

CR 85-129

RULES CERTIFICATE

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STATE OF WISCONSIN)
) SS
DEPT. OF INDUSTRY,)
LABOR & HUMAN RELATIONS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Howard S. Bellman, Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to certification of electrical inspectors and master electricians were duly approved and adopted by this department on 2/24/86.

(Subject)

(Date)

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 8:30 a.m. in the city of Madison, this 24th day of February A.D. 1986.

Howard S. Bellman

Secretary

5-1-86 (see 17.23 eff. 2-1-87)
see 17.20 - 17.24 eff. 8-1-86

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ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s) 101.80 to 101.88, Stats., the Department of Industry, Labor and Human Relations hereby creates; amends; repeals and recreates; and repeals and adopts rules of Wisconsin Administrative Code chapter(s):

Ind. 69 and ILHR 17 Electrical Inspection and Certification
(Number) (Title)

The attached rules shall take effect on the dates as indicated in the
effective date clause at the end of the rules, pursuant to section
227.026, Stats.

Adopted at Madison, Wisconsin, this 24th
day of February, A.D., 1986.

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS

Howard S. Bellman
Secretary



State of Wisconsin

Department of Industry, Labor and Human Relations

RULES in FINAL DRAFT FORM

Rule: Chapters ILHR 17 and Ind 69

Relating to: Electrical Inspection and Certification

Clearinghouse Rule No.: 85-129

AN ORDER to renumber ss. Ind 69.20 (1) (b) 8. and 9., and Ind 69.25; and to create ch. ILHR 17, ss. Ind 69.20 (1) (b) 8., and Ind 69.25, relating to electrical inspection and certification.

ANALYSIS OF PROPOSED RULES

Under subchapter IV of chapter 101 of the Wisconsin Statutes, the department of industry, labor and human relations is required to adopt rules for the inspection of electrical construction, the certification of electrical inspectors, and the certification of master electricians. The department is also required to establish a schedule of fees sufficient to defray the costs of administering and enforcing these programs. The proposed rules comply with these statutory mandates for the certification requirements. The proposed rules for electrical inspection are under development and will be promulgated at a later date.

The proposed rules for inspector certification consist of standards and procedures for certification of electrical inspectors and independent inspection agencies for the purpose of inspecting the electrical wiring of public buildings and places of employment. These rules include provisions for the qualifications for certification, the examination, and the denial, suspension and revocation of certification. The proposed rules for certification of master electricians contain provisions for the qualifications for certification, the examination, and the denial and suspension of certification. The proposed rules also contain fees to be charged by the department to offset the costs incurred to administer the certification rules. These fees are in line with other fees currently in effect for similar department programs.--

The proposed rules have been developed with the assistance of an Electrical Inspection and Certification Project Committee. The members of that citizen advisory committee are as follows:

<u>Member Name</u>	<u>Representing</u>
Martin J. Behling	Wisconsin Utilities Association
Russell F. Borland	Wisconsin Chapter, International Association of Electrical Inspectors
Damon Bryant	Wisconsin State AFL-CIO
Gary L. Hacker	East Central Wisconsin Electrical Inspectors Association
Jerome S. Hill	Wisconsin Chapter, National Electrical Contractors Association

James J. Hollenhorst

Electrical Contractors
Association of Milwaukee

Al Novotny

Southeast Wisconsin Electrical
Inspectors Association

Clayton Simonson

Wisconsin State Fire Chiefs
Association

Dick Soderberg

Independent Electrical
Inspectors

Joseph E. Turner

League of Wisconsin
Municipalities

Pursuant to the authority vested in the state of Wisconsin, department of industry, labor and human relations by ch. 101, subch. IV, Stats., the department hereby renumbers and creates rules interpreting ch. 101, subch. IV, Stats., as follows:

SECTION 1. Chapter ILHR 17 is created to read:

CHAPTER ILHR 17
ELECTRICAL INSPECTION, AND CERTIFICATION
OF ELECTRICAL INSPECTORS AND MASTER ELECTRICIANS

Subchapter I
General Requirements

ILHR 17.01 PURPOSE. Pursuant to ch. 101, subch. IV, Stats., the purpose of this chapter is to establish reasonable and effective rules for electrical inspection of public buildings and places of employment, certification of commercial electrical inspectors and independent inspection agencies, and certification of master electricians. These rules establish uniform standards related to the enforcement of the Electrical Code, Volume 2, ch. ILHR 16.

Note 1: The Electrical Code, Volume 2, ch. ILHR 16 applies to one- and 2-family dwellings, all manufactured buildings for dwellings, public buildings and places of employment, and other locations as specified in s. ILHR 16.002 (1).

Note 2: The Electrical Code, Volume 1 is issued and administered by the Public Service Commission in ch. PSC 114.

ILHR 17.02 PETITION FOR VARIANCE. (1) PROCEDURE. The department shall consider and may grant a variance to a provision in this chapter upon receipt of a fee and a completed petition for variance form from the owner, provided an equivalency is established in the petition for variance which meets the intent of the rule being petitioned. The department may impose specific conditions in granting a variance to promote the protection of the health, safety and welfare of the employes or the public. Violation of those conditions under which the variance is granted shall constitute a violation of these rules.

Note #1: Copies of the petition for variance (form SB-8) are available at no charge from the Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707.

Note #2: Section 101.02 (6), Stats., and ch. ILHR 3 outline the procedure for submitting petitions to the department and the department procedures for hearing petitions.

(2) PETITION PROCESSING TIME. Except for priority petitions, the department shall review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents and fees required to complete the review. The department shall process priority petitions within 10 business days of receipt of the required items.

ILHR 17.03 PENALTIES. Penalties for violations of the provisions of this chapter shall be assessed in accordance with s. 101.88 (3), Stats.

Note: Section 101.88 (3), Stats., states that except as provided under s. 101.865 (2), Stats., whoever violates this subchapter or any rule promulgated under this subchapter shall forfeit to the state not less than \$25 nor more than \$500 for each violation. Each day that the violation continues shall constitute a separate offense.

ILHR 17.04 FEES. Fees for electrical inspections, certification examinations, and certifications issued under the provisions of this chapter shall be submitted as specified in ch. Ind 69.

ILHR 17.05 DEFINITIONS. For the purpose of this chapter, the following definitions shall apply:

- (1) "Approved" means acceptable to the department.
- (2) "Certified inspection" means an inspection performed by a certified inspector or independent inspection agency to ensure compliance with the Electrical Code, Volume 2, ch. ILHR 16.
- (3) "Certified inspector" means a certified commercial electrical inspector or a certified restricted commercial electrical inspector.
- (4) "Certified master electrician" means a person who has been certified by the department as a master electrician.
- (5) "Commercial electrical inspector" means a person who conducts inspections of electrical construction in public buildings and places of employment.
- (6) "Conflict of interest" means a certified inspector inspecting construction work in which the inspector or the inspector's employer, other than the state or a municipality, has participated or has a monetary or personal interest.
- (7) "Department" means the department of industry, labor and human relations.
- (8) "Electrical construction" means the installation of electrical wiring.
- (9) "Electrical contractor" means any person, firm or corporation engaged in the business of erecting, installing, altering, repairing, servicing or maintaining electrical wiring.
- (10) "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 covered by the scope of the Electrical Code, Volume 2, ch. ILHR 16.
- (11) "Electrical work" means the installation or superintending of electrical wiring.
- (12) "Full-time" means work which is performed for more than 30 hours per week.
- (13) "Incompetence" means conduct which evidences a lack of ability to discharge the duty required to protect the health, safety and welfare of the public, lack of knowledge of the fundamental principles of electrical inspection or the Electrical Code, Volume 2, ch. ILHR 16 or an inability to apply those principles, or failure to maintain competency in the current practices and methods applicable to inspection services and the Electrical Code, Volume 2, ch. ILHR 16.

(14) "Independent inspection agency" means any corporation, partnership or sole proprietor with one or more employes, other than a municipal corporation, that performs inspections of buildings.

(15) "Misconduct" means an act performed in the discharge of enforcement duties which jeopardizes the interests of the public, including violation of federal or state laws, local ordinances or administrative rules relating to the position, preparation of deficient or falsified reports, failure to submit information or reports required by law or contract when requested by the municipality or the department, conduct which evidences a lack of trustworthiness, misrepresentation of qualifications such as education, experience or certification, illegal entry of premises, misuse of funds, or misrepresentation of authority.

(16) "Municipality" means any city, village, town or county in this state.

(17) "Negligence" means failure by omission or commission to discharge the duty required to protect the health, safety and welfare of the public.

(18) "Place of employment" includes every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in a) private domestic service which does not involve the use of mechanical power or b) farming.

(19) "Practical experience" means personally installing or superintending the installation, alteration or repair of electrical wiring for electrical lighting, heating or power.

(20) "Public building" means and includes any structure, including exterior parts of such building, such as a porch, exterior platform or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy or use by the public or by 3 or more tenants.

(21) "Restricted commercial electrical inspector" means a commercial electrical inspector whose certification is restricted to specific municipalities.

(22) "Restricted master electrician" means a certified master electrician whose certification is restricted to specific municipalities.

(23) "Secretary" means the secretary of the department of industry, labor and human relations.

Subchapter II
Electrical Inspection of Public Buildings
and Places of Employment

[The administrative rules for the inspection of electrical construction of public buildings and places of employment are being developed and will be printed in this subchapter after completion of the rulemaking process specified in ch. 227, Stats.]

Subchapter III
Certification of Commercial Electrical Inspectors
and Independent Inspection Agencies

Part I - General

ILHR 17.20 PURPOSE. The purpose of this subchapter is to promote effective and uniform enforcement of the Electrical Code, Volume 2, ch. ILHR 16 through state certification of inspectors and independent inspection agencies.

ILHR 17.21 SCOPE. The rules contained in this subchapter establish the standards and procedures for certification of electrical inspectors and independent inspection agencies for the purpose of inspecting the electrical wiring of public buildings and places of employment.

ILHR 17.22 APPLICATION. The rules contained in this subchapter shall apply to all persons, independent inspection agencies, municipalities and state governmental agencies engaged in the administration and enforcement of the Electrical Code, Volume 2, ch. ILHR 16 in public buildings and places of employment.

ILHR 17.23 ADMINISTRATION AND ENFORCEMENT. All inspections for the purpose of administering and enforcing the Electrical Code, Volume 2, ch. ILHR 16 in public buildings and places of employment shall be performed by a certified inspector or certified independent inspection agency.

ILHR 17.24 AUTHORITY. (1) DEPARTMENTAL AUTHORITY. Pursuant to ch. 101, subch. IV, Stats., the department has been granted the authority and jurisdiction over the certification, including suspension and revocation, of electrical inspectors or independent inspection agencies for the purpose of inspecting the electrical wiring of public buildings and places of employment.

(2) MUNICIPAL AUTHORITY. All municipalities exercising jurisdiction over the construction and inspection of public buildings and places of employment falling within the scope of the Electrical Code, Volume 2, ch. ILHR 16 or any part thereof, shall provide for inspections performed by persons certified under the rules of this subchapter.

(a) Any termination of employment of or disciplinary action against a certified inspector or certified independent inspection agency for cause directly related to the conditions of certification shall be reported to the department.

(b) Municipal termination of employment or disciplinary action shall not constitute suspension or revocation of the state certification.

(c) No inspector or independent inspection agency carrying a valid state certification may be required, as a condition of employment, to obtain any municipal certification or license to enforce the Electrical Code, Volume 2, ch. ILHR 16.

Note 1: Municipalities may jointly exercise jurisdiction, pursuant to ss. 101.86 (1) (b) and 66.30 (2), Stats., by adopting the Electrical Code, Volume 2, ch. ILHR 16 and providing for inspections by certified inspectors or certified independent inspection agencies.

Note 2: These rules are not intended to affect municipal hiring practices.

(3) INDEPENDENT INSPECTION AGENCY AUTHORITY. Independent inspection agencies may enter into contractual agreements with municipalities, building manufacturers or the department to provide certified inspections required to enforce the Electrical Code, Volume 2, ch. ILHR 16.

(4) CERTIFIED INSPECTOR AUTHORITY. A certified inspector may perform inspections for a municipality, independent inspection agency or the department to enforce the requirements of the Electrical Code, Volume 2, ch. ILHR 16.

Part II - Inspector Certification

ILHR 17.30 QUALIFICATIONS FOR CERTIFICATION. Eligibility for certification shall be based upon acceptance of the application and on successful completion of examinations as required by subs. (1) and (2) (a) and (b), or on presentation of information as required by subs. (2) (c) and (3).

(1) NEW ELECTRICAL INSPECTORS. (a) Persons not employed by a municipality on the effective date of this section who apply for certification as a commercial electrical inspector shall meet one of the following:

1. Have the qualifications required for master electrician certification as provided in s. ILHR 17.54;

2. Have had at least 6 years of electrical trade related experience satisfactory to the department, based on a minimum of 1000 hours per year;

3. Have graduated in electrical engineering from an accredited college or university with a curriculum of at least 4 years and have at least 2 years of electrical trade related experience satisfactory to the department; or

4. Be registered as a professional engineer or architect, or certified as a designer of electrical systems in accordance with ch. 443, Stats., and have at least 4 years of electrical trade related experience satisfactory to the department.

(b) Except as provided in sub. (3), all new inspectors shall be certified as a commercial electrical inspector through examination.

(2) EXISTING ELECTRICAL INSPECTORS. (a) Persons employed by a municipality as an electrical inspector on the effective date of this section and who have less than 1,500 hours of experience inspecting electrical wiring in public buildings and places of employment shall be certified through examination.

(b) Persons employed by a municipality as an electrical inspector on the effective date of this section and who have 1,500 or more hours of experience inspecting electrical wiring in public buildings and places of employment may be certified through examination.

(c) 1. Persons employed by a municipality as an electrical inspector on the effective date of this section and who have 1,500 or more hours of experience inspecting electrical wiring in public buildings and places of employment may be certified as a restricted commercial electrical inspector without examination.

2. A restricted commercial electrical inspector certification shall be recognized only for the municipality for which the person was inspecting when the certification was received. A person may hold a restricted certification for more than one municipality.

(d) The term "employed by" as used in this subsection shall not include contract inspectors or independent agency inspectors.

(3) CERTIFIED MASTER ELECTRICIANS. (a) A person certified as a master electrician under subch. IV may be certified as a restricted commercial electrical inspector without examination if the person shows evidence of employment by a municipality.

(b) A person certified as a master electrician under subch. IV may be certified as a commercial electrical inspector without examination if the person received their master electrician certification within the previous 2 years and shows evidence of employment by a municipality, independent inspection agency or the department.

ILHR 17.31 APPLICATION FOR CERTIFICATION. (1) APPLICATIONS. (a) Application for certification shall be made to the department, together with the payment of the fees as specified in ch. Ind 69.

(b) Applications shall be made on forms provided by the department.

Note: Form No. SBD-7595 is available from the Certification Coordinator, Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707.

(c) All applications and fees for certification shall be received by the department at least 4 weeks prior to the date of the examination. Failure to have the application on file with the department within the required time may necessitate postponement of the applicant's appearance to the next examination.

(d) All applications shall expire after a period of one year from the date of filing for all persons not taking the examination during that period.

(e) All applications shall contain the appropriate proof of experience, skill and completion of the educational instruction, recognized by s. ILHR 17.30.

(2) DEPARTMENT ACTION. Upon receipt of the completed application form, the department shall review and evaluate the application and make all necessary notifications in writing to the applicant. The department shall review and make a determination on the application within 15 business days of receipt of the application and all documents necessary to complete the review.

ILHR 17.32 COMMERCIAL ELECTRICAL INSPECTOR CERTIFICATION EXAMINATIONS. (1)
GENERAL. Not less than 4 examinations for the certification of commercial electrical inspectors shall be conducted annually at those times and places as the department may direct.

(2) NOTICE OF EXAMINATION TO APPLICANTS. Notice of the time and place of examination shall be sent by first class mail to those who have approved applications on file. The notice shall be mailed to the address given on the application form. Failure to receive the notice due to change in address shall not be the responsibility of the department. The applicant shall provide appropriate identification to gain admittance to the examination room.

(3) NONATTENDANCE AT EXAMINATION. If a person fails to appear at a scheduled certification examination without giving prior notice to the department, the person shall submit a reexamination fee in order to maintain a valid examination application.

(4) SCOPE OF EXAMINATIONS. (a) The examination shall be conducted by the department or its authorized agent. The examination shall consist of a written test and shall be the same as that given for the master electrician certification. Oral examinations shall not be given.

(b) Examinations shall consist of written work based on the following:

1. Theory of electricity, including general mathematics;
2. The Electrical Code, Volume 2, ch. ILHR 16; and
3. The National Electrical Code incorporated by reference in the Electrical Code, Volume 2, ch. ILHR 16.

(c) The final grading of all examinations shall be by persons approved by the department. A grade of 70% or greater shall be considered a passing grade for certification.

(d) The department may conduct reviews with applicants after completion of the examination.

(5) MATERIALS USED IN EXAMINATION. Applicants shall furnish all materials as indicated on the notice of examination.

(6) REEXAMINATION. Qualified applicants failing the initial certification examination may apply for reexamination with a minimum waiting period of 3 months between the initial and the second examinations, 6 months between the second and the third examinations and 12 months between subsequent examinations.

ILHR 17.33 RECIPROCITY. Inspector certification may be accomplished through reciprocity if the certification program of the state in which the inspector is certified is approved by the department.

ILHR 17.34 ISSUANCE OF ELECTRICAL INSPECTOR CERTIFICATE. (1) WITH EXAMINATION. Upon satisfactory completion of the written examination, the department shall notify the applicant in writing and shall issue an electrical inspector certificate within 30 business days of passage of the examination.

(2) WITHOUT EXAMINATION. If the applicant qualifies for certification without examination, the department shall notify the applicant in writing and shall issue the electrical inspector certificate within 30 business days of receipt of the application.

(3) CERTIFICATE INFORMATION. The certificate shall bear the name of the applicant, certification number and expiration date. All certifications, regardless of date of issuance, shall expire on June 30 of each year.

ILHR 17.35 CERTIFICATION RENEWAL. (1) NOTICE OF RENEWAL. (a) Notice for renewal of certifications issued under this subchapter shall be sent to persons holding valid certificates no less than 2 months prior to expiration.

(b) The department shall send the renewal notice to the address given on the latest certification form on file with the department.

(c) A person holding certification shall be responsible for notifying the department of any change in mailing address.

(d) Failure to receive a notice for certification renewal shall not be an excuse for failure to renew.

(2) RENEWAL APPLICATION. Certification renewal shall be contingent on successful completion of any required on-going approved education programs or receiving a passing grade on the examination. The department shall review and make a determination on an application for renewal of certification within 30 business days of receipt of the application for renewal.

(3) DELINQUENT OR LAPSED CERTIFICATIONS. The department may renew certifications within 6 months following certification expiration upon payment by the applicant of a late renewal fee as specified in ch. Ind 69. All other renewals of delinquent or lapsed certifications shall require examination to again qualify for certification.

ILHR 17.36 DENIAL OF CERTIFICATION RENEWAL. (1) NOTICE OF DENIAL. Upon denial of certification renewal, the department shall notify the applicant in writing stating the reasons for denial. The notice of denial shall be made by certified mail sent to the address filed with the application. Service shall be verified by the certified mail receipt.

(2) HEARING. Upon receipt of denial, any applicant may submit a written request for hearing. The right to hearing shall be considered waived if the applicant fails to submit the request within 30 business days. Hearings shall be conducted by the department and the proceedings recorded. The department shall conduct a hearing and make a determination within 30 business days of request for a hearing regarding denial of certification renewal.

Part III - Independent Inspection Agency Certification

ILHR 17.40 INDEPENDENT INSPECTION AGENCY CERTIFICATION. Any independent inspection agency offering to perform electrical inspections of public buildings and places of employment, whether in-plant or on-site, for a municipality shall be certified and shall satisfy the requirements of this part.

ILHR 17.41 APPLICATION FOR INDEPENDENT INSPECTION AGENCY CERTIFICATION.

(1) APPLICATIONS. (a) Application for certification shall be made to the department, together with the payment of the fee as specified in ch. Ind 69.

(b) Applications shall be made on forms provided by the department.

Note: Form No. SBD-5483 is available from the Certification Coordinator, Safety and Buildings Division, P.O. Box 7969, Madison, Wisconsin 53707.

(2) REQUIRED INFORMATION. All applications for certification shall be submitted in duplicate and shall contain the following information:

(a) Identification of agency ownership as follows:

1. If a corporation, the articles of incorporation, the bylaws and a statement of stock ownership shall be submitted. Foreign corporations shall state whether they are licensed to do business in Wisconsin.

2. If a partnership, the articles of partnership or limited partnership shall be submitted.

3. If a sole proprietor, the full name under which the agency intends to do business shall be submitted.

(b) Name, address and qualifications of all officers, directors and management personnel responsible for the operation of the agency.

(c) A statement of stock held by the agency in other corporations.

(d) Location of offices of the independent inspection agency.

(e) Names of the certified inspectors employed by the agency for inspection purposes.

(f) An affidavit certifying independence and absence of conflicts of interest.

(g) Programs, procedures and facilities, including recordkeeping used in providing services which assure compliance with the rules of the Electrical Code, Volume 2, ch. ILHR 16.

(h) A list of all persons having contracts with the independent inspection agency to perform certified inspections.

(3) AGENCY AGREEMENT. Any independent inspection agency to be certified by the department shall agree in writing:

(a) That all inspections for compliance with the Electrical Code, Volume 2, ch. ILHR 16 shall be performed by certified inspectors and all records shall be made available to the department upon request;

(b) That the department may monitor by inspection and require verification of any or all conditions specified in sub. (2);

(c) To enforce all applicable rules of the Electrical Code, Volume 2, ch. ILHR 16 in the interest of life, health, safety and welfare; and

(d) To provide the department upon request, with a current list of all municipalities, manufacturers or others for which it is performing certified inspections.

(4) DEPARTMENT ACTION. Upon receipt of the completed application form, the department shall review and evaluate the application and make all necessary notifications in writing to the applicant. The department shall review and make a determination on the application within 30 business days of receipt of the application and all documents necessary to complete the review.

ILHR 17.42 ISSUANCE OF INDEPENDENT INSPECTION AGENCY CERTIFICATE. Upon acceptance of the application and findings of eligibility, the department shall notify the agency in writing and shall issue an independent inspection agency certificate. The certificate shall bear the name of the independent inspection agency, certificate number, and expiration date. All certifications, regardless of date of issuance, shall expire on June 30 of each year.

ILHR 17.43 CERTIFICATION RENEWAL. (1) NOTICE OF RENEWAL. (a) Notice for renewal of certifications issued under this subchapter shall be sent to agencies holding valid certificates no less than 2 months prior to expiration.

(b) The department shall send the renewal notice to the address given on the latest certification form on file with the department.

(c) An agency holding certification shall be responsible for notifying the department of any change in mailing address.

(d) Failure to receive a notice for certification renewal shall not be an excuse for failure to renew.

(2) RENEWAL APPLICATION. Certifications may be renewed upon returning the completed renewal notice to the department prior to the date of expiration. The department shall review and make a determination on an application for renewal of certification within 30 business days of receipt of the application for renewal.

ILHR 17.44 DENIAL OF CERTIFICATION RENEWAL. (1) NOTICE OF DENIAL. Upon denial of certification renewal, the department shall notify the applicant in writing stating the reasons for denial. The notice of denial shall be made by certified mail sent to the address filed with the application. Service shall be verified by the certified mail receipt.

(2) HEARING. Upon receipt of denial, any applicant may submit a written request for hearing. The right to the hearing shall be considered waived if the applicant fails to submit the request within 30 business days. Hearings shall be conducted by the department and the proceedings recorded. The department shall conduct a hearing and make a determination within 30 business days of a request for a hearing regarding a denial of certification renewal.

Subchapter IV
Certification of Master Electricians

ILHR 17.50 PURPOSE. The purpose of this subchapter is to establish rules for the uniform examination and statewide certification of master electricians.

ILHR 17.51 SCOPE. The rules contained in this subchapter provide for the periodic administration of the master electrician examination, including required qualifications and issuance of master electrician certifications.

ILHR 17.52 APPLICATION. The rules contained in this subchapter shall apply to:

(1) All persons who apply for and are issued certification under this subchapter as a master electrician; and

(2) All municipalities that require the licensure of electrical contractors.

ILHR 17.53 MUNICIPALITY TO RECOGNIZE CERTIFIED MASTER ELECTRICIAN. (1) ELECTRICAL CONTRACTORS LICENSE. Any municipality which by ordinance requires the licensure of electrical contractors shall issue a license to any electrical contractor within 10 business days of submittal of the following information to the municipality:

(a) Evidence that the contractor or at least one full-time employe of the contractor is certified by the department as a master electrician;

Note: A certified master electrician is not permitted to be named on more than one municipal electrical contractor's licensure application. See s. ILHR 17.64 (2) (d).

(b) Payment of the municipality's licensure fee; and

(c) Posting of any required bond.

(2) MUNICIPAL SUSPENSION OR REVOCATION. A municipality shall not be required to issue an electrical contractors license to a person whose license has been suspended or revoked by the municipality.

(3) OTHER LICENSES. Municipalities may recognize master electrician certification as qualification for any other type of municipal electrical licenses.

Note: Examples of other licenses are maintenance or plant electrician licenses.

(4) MUNICIPAL LICENSURE FEE. (a) The municipality's licensure fee shall not exceed the amount required to cover the administrative costs of issuing the license.

(b) The municipality's licensure fee for electrical contractor's licenses shall not exceed the licensure fee for contractors either holding an existing license or who are issued a license based on municipality examination.

ILHR 17.54 QUALIFICATIONS FOR MASTER ELECTRICIAN CERTIFICATION.

(1) REQUIRED EXPERIENCE. Any person applying for a master electrician certification shall have had at least 6 years of practical experience, based on a minimum of 1,000 hours per year, in electrical work.

(2) SCHOOL RECOGNITION. Each year spent in a school of electrical engineering or other accredited college, university, technical or vocational school in an electrical related program may be considered as equivalent to not more than 9 months of practical experience and may be substituted for up to a maximum of 3 years of the required 6 years of practical experience.

ILHR 17.55 APPLICATION FOR MASTER ELECTRICIAN CERTIFICATION. (1)

APPLICATIONS. (a) Application for certification shall be made to the department, together with the payment of the fees as specified in ch. Ind 69.

(b) Applications shall be made on forms provided by the department.

Note: Form No. SBD-7595 is available from the Certification Coordinator, Division of Safety and Buildings, P.O. Box 7969, Madison, WI 53707.

(c) All applications and fees for certification shall be received by the department at least 4 weeks prior to the date of the examination. Failure to have the application on file with the department within the required time may necessitate postponement of the applicant's appearance to the next examination.

(d) All applications shall expire after a period of one year from the date of filing for all persons not taking the examination during that period.

(e) All applications shall contain the appropriate proof of experience, skill and completion of the educational instruction, recognized by s. ILHR 17.54.

(2) DEPARTMENT ACTION. Upon receipt of the completed application form, the department shall review and evaluate the application and make all necessary notifications in writing to the applicant. The department shall review and make a determination on the application within 15 business days of receipt of the application and all documents necessary to complete the review.

ILHR 17.56 MASTER ELECTRICIAN CERTIFICATION EXAMINATIONS. (1) GENERAL. Not less than 4 examinations for the certification of master electricians shall be conducted annually at those times and places as the department may direct.

(2) NOTICE OF EXAMINATION TO APPLICANTS. Notice of the time and place of examination shall be sent by first class mail to those who have approved applications on file. The notice shall be mailed to the address given on the application form. Failure to receive the notice due to change in address shall not be the responsibility of the department. The applicant shall provide appropriate identification to gain admittance to the examination room.

(3) NONATTENDANCE AT EXAMINATION. If a person fails to appear at a scheduled certification examination without giving prior notice to the department, the person shall submit a reexamination fee in order to maintain a valid examination application.

(4) SCOPE OF EXAMINATIONS. (a) The examination shall be conducted by the department or its authorized agent. The examination shall consist of a written test and shall be the same as that given for the commercial electrical inspector certification. Oral examinations shall not be given.

(b) Examinations shall consist of written work based on the following:

1. Theory of electricity, including general mathematics;
2. The Electrical Code, Volume 2, ch. ILHR 16; and
3. The National Electrical Code incorporated by reference in the Electrical Code, Volume 2, ch. ILHR 16.

(c) The final grading of all examinations shall be by persons approved by the department. A grade of 70% or greater shall be considered a passing grade for certification.

(d) The department may conduct reviews with applicants after completion of the examination.

(5) MATERIALS USED IN EXAMINATION. Applicants shall furnish all materials as indicated on the notice of examination.

(6) REEXAMINATION. Qualified applicants failing the initial certification examination may apply for reexamination with a minimum waiting period of 3 months between the initial and the second examinations, 6 months between the second and the third examinations and 12 months between subsequent examinations.

ILHR 17.57 ISSUANCE OF CERTIFICATE. (1) MASTER ELECTRICIAN. The department shall issue a master electrician certificate to an applicant who has successfully passed the written examination and paid the required certification fee. Failure to pay the required fee within 2 months from the date the department has mailed the examination results shall necessitate reexamination. The department shall issue the certificate within 30 business days of receipt of the fee. The certificate shall bear the name of the applicant, certification number and expiration date.

(2) RESTRICTED MASTER ELECTRICIAN. (a) If a municipality that required the licensure of electrical contractors on March 28, 1984, thereafter requires state certification as a master electrician, a person licensed by the municipality may continue to perform electrical work in that municipality upon application to the department for restricted master electrician certification limited to that municipality.

(b) The restricted master electrician certificate shall be issued without an examination if the applicant submits evidence of licensing by a municipality as an electrical contractor on the date that the municipality required state certification as a master electrician. The department shall issue the restricted certificate within 30 business days of submittal of evidence of licensing by a municipality. The certificate shall bear the name of the applicant, restricted certification number, expiration date, and name of the municipalities where the certification is valid.

(3) ADVERTISING RESTRICTION. No person may advertise as a certified master electrician unless the person holds a valid certificate issued under this subchapter.

(4) EXPIRATION OF CERTIFICATION. Certifications issued under this subchapter shall be valid for not more than 3 years, and certificates shall expire on June 30.

ILHR 17.58 CERTIFICATION RENEWAL. (1) NOTICE OF RENEWAL. (a) Notice for renewal of certifications issued under this subchapter shall be sent to persons holding valid certificates no less than 2 months prior to expiration.

(b) The renewal notice shall be sent to the address given on the latest certification form on file with the department.

(c) A person holding certification shall be responsible for notifying the department of any change in mailing address.

(d) Failure to receive a notice for certification renewal shall not be an excuse for failure to renew.

(2) RENEWAL APPLICATION. Certification renewal shall be contingent on successful completion of any required on-going approved education programs or receiving a passing grade on the examination. The department shall review and make a determination on an application for renewal of certification within 30 business days of receipt of the application for renewal.

(3) DELINQUENT OR LAPSED CERTIFICATIONS. The department may renew certifications within 6 months following certification expiration upon payment by the applicant of a late renewal fee as specified in ch. Ind 69. All other renewals of delinquent or lapsed certifications shall require examination to again qualify for certification.

Subchapter V
Denial, Suspension and Revocation

ILHR 17.60 PURPOSE. The purpose of this subchapter is to establish rules for the denial, suspension and revocation of certifications issued under this chapter.

ILHR 17.61 SCOPE. The rules contained in this subchapter establish the standards and procedures for the denial, suspension and revocation of inspection certifications, and for the denial and suspension of master electrician certifications.

ILHR 17.62 APPLICATION. The rules contained in this subchapter shall apply to all persons and independent inspection agencies who have applied for or been issued certifications under this chapter.

ILHR 17.63 DENIAL OF CERTIFICATION. The department may deny the certification of any inspector, independent inspection agency or master electrician for any of the following reasons:

- (1) Failure to meet the required qualifications;
- (2) Failure to provide the required information; or
- (3) For any of the reasons specified in s. ILHR 17.64.

ILHR 17.64 SUSPENSION OR REVOCATION OF CERTIFICATION. (1) INSPECTION CERTIFICATION. The department may suspend or revoke the certification of any inspector or independent inspection agency for any of the following reasons:

- (a) Fraud or deceit in obtaining certification;
- (b) Knowingly aiding or abetting the unauthorized examination and inspection of public buildings and places of employment by persons not certified by the department;
- (c) Any negligence, incompetence or misconduct in the discharge of the duties required under this chapter or the Electrical Code, Volume 2, ch. ILHR 16;
- (d) Conviction of a criminal charge, misdemeanor or violation of a local regulation substantially related to the circumstances of the certified inspection activity or adjudication of mental incompetence by the courts; or
- (e) Conflict of interest.

(2) MASTER ELECTRICIAN CERTIFICATION. The department may suspend the certification of any master electrician or restricted master electrician for any of the following reasons:

- (a) Fraud or deceit in obtaining certification;
- (b) Any negligence, incompetence or misconduct in the discharge of the duties required under this chapter or the Electrical Code, Volume 2, ch. ILHR 16;
- (c) Conviction of a criminal charge, misdemeanor or violation of a local regulation substantially related to the circumstances of the electrical construction activity or adjudication of mental incompetence by the courts; or
- (d) Knowingly permitting more than one electrical contractor to name the holder of the certificate as a full-time employe on the application of the contractor for a municipal electrical contractor's license.

ILHR 17.65 FILING OF COMPLAINT. Proceedings to suspend or revoke a certificate may be initiated by any person on a signed, written complaint filed with the department. Any alleged violation of the law or administrative rules of the department shall be set forth in the complaint with particular reference to time, place and circumstances.

ILHR 17.66 INVESTIGATION AND NOTIFICATION. The department may investigate alleged violations on its own initiative or upon the filing of a complaint. If it determines that no further action is warranted, the department shall notify the persons affected. If the department determines that there is probable cause, it shall order a hearing and notify the persons affected.

ILHR 17.67 MAILING. Unless otherwise provided by law, all orders, notices and other papers may be served by the department by certified mail addressed to the party at the last known address. If the service is refused, service may be made by the sheriff without amendment of the original order, notice or other paper.

ILHR 17.68 RESPONSE. Upon receipt of notification of hearing from the department, the charged party may submit to the department a written response within 30 calendar days of the date of service. Failure to respond within the prescribed time limit, or failure to appear at the scheduled hearing, may result in the allegations specified in the complaint being taken as true.

ILHR 17.69 CONCILIATION AGREEMENT PRIOR TO HEARING. If the department, the complainant and the respondent are able to reach agreement on disposition of a complaint prior to hearing, the agreement shall:

- (1) Be transmitted in writing to the secretary;
- (2) Not be binding upon any party until accepted by the secretary; and
- (3) Not be considered a waiver of any defense nor an admission of any fact until accepted by the secretary.

ILHR 17.70 HEARINGS. (1) SUBPOENAS. Subpoenas may be signed and issued by the department or the clerk of any court on record. Witness fees and mileage of witnesses subpoenaed on behalf of the department shall be paid at the rate prescribed for witnesses in circuit court.

(2) CONDUCT OF HEARINGS. All hearings shall be conducted by persons selected by the department. Persons so designated may administer oaths or affirmations and may grant continuances and adjournments for cause shown. The respondent shall appear in person and may be represented by an attorney-at-law. Witnesses may be examined by persons designated by the department.

ILHR 17.71 FINDINGS AND TIME PERIODS. (1) FINDINGS. The department may make findings and enter its order on the basis of the facts revealed by its investigation. Any findings as a result of petition or hearing shall be in writing and shall be binding unless appealed to the secretary.

(2) TIME PERIODS. (a) 1. The period for a suspension of inspection certification shall be determined by the hearing examiner or the department. An inspector or agency whose certification has been suspended may have the certification reinstated only after the time set for suspension by department order has passed and by filing a new application for certification and payment of the appropriate fee.

2. A person whose inspection certification has been revoked may, after a time period of one year, have the certification reinstated only after submitting a completed application for certification examination, payment of the examination fee, passing of the examination and payment of the certification fee. An agency whose inspection certification has been revoked may, after a time period of one year, have the certification reinstated only after submitting a completed application for certification and payment of the certification fee.

(b) The period for a suspension of master electrician certification shall be determined by the hearing examiner or the department. A person whose certification has been suspended may have the certification reinstated only after the time set for suspension by department order has passed and by filing a new application for certification and payment of the appropriate fee. A person whose certification has been suspended for a period exceeding one year may have the certification reinstated only after submitting a completed application for certification examination, payment of the examination fee, passing of the examination and payment of the certification fee.

ILHR 17.72 APPEAL ARGUMENTS. Appeal arguments shall be submitted to the department in writing unless otherwise noted.

SECTION 2. Ind 69.20 (1) (b) 8. and 9. is renumbered to be Ind 69.20 (1) (b) 9. and 10.

SECTION 3. Ind 69.20 (1) (b) 8. is created to read:

Ind 69.20 (1) (b) 8. Commercial Electrical Inspector as defined in s. ILHR 17.05 (5);

SECTION 4. Ind 69.25 is renumbered to be Ind 69.30.

SECTION 5. Ind 69.25 is created to read:

Ind 69.25 ELECTRICAL PERMIT, EXAMINATION AND CERTIFICATION FEES. (1) COMMERCIAL ELECTRICAL INSPECTOR EXAMINATION AND CERTIFICATION FEES. Fees for examination and certification of commercial electrical inspectors and restricted commercial electrical inspectors shall be in accordance with s. Ind 69.20

(2) INDEPENDENT INSPECTION AGENCY CERTIFICATION FEES. Fees for the certification of independent inspection agencies offering to perform electrical inspections of public buildings and places of employment shall be in accordance with s. Ind 69.20.

(3) MASTER ELECTRICIAN EXAMINATION AND CERTIFICATION FEES.

(a) Application. 1. Persons applying for certification as a master electrician shall submit a fee of \$25.00.

2. Persons applying for certification as a restricted master electrician shall submit a fee of \$100.00.

(b) Examination. Fees shall be submitted for examination and reexamination as follows:

- 1. Initial examination. \$25.00
- 2. Reexamination. \$25.00 per examination

(c) Initial certification. Upon successfully passing the written examination, the applicant for master electrician certification shall submit a fee of \$75.00.

(d) Recertification. The 3-year recertification fee shall be \$100.00.

(4) LATE RENEWAL FEES. Late renewal fees for certification renewals submitted following certification expiration shall be as follows:

- (a) 0-1 month late. \$10.00
- (b) 2-6 months late \$25.00

(END)

EFFECTIVE DATE

Pursuant to s. 227.026 (1) (b), Stats., s. ILHR 17.23 of chapter ILHR 17 shall take effect on the first day of the 10th month following publication in the Wisconsin Administrative Register and subchapter III of chapter ILHR 17 shall take effect on the first day of the 4th month following publication in the Wisconsin Administrative Register.

Pursuant to s. 227.026 (1) (intro.), Stats., the remainder of these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

The Wisconsin Department of Industry, Labor and Human Relations

February 24, 1986

RECEIVED

FEB 25 1986

Office of the Secretary
201 E. Washington Avenue
P.O. Box 7946
Madison, Wisconsin 53707
Telephone 608/266-7552

Gary Poulson
Assistant Revisor of Statutes
for Administrative Rules
411 West, State Capitol
Madison, Wisconsin

Director of Statutes

Douglas LaFollette
Secretary of State
Room 271, GEF-1
201 East Washington Avenue
Madison, Wisconsin

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 85-129

RULE NO. Chs. ILHR 17 and Ind 69

RELATING TO: Certification of Electrical Inspectors and Master Electricians

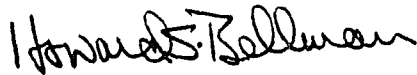
Pursuant to section 227.023, Stats., agencies are required to file a certified copy of every rule adopted by the agency in the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you.

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.016 (6), Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,



Howard S. Bellman
Secretary

cc: Agency Contact Person