiring code" means the rules promulgated under
3 s. 101.82 (1) for electrical wiring.

4 **SECTION 13.** 101.80 (5) of the statutes is created to read:

5 101.80 (5) "Wholesale merchant plant operator" means the operator of a
6 wholesale merchant plant, as defined in s. 196.491 (1) (w).

7 **SECTION 14.** 101.82 (1) of the statutes is amended to read:

8 101.82 (1) ~~Adopt rules for the construction and inspection of electrical~~
9 ~~construction of public buildings and places of employment and for the inspection of~~
10 ~~electrical construction of places where farming, as defined in s. 101.01 (11), is~~
11 ~~conducted~~ Promulgate by rule a state electrical wiring code that establishes
12 standards for installing, repairing, and maintaining electrical wiring. Where
13 feasible, the standards used shall be those rules shall reflect 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 standards.

16 **SECTION 15.** 101.82 (1m) of the statutes is created to read:

17 101.82 (1m) Promulgate rules that establish criteria and procedures for the
18 registration of beginning electricians and for the examination and licensing of
19 different types of electricians, including journeymen electricians and master
20 electricians.

21 **SECTION 16.** 101.82 (1r) of the statutes is created to read:

22 101.82 (1r) Promulgate rules that establish requirements for the supervision
23 of beginning electricians.

24 **SECTION 17.** 101.82 (1v) of the statutes is created to read:

BILL

1 101.82 (1v) Promulgate rules that establish criteria and procedures for the
2 licensing of electrical contractors.

3 **SECTION 18.** 101.82 (2) of the statutes is amended to read:

4 101.82 (2) Promulgate rules that establish criteria and procedures for the
5 certification, ~~including provisions for suspension and revocation thereof,~~ of electrical
6 inspectors for the purpose of inspecting the electrical wiring of public buildings and
7 places of employment. ~~Persons certified as inspectors may be employees of the~~
8 department, a municipality or private inspection agency.

9 **SECTION 19.** 101.82 (2m) of the statutes is created to read:

10 101.82 (2m) Promulgate rules that establish standards and a process for the
11 inspection of electrical wiring, including the inspection of electrical wiring for which
12 a municipality does not provide inspection under s. 101.86 (1).

13 **SECTION 20.** 101.82 (3) of the statutes is repealed.

14 **SECTION 21.** 101.82 (3m) of the statutes is repealed.

15 **SECTION 22.** 101.82 (3r) of the statutes is created to read:

16 101.82 (3r) Promulgate rules that establish criteria and a process for the
17 suspension or revocation of registrations issued to beginning electricians, licenses
18 issued to electricians and electrical contractors, and certifications issued to electrical
19 inspectors.

20 **SECTION 23.** 101.84 (2) of the statutes is repealed.

21 **SECTION 24.** 101.84 (3) of the statutes is created to read:

22 101.84 (3) Promulgate rules to differentiate the scope of installation, repair, or
23 maintenance of electrical wiring that may be performed by electrical contractors and
24 by different types of electricians, including beginning electricians, journeyman
25 electricians, and master electricians.

BILL

1 **SECTION 25.** 101.86 (1) (a) of the statutes is amended to read:

2 101.86 (1) (a) ~~Exercise~~ Enact an electrical code or otherwise exercise
3 jurisdiction over electrical ~~construction~~ wiring and inspection of electrical
4 construction in public buildings and places of employment wiring by passage
5 enactment of ordinances, ~~providing such ordinances meet the minimum~~
6 ~~requirements of the department's rules adopted under this subchapter.~~ An
7 ordinance enacted under this paragraph may not be less restrictive than this
8 subchapter. A county ordinance shall apply in any city, village or town which has not
9 enacted such an ordinance.

10 **SECTION 26.** 101.86 (1) (c) of the statutes is amended to read:

11 101.86 (1) (c) By ordinance, establish and collect fees to defray the cost of
12 jurisdiction exercised under par. (a) or (b) ~~or a contract under sub. (2).~~

13 **SECTION 27.** 101.86 (2) of the statutes is repealed.

14 **SECTION 28.** 101.86 (3) of the statutes is renumbered 101.86 (3) (a) and amended
15 to read:

16 101.86 (3) (a) The cost of inspection services provided by any county which that
17 has enacted an ordinance under sub. (1) ~~or contracted under sub. (2)~~, if not defrayed
18 by fees, shall be charged to or taxed ~~upon~~ against the property within those cities,
19 villages, and towns in the county which that have not enacted a local construction
20 and inspection an ordinance under sub. (1) ~~or contracted under sub. (2)~~, and no.

21 (b) No part of the cost of inspection services, if not defrayed by fees, may be
22 charged to or taxed against the property within any city, village, or town which that
23 has enacted such an ordinance or contracted under sub. (2) (1).

24 **SECTION 29.** 101.861 of the statutes is created to read:

BILL

1

101.861 Municipal regulatory authority. (1) Any ordinance enacted by a

2

municipality that relates to licensure or certification of electrical contractors or

3

electricians pursuant to the municipality's authority under s. 101.865, 2005 stats.,

4

or s. 101.87, 2005 stats., and that is ⁱⁿ existence on the effective date of ^{this part} the section ...

5

[revisor inserts date], shall remain in effect without being amended or repealed until

6

the first day of the 61st month beginning after the effective date of this section ...

7

[revisor inserts date]. Beginning ^{on} the first day of the 61st month beginning after the

8

effective date of this section ... [revisor inserts date], such an ordinance is no longer

9

in effect.

10

SECTION 30. 101.862 of the statutes is created to read:

11

101.862 License, registration, or certification required. (1) No person

12

may engage in the business of installing, ^{repairing} repair or maintaining electrical wiring

13

unless the person is licensed as an electrical contractor by the department.

14

(2) No person may install, repair, or maintain electrical wiring unless the

15

person is licensed as an electrician by the department or unless the person is

16

registered as a beginning electrician by the department.

17

(3) No person who is not a master electrician may install, repair, or maintain

18

electrical wiring unless a master electrician is at all times responsible for the

19

person's work.

20

(4) Subsections (2) and (3) do not apply to any of the following:

21

(a) A residential property owner who installs, repairs, or maintains electrical

22

wiring on premises that the property owner owns and occupies as a residence, unless

23

a license or registration issued by the department is required by local ordinance.

BILL

1 (b) A person engaged in maintaining or repairing electrical wiring within a
2 facility or on premises owned or leased by the person or by an entity for which the
3 person is an agent.

4 (c) A person engaged in installing, repairing, or maintaining electrical wiring,
5 apparatus, or equipment for elevators and escalators.

6 (d) A person engaged in installing, repairing, or maintaining equipment or
7 systems that operate at 50 volts or less.

8 (e) A person engaged in installing, repairing, or maintaining an electronic
9 system designed to monitor a premises for the presence of an emergency, to issue an
10 alarm for an emergency, or to detect and summon aid for an emergency.

11 (f) A person engaged in installing, repairing, or maintaining electrical wiring
12 of transmission facilities, as defined in s. 196.01 (12).

13 (g) A person engaged in installing, repairing, or maintaining manufactured
14 equipment or a manufactured system that is designed to provide a function that is
15 not primarily electrical in nature if the installation, repair, or maintenance does not
16 involve ~~for~~ the delivery of electrical current to the equipment or system, the
17 modification or installation of conductors ~~at~~ beyond the disconnecting point or beyond
18 the last junction, pull, or device box, whichever is nearer to the point where the
19 person is performing the installation, repair, or maintenance.

20 (h) A person engaged in installing electrical wiring for components of a
21 manufactured home, as defined in s. 101.91 (2), or a manufactured building, as
22 defined in s. 101.71 (6), while the manufactured home or the manufactured building
23 is at or in the facility at which it is being manufactured.

BILL

1 (i) A person engaged in installing, repairing, or maintaining electric wiring who
2 is employed by a electricity provider, or a subcontractor of an electricity provider,
3 within the scope of the person's employment.

4 (j) A person engaged in installing, repairing, or maintaining electrical wiring
5 that provides lighting or signals for public thoroughfares and for public airports.

6 (k) A person engaged in installing, repairing, or maintaining electrical wiring
7 on the utility side of substations and other distribution facilities owned or operated
8 by customers or members of electricity providers.

9 (5) A municipality may not impose any registration, licensing, or certification
10 requirements on electrical contractors, electricians, or electrical inspectors.

11 **SECTION 31.** 101.865 of the statutes is repealed.

12 **SECTION 32.** 101.87 (title) of the statutes is repealed and recreated to read:

13 **101.87 (title) Requirements for journeymen electricians.**

14 **SECTION 33.** 101.87 (1) of the statutes is renumbered 101.87 (1) (intro.) and
15 amended to read:

16 101.87 (1) (intro.) ~~The department shall adopt rules establishing a uniform~~
17 ~~examination for the statewide certification of master electricians and establishing~~
18 ~~certification requirements for electrical contractors, journeymen electricians and~~
19 ~~beginning electricians. The rules shall specify that only master electricians and~~
20 ~~persons who employ at least one master electrician may be certified as electrical~~
21 ~~contractors; that persons who successfully complete~~ The rules governing the
22 licensing of journeymen electricians under s. 101.82 (1m) shall require that an
23 applicant for licensure as a journeyman electrician who is not a residential
24 journeyman electrician have at least one of the following qualifications:

BILL

1 ~~(a) Completion of an apprenticeship program lasting for installing,~~
2 ~~repairing, and maintaining electrical wiring that has a duration of at least 4 years~~
3 ~~and that is approved by the U.S. department of labor and by the department or pass~~
4 ~~an inside journeyman wireman examination and who have installed of workforce~~
5 ~~development.~~

6 ~~(b) Experience in installing, repairing, and maintaining electrical wiring for at~~
7 ~~least 48 60 months and have maintained and repaired electrical wiring for at least~~
8 ~~one month shall be certified as journeymen electricians; and that only persons who~~
9 ~~have some experience installing and repairing electrical wiring may be certified as~~
10 ~~beginning electricians. The rules shall provide for the periodic administration of the~~
11 ~~examination, shall specify the certification period and examination fee and shall~~
12 ~~establish criteria for the suspension of the certificate by the department for~~
13 ~~violations of a municipality's electrical code upon notification of such violations by~~
14 ~~the municipality. Applicants for certification as electrical contractors shall provide~~
15 ~~the department with their social security number, their worker's compensation~~
16 ~~number, their unemployment insurance account number, their state and federal tax~~
17 ~~identification numbers and the name and address of each partner or member if they~~
18 ~~are partnerships or limited liability companies, of the owner if they are individual~~
19 ~~proprietorships and of their officers if they are corporations passage of an~~
20 ~~examination required by the department for journeymen electricians who are not~~
21 ~~residential journeymen electricians.~~

22 **SECTION 34.** 101.87 (2) of the statutes is repealed.

23 **SECTION 35.** 101.87 (3) of the statutes is repealed.

24 **SECTION 36.** 101.87 (4) of the statutes is repealed.

25 **SECTION 37.** 101.87 (5) of the statutes is created to read:

BILL

1 101.87 (5) The rules promulgated under s. 101.82 (1m) shall require that an
2 applicant for licensure as a residential journeyman electrician have at least one of
3 the following qualifications:

4 (a) Completion of an apprenticeship program in installing, repairing, and
5 maintaining residential electrical wiring that has a duration of at least 3 years and
6 that is approved by the U.S. department of labor and by the department of workforce
7 development.

8 (b) Experience in installing, repairing, and maintaining electrical wiring for at
9 least 36 months, and passage of an examination required by the department for
10 residential journeymen electricians.

11 **SECTION 38.** 101.88 (1) of the statutes is amended to read:

12 101.88 (1) Every contractor, ~~designer and owner~~ person installing, repairing,
13 or maintaining electrical wiring shall use building materials, methods, and
14 equipment which that are in conformance with the rules adopted promulgated by the
15 department under this subchapter.

16 **SECTION 39.** 101.88 (2) of the statutes is amended to read:

17 101.88 (2) All inspections of electrical wiring shall be made by persons certified
18 by the department.

19 **SECTION 40.** 101.88 (3) of the statutes is amended to read:

20 101.88 (3) Except as provided under s. 101.865 (2), whoever Any person who
21 violates this subchapter or any rule promulgated under this subchapter shall forfeit
22 to the state not less than \$25 nor more than \$500 for each violation. Each day of
23 violation constitutes a separate offense.

24 **SECTION 41.** 182.018 (3) of the statutes is amended to read:

BILL

1 182.018 (3) All wires strung over any railroad on or after August 1, 1949, shall
2 be strung in such a way as to meet requirements of the Wisconsin provisions of the
3 state electrical code promulgated by the public service commission. Any person
4 stringing wires in violation of the code shall be subject to a forfeiture of not more than
5 \$100 nor less than \$25. Each 10-day period, after the first day, that such violation
6 occurs shall be a separate violation and shall subject the violator to an additional
7 forfeiture of not less than \$25 nor more than \$100 for each such violation.

8 **SECTION 42.** 289.33 (3) (d) of the statutes is amended to read:

9 289.33 (3) (d) "Local approval" includes any requirement for a permit, license,
10 authorization, approval, variance or exception or any restriction, condition of
11 approval or other restriction, regulation, requirement or prohibition imposed by a
12 charter ordinance, general ordinance, zoning ordinance, resolution or regulation by
13 a town, city, village, county or special purpose district, including without limitation
14 because of enumeration any ordinance, resolution or regulation adopted under s.
15 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2), (5), (6), (7), (8), (9),
16 (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26) and (27),
17 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19), (20) and (23),
18 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10), (11), (12), (16),
19 (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4), (5) and (6), 59.56
20 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57 (1), 59.58 (1) and
21 (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1), (2), (3), (5), (7), (8),
22 (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), ~~(4)~~, (5), (6), (7), (8), (10) and (11),
23 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34, 61.35, 61.351,
24 61.354, 62.11, 62.23, 62.231, 62.234, 66.0101, 66.0415, 87.30, 91.73, 196.58, 200.11
25 (8), 236.45, 281.43 or 349.16 or subch. VIII of ch. 60.

BILL1 **SECTION 43. Nonstatutory provisions.**

2 (1) No later than the first day of the 12th month beginning after the effective
 3 date of this subsection, the department of commerce shall submit in proposed form
 4 the rules required under section 101.82 (1), (1m), (1r), (1v), (2), and (2m) of the
 5 statutes, as affected by this act, to the legislative council staff under section 227.15
 6 (1) of the statutes.

7 **SECTION 44. Effective dates.** This act takes effect on the day after publication,
 8 except as follows:

9 (1) The treatment of sections 59.79 (4) and 101.862 of the statutes takes effect
 10 on the first day of the 61st month beginning after publication.

11

(END)

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0475/2ins
MGG:.....

LPS:
Please
check spacing!

electricians

Under current law, Commerce administers a certification program for master electricians, electrical contractors, journeymen electricians, and beginning electricians. The program has an uniform examination for certification of master electricians and specifies that only master electricians and persons who employ at least one master electrician may be certified as electrical contractors. The program also establishes requirements for the certification of journeyman electricians and beginning electricians. Also

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Gibson-Glass, Mary

From: Ruby, Erin
Sent: Tuesday, February 27, 2007 3:06 PM
To: Gibson-Glass, Mary
Subject: LRB 0475 Re-drafting Instructions

Attachments: Electrical Licensing Re-draft Instructions.doc

Mary,

Please let me know if you have any questions.



Electrical Licensing
Re-draft ...

Once you have a chance to take a look at these, if you can give me an idea on a timeframe on when we might see the revised draft, I'd appreciate it.

Thanks!
Erin

*Erin Ruby
Research Assistant
Clerk, Assembly Committee on Agriculture
Office of State Representative Al Ott
608.266.5831
erin.ruby@legis.wisconsin.gov*

Gibson-Glass, Mary

From: Ruby, Erin
Sent: Thursday, March 01, 2007 1:31 PM
To: Gibson-Glass, Mary
Subject: LRB 0475

Mary,

Someone just asked me if we need to add a comma after the word "conductor" in this sentence so that the remainder of the sentence isn't ambiguous. This is the modified (per the drafting instructions) page 10, line 16.

A person engaged in installing, repairing, or maintaining manufactured equipment or a manufactured system that is designed to provide a function that is not primarily electrical in nature if the installation, repair, or maintenance does not involve the delivery of electrical current to the equipment or system, or the modification or installation of conductors beyond the disconnecting point or beyond the last junction, pull, or device box, whichever is nearer to the point where the person is performing the installation, repair, or maintenance.

My answer was, "I have no idea..."

What are your thoughts?

Erin

Erin Ruby
Research Assistant
Clerk, Assembly Committee on Agriculture
Office of State Representative Al Ott
608.266.5831
erin.ruby@legis.wisconsin.gov

Re-drafting Instructions for LRB 0475/1

Page 2, Analysis – 1st Paragraph:

Delete the following sentence:

“The authority of a city, village, town or county (municipality) to enact a local electrical code is also expanded in the same manner”

The Department of Commerce does not feel the sentence is accurate.

Page 2, Analysis – 2nd Paragraph, 1st Sentence:

Delete the phrase:

“requiring a uniform examination”

The Department of Commerce feels it may confuse the reader into thinking there is a uniform requirement for licensing now.

Page 9, Line 4:

✓ Add “in” between the words “is” and “existence”

Page 9, Lines 6-9:

✓ Is there any less confusing way to word this?

(It's alright if there isn't, it's just challenging to clearly understand what this ultimately means.)

Page 9, Line 12:

✓ Change “repair” to “repairing”, and add a comma both before and after the word to be consistent with the rest of the section.

Page 10, Line 16:

✓ Delete the comma and the word “for” after the word “involve”. Insert the word “or” after the comma that follows the word “system”.

Page 12, Line 20:

✓ End the sentence with the word “department”, deleting the remainder of the sentence.

Page 13, Line 9:

✓ End the sentence with the word “department”, deleting the remainder of the sentence.

Comm 5.40 - ANNOT.



Note: This subchapter establishes a statewide certification of electricians in various classes, master, journeyman and beginning, recognizing their knowledge and abilities. When an electrician certification is required and what category of certification is needed are determined by individual municipalities.

Comm 5.44



Comm 5.44 Journeyman electricians.

Barman, Mike

From: Ruby, Erin
Sent: Friday, April 20, 2007 8:50 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-0475/2 Topic: Electrical code and regulation of electricians

Please Jacket LRB 07-0475/2 for the ASSEMBLY.

This request is a "rush" - If I can get it today, that would be great. Thanks!!