

STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : DEPARTMENT OF SAFETY AND
DEPARTMENT OF SAFETY AND : PROFESSIONAL SERVICES
PROFESSIONAL SERVICES : ADOPTING RULES
: (CLEARINGHOUSE RULE 19-099)

PROPOSED ORDER

An order of the Department of Safety and Professional Services to create SPS 302.35, relating to a fee schedule for commercial electrical inspections.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

None.

Statutory authority:

Section 101.82 (4), Stats.

Explanation of board authority:

Section 101.82 (4), Stats., provides the Department shall “[e]stablish by rule a schedule of fees sufficient to defray the costs incurred under this subchapter.”

Related statute or rule:

Chapter SPS 316 provides the permitting and inspection requirements for commercial electrical systems.

Plain language analysis:

This proposed rule updates ch. SPS 302 to provide a fee schedule for commercial electrical inspections.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Summary of public comments and feedback on the statement of scope and the Department’s responses:

The Department held a public comment period and conducted a public hearing on June 7, 2019. The Department received written comments from RENEW Wisconsin and testimony from Bryan Preuss of Preuss Electric.

RENEW Wisconsin recommended the statement of scope include consideration for the following:

- A separate fee schedule for the plan review and inspection of solar arrays.
- Clarification that 3rd party electrical inspectors, certified by the State, are allowed to inspect solar PV systems and that the fees in SPS 302 apply to their services.

RENEW Wisconsin also requested that, although not in the scope of the rule, the Department clarify that minor additions to an electrical service do not trigger an inspection.

Mr. Preuss' testimony focused on current fees, which he indicated were not sufficient to cover the inspection costs of 3rd party inspectors.

The Department did not modify the scope statement in response to the comments and testimony received. The scope statement is broad enough to allow the Department the flexibility to set fees, including fees for specific types of electrical systems, that are sufficient to defray inspection costs.

Comparison with rules in adjacent states:

Illinois: Illinois does not administer a statewide electrical program. Inspection fees are established by each municipality with administrative authority.

Iowa: The Iowa Department of Public Safety administers a statewide electrical program. Rules of the Department [661 IAC, 550.5 (1) to (8)] establish fees for services provided by the electrical inspection program. Generally, fees are assessed as follows:

- The fee for each separate inspection of an installation, replacement, alteration, or repair is \$25.
- The fee for services, change of services, temporary services, additions, alterations, or repairs on either primary or secondary services are as follows:
 - Zero to one hundred ampere capacity, \$25 plus \$5 per branch circuit or feeder.
 - One hundred one to two hundred ampere capacity, \$35 plus \$5 per branch circuit or feeder.
 - For each additional one hundred ampere capacity or fraction thereof, \$20 plus \$5 per branch circuit or feeder.

The rules also specify the fees assessed for field irrigation systems, reinspections, inspections requested by an owner, fire and accident inspections, inspections for installations requiring more than six months in the process of construction, and inspections for installations for which a permit has not been filed.

Michigan: The Michigan Department of Licensing and Regulatory Affairs administers a statewide electrical program through the Construction Code Commission. Rules of the Department do not establish specific inspection fees, but require fees charged by townships, villages, cities, counties and the Commission for inspection of construction to bear a reasonable relationship to all costs, including overhead of services rendered [Mich Admin Code, R 408.30221 (1)].

Minnesota: The Minnesota Department of Labor and Industry administers a statewide electrical program. The Minnesota statutes establish fees for electrical inspections [2018 Minnesota Statutes, Section 326B.37]. Generally, fees are assessed as follows:

- The minimum fee for each separate inspection of an installation, replacement, alteration, or repair is \$35.
- The inspection fee for the installation, addition, alteration, or repair of each service, change of service, temporary service, generator, other power supply source, or feeder to a separate structure:
 - Zero ampere to and including 400 ampere capacity, \$35.
 - Four hundred and one ampere to and including 800 ampere capacity, \$60.
 - Ampere capacity above 800, \$100.
- The inspection fee for the installation, addition, alteration, or repair of each circuit, feeder, feeder tap, or set of transformer secondary conductors, including the equipment served:
 - Zero ampere to and including 200 ampere capacity, \$6.
 - Ampere capacity above 200, \$15.

The statutes also specify the fees for inspections of one- and 2-family dwellings, reinspections, special inspections, inspections of transitory projects, inspections of wind electric systems, and inspections of photovoltaic systems.

Summary of factual data and analytical methodologies:

The Department analyzed the costs associated with providing commercial electrical inspections and has developed a fee schedule sufficient to defray those costs.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator, Dan Hereth, may be contacted by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-261-4472; email at DSPSAdminRules@ wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@ wisconsin.gov. Comments must be received at or before the public hearing to be held at 1:00 p.m. on August 22, 2019, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. SPS 302.35 is created to read:

SPS 302.35 Electrical systems.

(1) GENERAL. Fees for all permits issued and inspection services provided under s. SPS 316.011 (2) (a) shall be determined in accordance with this section.

(2) PERMIT AND INSPECTION FEE. (a) Except as provided under sub. (3), the permit and inspection fee for an electrical wiring installation described under s. SPS 316.012 (1) (a) or (b) shall be the greater of the sum of the fees determined in accordance with Table 302.35 or \$160.

(b) The fee under par. (a) includes the fees for a minimum of one rough-in inspection and one final inspection.

(c) Any of the fees under Table 302.35 may, at the discretion of the department, be doubled for projects where the installation, erection, or construction of an installation component is initiated without the required permit.

Table 302.35

Commercial Electrical System Permit and Inspection Fees

Installation Component(s)	Unit of Measure	Fee
Service, including one service disconnect - 15 to 400 amperes	Each	\$80.00
Service, including one service disconnect - 401 to 800 amperes	Each	\$120.00
Service, including one service disconnect - over 800 amperes	Each	\$160.00

Additional service disconnect	Each	\$13.50
Feeder	Each	\$40.00
Branch circuit – 20 amperes or less	Each	\$20.00
Branch circuit – 21 to 60 amperes	Each	\$30.00
Branch circuit – over 60 amperes	Each	\$50.00
Temporary service and wiring	Lump sum	\$240.00
Fire pump	Each	\$160.00
Transformer, reactor, or similar component	Each	\$40.00
Fire alarm, communication and data, and power over ethernet device	Each	\$2.75
Emergency standby system, including generator, one transfer switch, and inverter	Each	\$160.00
Additional emergency standby transfer switch	Each	\$160.00
Solar photovoltaic system – 0-10 kW	Each	\$160.00
Solar photovoltaic system – 11-20 kW	Each	\$200.00
Solar photovoltaic system – over 20 kW	Each	\$400.00
Swimming pool, including associated wiring	Each	\$160.00
Elevator, escalator, or dumbwaiter, including associated wiring	Each	\$80.00

(3) INSPECTION AGENCY PERMIT AND INSPECTION FEE. The permit and inspection fee assessed by an inspection agency for an electrical wiring installation described under s. SPS 316.012 (1) (a) or (b) may be determined by contract between the inspection agency and the department. In this subsection, “inspection agency” means an inspection agency registered under s. SPS 305.629.

(4) PLAN REVIEW FEE. A fee of \$160 shall be assessed for each electrical system plan review that is required or is requested by the permit applicant.

(5) REINSPECTION FEE. A fee of \$160 shall be assessed for a department reinspection conducted to gain compliance after an order has been issued by the department.

(6) REFUND OF PERMIT AND INSPECTION FEE. (a) The department may refund all or a portion of a fee assessed under sub. (2) for a project if installation of the electrical wiring has not commenced within 12 months after the date the permit is issued.

(b) The permit holder may request from the department a refund of a fee assessed under sub. (2) for a component that at the conclusion of the project has not been installed.

Note: Also see s. SPS 302.07

(7) FEE FOR AN INCOMPLETE OR INCORRECT PERMIT. An additional fee of \$80 may be assessed if a permit application is submitted with incomplete or incorrect information.

SECTION 2. INITIAL APPLICABILITY. This rule first applies to permits issued and inspection services provided on the effective date of this rule.

SECTION 3. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

This Proposed Order of the Department of Safety and Professional Services is approved for submission to the Governor and Legislature.

Dated _____

Agency _____

Secretary
Department of Safety and Professional Services