

2007 SENATE BILL 167

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

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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

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

3 **SECTION 1.** 59.79 (4) of the statutes is repealed.

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

5 86.16 **(2)** All poles used in the construction of such lines shall be set in such
6 manner as not to interfere with the use of such highway by the public, nor with the
7 use of the adjoining land by the owner thereof; and all pole lines shall hereafter be
8 constructed so as to meet the requirements of the Wisconsin provisions of the state
9 electrical code promulgated by the public service commission.

10 **SECTION 3.** 101.02 (20) (a) of the statutes, as affected by 2005 Wisconsin Act
11 456, is amended to read:

12 101.02 **(20)** (a) For purposes of this subsection, “license” means a license,
13 permit or certificate of certification or registration issued by the department under
14 ss. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a),
15 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 ~~(2)~~, 101.87
16 ~~(1m), (1v), and (2)~~, 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4),
17 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

18 **SECTION 4.** 101.02 (21) (a) of the statutes, as affected by 2005 Wisconsin Act
19 456, is amended to read:

20 101.02 **(21)** (a) In this subsection, “license” means a license, permit or
21 certificate of certification or registration issued by the department under s. 101.09

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1 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a), 101.178
2 (2) or (3) (a), 101.63 (2), 101.653, 101.73 (5) or (6), 101.82 ~~(2)~~, ~~101.87 (1m), (1v), and~~
3 ~~(2)~~, 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045,
4 145.15, 145.16, 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

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

CHAPTER 101**SUBCHAPTER IV****INSPECTION OF ELECTRICAL CONSTRUCTION WIRING AND
CERTIFICATION OF MASTER ELECTRICIANS, CONTRACTORS,
JOURNEYMEN AND BEGINNING ELECTRICIANS**

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

14 101.80 (1r) “Municipality” means a city, town, village ~~and~~ or county.

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

16 101.80 (1g) “Electric cooperative” has the meaning given in s. 196.025 (5) (ag).

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

18 101.80 (1j) “Electricity provider” means a public utility, an electric cooperative,
19 or a wholesale merchant plant operator.

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

21 101.80 (1m) “Electrical wiring” means all equipment, wiring, material,
22 fittings, devices, appliances, fixtures, and apparatus used for the production,
23 modification, regulation, control, distribution, utilization, or safeguarding of
24 electrical energy for mechanical, chemical, cosmetic, heating, lighting, or similar
25 purposes, as specified under the state electrical wiring code. “Electrical wiring” does

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1 not include the equipment, wiring, material, fittings, devices, appliances, fixtures,
2 and apparatus used by a public utility, an electric cooperative, or a wholesale
3 merchant operator for the purpose of generating, transmitting, distributing, or
4 controlling heat, light, power, or natural gas to its customers or members.

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

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

7 101.80 (3) “Public utility” has the meaning given in s. 196.01 (5).

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

9 101.80 (4) “State electrical wiring code” means the rules promulgated under
10 s. 101.82 (1) for electrical wiring.

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

12 101.80 (5) “Wholesale merchant plant operator” means the operator of a
13 wholesale merchant plant, as defined in s. 196.491 (1) (w).

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

15 ~~101.82 (1) Adopt rules for the construction and inspection of electrical~~
16 ~~construction of public buildings and places of employment and for the inspection of~~
17 ~~electrical construction of places where farming, as defined in s. 101.01 (11), is~~
18 ~~conducted Promulgate by rule a state electrical wiring code that establishes~~
19 ~~standards for installing, repairing, and maintaining electrical wiring. Where~~
20 ~~feasible, the standards used shall be those rules shall reflect nationally recognized.~~
21 ~~No rule may be adopted which does not take into account the conservation of energy~~
22 ~~in construction and maintenance of buildings standards.~~

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

24 101.82 (1m) Promulgate rules that establish criteria and procedures for the
25 registration of beginning electricians and for the examination and licensing of

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1 different types of electricians, including journeymen electricians and master
2 electricians.

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

4 101.82 (1r) Promulgate rules that establish requirements for the supervision
5 of beginning electricians.

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

7 101.82 (1v) Promulgate rules that establish criteria and procedures for the
8 licensing of electrical contractors.

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

10 101.82 (2) ~~Adopt Promulgate rules that establish criteria and procedures for~~
11 ~~the certification, including provisions for suspension and revocation thereof, of~~
12 ~~electrical inspectors for the purpose of inspecting the electrical wiring of public~~
13 ~~buildings and places of employment. Persons certified as inspectors may be~~
14 ~~employees of the department, a municipality or private inspection agency.~~

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

16 101.82 (2m) Promulgate rules that establish standards and a process for the
17 inspection of electrical wiring, including the inspection of electrical wiring for which
18 a municipality does not provide inspection under s. 101.86 (1).

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

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

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

22 101.82 (3r) Promulgate rules that establish criteria and a process for the
23 suspension or revocation of registrations issued to beginning electricians, licenses
24 issued to electricians and electrical contractors, and certifications issued to electrical
25 inspectors.

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

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

3 101.84 (3) Promulgate rules to differentiate the scope of installation, repair, or
4 maintenance of electrical wiring that may be performed by electrical contractors and
5 by different types of electricians, including beginning electricians, journeymen
6 electricians, and master electricians.

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

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

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

17 101.86 (1) (c) By ordinance, establish and collect fees to defray the cost of
18 jurisdiction exercised under par. (a) or (b) ~~or a contract under sub. (2).~~

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

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

22 101.86 (3) (a) The cost of inspection services provided by any county ~~which~~ that
23 has enacted an ordinance under sub. (1) ~~or contracted under sub. (2),~~ if not defrayed
24 by fees, shall be charged to or taxed ~~upon~~ against the property within those cities,

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1 villages, and towns in the county which ~~that~~ have not enacted a local construction
2 and inspection an ordinance under sub. (1) or ~~contracted under sub. (2)~~, and no.

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

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

7 **101.861 Municipal licensing authority.** Any ordinance enacted by a
8 municipality that relates to licensure or certification of electrical contractors or
9 electricians pursuant to the municipality's authority under s. 101.865, 2005 stats.,
10 or s. 101.87, 2005 stats., and that is in existence on the effective date of this section
11 [revisor inserts date], shall remain in effect until the first day of the 61st month
12 beginning after the effective date of this section [revisor inserts date], but may not
13 be amended or repealed during this time period. Beginning on the first day of the
14 61st month beginning after the effective date of this section [revisor inserts date],
15 such an ordinance is no longer in effect, and municipalities may no longer impose any
16 registration, licensing, or certification requirements on electrical contractors,
17 electricians, or electrical inspectors.

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

19 **101.862 License, registration, or certification required. (1)** No person
20 may engage in the business of installing, repairing, or maintaining electrical wiring
21 unless the person is licensed as an electrical contractor by the department.

22 **(2)** No person may install, repair, or maintain electrical wiring unless the
23 person is licensed as an electrician by the department or unless the person is
24 registered as a beginning electrician by the department.

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

4 **(4)** Subsections (1) to (3) do not apply to any of the following:

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

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

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

13 (d) A person engaged in installing, repairing, or maintaining equipment or
14 systems that operate at 100 volts or less.

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

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

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

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

5 (i) A person employed by an electricity provider, or a subcontractor of an
6 electricity provider, who installs, repairs, or maintains electrical wiring for
7 equipment that is installed in the normal course of providing utility services by the
8 electricity provider.

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

11 (k) A person engaged in installing, repairing, or maintaining electric lines on
12 the utility side of substations and other distribution facilities owned or operated by
13 customers or members of electricity providers.

14 (L) A person employed by an electricity provider, or a subcontractor of an
15 electricity provider, who installs, repairs, or maintains primary voltage electric
16 facilities that are owned by the electricity provider's customers or members and that
17 operate at greater than 600 volts.

18 (m) A person employed by an electricity provider, or a subcontractor of an
19 electricity provider, who restores service during an emergency.

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

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

22 **101.87 (title) Requirements for journeymen electricians.**

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

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1 101.87 (1) (intro.) ~~The department shall adopt rules establishing a uniform~~
2 ~~examination for the statewide certification of master electricians and establishing~~
3 ~~certification requirements for electrical contractors, journeymen electricians and~~
4 ~~beginning electricians. The rules shall specify that only master electricians and~~
5 ~~persons who employ at least one master electrician may be certified as electrical~~
6 ~~contractors; that persons who successfully complete~~ The rules governing the
7 licensing of journeymen electricians under s. 101.82 (1m) shall require that an
8 applicant for licensure as a journeyman electrician who is not a residential
9 journeyman electrician have at least one of the following qualifications:

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

15 (b) Experience in installing, repairing, and maintaining electrical wiring for at
16 least 48 60 months and have maintained and repaired electrical wiring for at least
17 one month shall be certified as journeymen electricians; and that only persons who
18 have some experience installing and repairing electrical wiring may be certified as
19 beginning electricians. The rules shall provide for the periodic administration of the
20 examination, shall specify the certification period and examination fee and shall
21 establish criteria for the suspension of the certificate by the department for
22 violations of a municipality's electrical code upon notification of such violations by
23 the municipality. Applicants for certification as electrical contractors shall provide
24 the department with their social security number, their worker's compensation
25 number, their unemployment insurance account number, their state and federal tax

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1 ~~identification numbers and the name and address of each partner or member if they~~
2 ~~are partnerships or limited liability companies, of the owner if they are individual~~
3 ~~proprietorships and of their officers if they are corporations~~ passage of an
4 examination required by the department.

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

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

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

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

9 101.87 (5) The rules promulgated under s. 101.82 (1m) shall require that an
10 applicant for licensure as a residential journeyman electrician have at least one of
11 the following qualifications:

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

16 (b) Experience in installing, repairing, and maintaining electrical wiring for at
17 least 36 months, and passage of an examination required by the department.

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

19 101.88 (1) Every ~~contractor, designer and owner person installing, repairing,~~
20 or maintaining electrical wiring shall use building materials, methods, and
21 equipment which that are in conformance with the rules ~~adopted~~ promulgated by the
22 department under this subchapter.

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

24 101.88 (2) All inspections of electrical wiring shall be made by persons certified
25 by the department.

SENATE BILL 167**SECTION 40**

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

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

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

7 182.018 (3) All wires strung over any railroad on or after August 1, 1949, shall
8 be strung in such a way as to meet requirements of the ~~Wisconsin~~ provisions of the
9 state electrical code promulgated by the public service commission. Any person
10 stringing wires in violation of the code shall be subject to a forfeiture of not more than
11 \$100 nor less than \$25. Each 10-day period, after the first day, that such violation
12 occurs shall be a separate violation and shall subject the violator to an additional
13 forfeiture of not less than \$25 nor more than \$100 for each such violation.

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

15 289.33 (3) (d) “Local approval” includes any requirement for a permit, license,
16 authorization, approval, variance or exception or any restriction, condition of
17 approval or other restriction, regulation, requirement or prohibition imposed by a
18 charter ordinance, general ordinance, zoning ordinance, resolution or regulation by
19 a town, city, village, county or special purpose district, including without limitation
20 because of enumeration any ordinance, resolution or regulation adopted under s.
21 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2), (5), (6), (7), (8), (9),
22 (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26) and (27),
23 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19), (20) and (23),
24 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10), (11), (12), (16),
25 (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4), (5) and (6), 59.56

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1 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57 (1), 59.58 (1) and
2 (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1), (2), (3), (5), (7), (8),
3 (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), ~~(4)~~, (5), (6), (7), (8), (10) and (11),
4 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,
5 61.354, 62.11, 62.23, 62.231, 62.234, 66.0101, 66.0415, 87.30, 91.73, 196.58, 200.11
6 (8), 236.45, 281.43 or 349.16 or subch. VIII of ch. 60.

7 **SECTION 43. Nonstatutory provisions.**

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

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

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

17 **(END)**