

CR 93-190

RULES CERTIFICATE

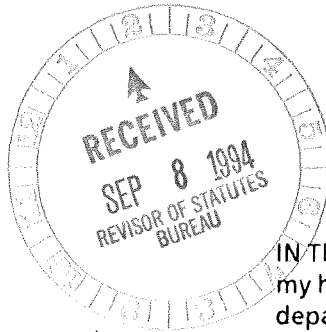
STATE OF WISCONSIN)
) SS
DEPT. OF INDUSTRY,)
LABOR & HUMAN RELATIONS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carol Skornicka, 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 electrical inspection and certification
(Subject)

were duly approved and adopted by this department on September 8, 1994
(Date)

I further certify that said copy has been compared by me with the original on file in the 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 8th
day of September A.D. 19 94

Carol Skornicka
Secretary

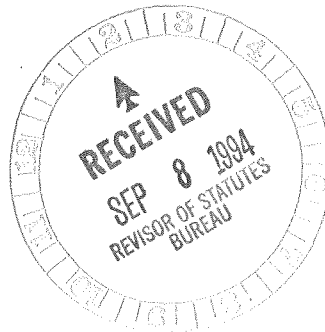
12-1-94

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 creates; amends;
 repeals and recreates; repeals and adopts rules of Wisconsin Administrative Code chapter(s):
ILHR 2 and 17 Fees and Electrical Inspection & Certification
(Number) (Title)

The attached rules shall take effect on the first day of the month following publication
in the Wisconsin Administrative Register pursuant to section 227.22, Stats.



Adopted at Madison, Wisconsin this

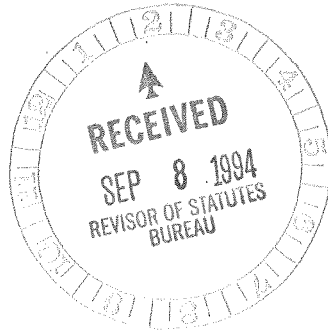
date: September 8, 1994

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN
RELATIONS

Lora Spahr
Secretary



RULES in FINAL DRAFT FORM



Rule No.: Chapters ILHR 2 and 17

Relating to: Electrical Inspection and Certification

Clearinghouse Rule No.: 93-190

The Wisconsin Department of Industry, Labor and Human Relations proposes an order to renumber ILHR 2.32 (4); repeal and recreate ch. ILHR 17; and to create ILHR 2.32 (4), (5) and (6), relating to electrical inspection and certification.

Analysis of Proposed Rules

Statutory Authority: Sections 101.80 to 101.88, Stats.
Statutes Interpreted: Sections 101.80 to 101.88, Stats.

In April of 1990, the Wisconsin Legislature passed 1989 Wisconsin Act 348, relating to electrical inspection and the certification of electricians and electrical contractors. Under that Act, the Department of Industry, Labor and Human Relations is required to adopt rules for the inspection of electrical construction of places where farming is conducted. The law also required the Department to adopt rules establishing certification requirements for electrical contractors, journeyman electricians and beginning electricians.

Chapter ILHR 17 contains the Department's current administrative rules relating to electrical inspection and certification. The proposed rules consist of a complete revision of chapter ILHR 17, incorporating the certification requirements needed to comply with Act 348. The rule for the inspection of electrical construction on farms was previously adopted and incorporated in chapter ILHR 17.

The proposed new rules for certification of journeyman electricians and beginning electricians are incorporated into the current subchapter for master electrician certification. Because the Statutes do not authorize the department to mandate the certifications, all of the certifications are voluntary at the state level. To qualify for journeyman electrician certification, a person must have at least four years of practical experience in electrical construction or must have completed an approved apprenticeship program in electrical construction. Applicants who have completed the apprenticeship program are not required to take the certification examination. All other qualified applicants must take and pass the Department's examination in order to receive the certification. To qualify for beginning electrician certification, a person must be performing electrical construction for at least 20 hours per week. No examination is required for beginning electrician certification.

The proposed rules for certification of electrical contractors are contained in a new subchapter in chapter ILHR 17. Under the proposed rules, only certified master electricians or persons who employ at least one full-time certified master electrician may be certified as electrical contractors. Applicants must submit basic information, such as their social security number and name of the owner or officers, and no examination is required.

The proposed rules also contain several revisions to existing requirements in chapter ILHR 17 in order to clarify intent and correct problem areas relative to enforcement. For example, the definition of "practical experience" has been revised by removing the references to superintending, alteration and repair. The rules allowing a certified master electrician to receive the commercial electrical inspector certification have been modified to more easily allow qualified persons to obtain the inspector certification. For example, the proposed rules allow a certified master electrician, who received the certification more than two years ago, to receive the commercial electrical inspector certification without examination if the person has attended required on-going education programs. Also, a certified commercial electrical inspector meeting the qualifications for master electrician certification may obtain the master electrician certification without examination.

Other revisions to existing requirements relate to department inspections in areas that are not within municipalities exercising jurisdiction over inspection. The requirement for a written request for a department inspection of specified occupancies has been removed, and the inspection has been made optional. Also, health care facilities and schools have been added to the list of occupancies that may be inspected.

The Statutes require the Department to establish a schedule of fees to cover the costs of administering the electrical inspection and certification program. The proposed rules include fees that must be paid by persons applying for certification as a journeyman electrician, beginning electrician and electrical contractor. These fees are consistent with the current fees for master electrician certification. Costs incurred in conducting electrical inspections can be covered under the Department's special inspection fees.

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

<u>Name</u>	<u>Representing</u>
Martin J. Behling	Wisconsin Utilities Association
Lamarr Q. Billups	Employment and Training Policy Division
Mark Cook	Public Service Commission
Chuck Forster	Wisconsin Electric Cooperative
Jerome S. Hill	Wisconsin Chapter, NECA
Roger Kastanek	Associated Builders and Contractors of Wisconsin
Peter Schmitz	Associated Builders and Contractors of Wisconsin
John H. Schwab, Jr.	Wisconsin Chapter, International Association of Electrical Inspectors
Harry A. Sulzer	League of Wisconsin Municipalities
Raymond Weber	Wisconsin Chapter, International Association of Electrical Inspectors
Paul Welnak	Wisconsin State AFL-CIO
David R. Zepecki	Milwaukee Chapter, NECA

SECTION 1. ILHR 2.32 (4) is renumbered ILHR 2.32 (7).

SECTION 2. ILHR 2.32 (4), (5) and (6) are created to read:

ILHR 2.32 (4) JOURNEYMAN ELECTRICIAN EXAMINATION AND CERTIFICATION FEES. (a) Application. Persons applying for certification as a journeyman electrician shall submit a fee of \$35.00.

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

1. Initial examination \$30.00
2. Re-examination. \$30.00 per examination

(c) Initial certification. Upon successfully passing the written examination or upon determination of eligibility without examination, the applicant for journeyman electrician certification shall submit a fee of \$50.00.

(d) Recertification. The 3-year recertification fee shall be \$75.00.

(5) BEGINNING ELECTRICIAN CERTIFICATION FEES. (a) Application. Persons applying for certification as a beginning electrician shall submit a fee of \$35.00.

(b) Initial certification. Upon determination of eligibility, the applicant for beginning electrician certification shall submit a fee of \$50.00.

(c) Recertification. The 3-year recertification fee shall be \$75.00.

(6) ELECTRICAL CONTRACTOR CERTIFICATION FEES. (a) Application. Persons applying for certification as an electrical contractor shall submit a fee of \$35.00.

(b) Initial certification. Upon determination of eligibility, the applicant for electrical contractor certification shall submit a fee of \$150.00.

(c) Recertification. The 3-year recertification fee shall be \$150.00.

SECTION 3. Chapter ILHR 17 is repealed and recreated to read:

Chapter ILHR 17
ELECTRICAL INSPECTION AND CERTIFICATION

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 farms, public buildings and places of employment, for certification of commercial electrical inspectors and independent inspection agencies, and for certification of electricians and electrical contractors. 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, farms, 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 under ch. PSC 114.

ILHR 17.02 PETITION FOR VARIANCE. (1) PROCEDURE. The department shall consider and may grant a variance to any requirement 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 any condition under which the variance is granted shall constitute a violation of this chapter.

Note 1: Copies of the petition for variance form (SBD-8) are available at no charge from the Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707, telephone 608/266-1094.

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.

Note: Priority petitions are processed in less time, and the fees for processing these petitions are double the amounts for petitions processed within the standard processing time.

ILHR 17.03 PENALTIES. Penalties for violation of any requirement 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 subchapter IV of chapter 101, Stats., or any rule promulgated under that 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. Section 101.865 (2),

Stats., states that any person who violates the provisions of s. 101.865, Stats., shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$25 nor more than \$100, or by imprisonment in the county jail not less than 30 days nor more than 6 months.

ILHR 17.04 FEES. Fees for petitions for variance, electrical inspections and certifications issued under this chapter shall be submitted as specified in ch. ILHR 2.

ILHR 17.05 DEFINITIONS. In this chapter:

(1) "Apprentice" has the meaning given in s. 106.01 (1), Stats.

Note: Section 106.01 (1), Stats., states that the term "apprentice" means any person, 16 years of age or over, who shall enter into any contract of service, express or implied, whereby he or she is to receive from or through his or her employer, in consideration for his or her services in whole or in part, instruction in any trade, craft or business.

(2) "Approved" means accepted by the department.

(3) "Certified beginning electrician" means a person who has been certified by the department as a beginning electrician.

(4) "Certified electrical contractor" means a person who has been certified by the department as an electrical contractor.

(5) "Certified inspection" means an inspection performed by a certified inspector or certified independent inspection agency to ensure compliance with the Electrical Code, Volume 2, ch. ILHR 16.

(6) "Certified inspector" means a certified commercial electrical inspector or a certified restricted commercial electrical inspector.

(7) "Certified journeyman electrician" means a person who has been certified by the department as a journeyman electrician.

(8) "Certified master electrician" means a person who has been certified by the department as a master electrician.

(9) "Commercial electrical inspector" means a person who conducts inspections of electrical construction of farms, public buildings and places of employment.

(10) "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.

(11) "Department" means the department of industry, labor and human relations.

(12) "Electrical construction" means the installation of electrical wiring.

(13) "Electrical contractor" means any person, firm or corporation engaged in the business of erecting, installing, altering, repairing, servicing or maintaining electrical wiring.

(14) "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.

(15) "Farm" means a place where farming is conducted.

(16) "Farming" means the operation of a farm premises owned or rented by the operator.

Note 1: Section 102.04 (3), Stats., states that farm premises include the areas which are planted and cultivated, but does not include other areas, greenhouses or other similar structures unless used principally for the production of food and farm plants.

Note 2: Section 102.04 (3), Stats., states that the operation of farm premises shall be deemed to be the planting and cultivating of the soil thereof; the raising and harvesting of agricultural, horticultural or arboricultural crops thereon; the raising, breeding, tending, training and management of livestock, bees, poultry, fur-bearing animals, wildlife or aquatic life, or their products, thereon; the processing, drying, packing, packaging, freezing, grading, storing, delivering to storage, to market or to a carrier for transportation to market, distributing directly to consumers or marketing any of the above-named commodities, substantially all of which have been planted or produced thereon; the clearing of such premises and the salvaging of timber and management and use of wood lots thereon, but not including logging, lumbering or wood cutting operations unless conducted as an accessory to other farming operations; the managing, conserving, improving and maintaining of such premises or the tools, equipment and improvements thereon and the exchange of labor, services or the exchange of use of equipment with other farmers in pursuing such activities.

(17) "Full-time" means performing electrical construction for more than 30 hours per week.

(18) "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 or the Electrical Code, Volume 2, ch. ILHR 16.

(19) "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.

(20) "Misconduct" means an act performed in the discharge of duties which jeopardizes the interests of the public, including violation of federal or state laws, local ordinances or administrative rules relating to the duties; 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.

(21) "Municipality" means a city, village, town or county in this state.

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

(23) "Person" includes all partnerships, associations, and bodies politic or corporate.

(24) "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.

(25) "Practical experience" means personally performing electrical construction.

(26) "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.

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

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

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

SUBCHAPTER II
ELECTRICAL INSPECTION

ILHR 17.10 PURPOSE. Pursuant to s. 101.82, Stats., the purpose of this subchapter is to establish rules for the inspection of electrical construction of farms, public buildings and places of employment.

ILHR 17.11 SCOPE. This subchapter specifies the electrical construction to be inspected, the inspection procedures to be followed and the procedures for connection of electric service.

ILHR 17.12 APPLICATION. This subchapter applies to persons, independent inspection agencies, municipalities and state governmental agencies engaged in the inspection of electrical construction for the purposes of administering and enforcing the Electrical Code, Volume 2, ch. ILHR 16 on farms and in public buildings and places of employment, and to companies or utilities providing connection of electric service.

ILHR 17.13 AUTHORITY. (1) DEPARTMENTAL AUTHORITY. Pursuant to ss. 101.82 and 101.84, Stats., the department is granted the authority and jurisdiction over the inspection of electrical construction of farms, public buildings and places of employment.

(2) MUNICIPAL AUTHORITY. (a) Jurisdiction conditions. Pursuant to s. 101.86 (1), Stats., municipalities may exercise jurisdiction over inspection of electrical construction in public buildings and places of employment by passage of ordinances, providing:

1. The municipality's ordinances meet the minimum requirements of this subchapter;

2. The municipality notifies the department at least 30 days prior to the date upon which the municipality intends to assume the jurisdiction;

3. The municipality provides the department with a copy of its electrical ordinances and subsequent revisions to the ordinances;

4. The municipality's ordinances adopt the Electrical Code, Volume 2, ch. ILHR 16 in its entirety;

5. The municipality employs or contracts with certified inspectors or certified independent inspection agencies to perform electrical inspection functions;

6. The municipality provides the department with the names of its certified inspectors or certified independent inspection agencies, and new inspectors or agencies employed or contracted by the municipality; and

7. The municipality provides the department with any information requested by the department relative to the electrical inspection of public buildings and places of employment.

Note: Section 13.48 (13), Stats., exempts state buildings from local ordinances or regulations relating to building construction, permits and similar restrictions.

(b) Joint jurisdiction. Municipalities may jointly exercise the jurisdiction granted in par. (a).

(c) Municipal contracts. A municipality may contract with a certified inspector, certified independent inspection agency or the department for those inspection services which the municipality does not perform under par. (a) or (b).

(d) County. 1. Ordinances enacted by a county under this subsection establishing electrical inspection functions shall apply to all municipalities within that county which have not assumed jurisdiction.

2. Ordinances enacted by a county under this subsection establishing county electrical inspection functions may not prevent or prohibit a municipality within that county from assuming those functions at any time.

(e) Relinquishing of jurisdiction. The municipality shall notify the department, in writing, at least 30 days prior to the date upon which the municipality intends to relinquish jurisdiction responsibilities.

ILHR 17.14 INSPECTIONS. (1) PERSONS AUTHORIZED TO PERFORM INSPECTIONS. (a) General. Inspections performed for a municipality, independent inspection agency or the department for the purpose of administering and enforcing the Electrical Code, Volume 2, ch. ILHR 16 shall be performed by a certified inspector.

(b) Right of entry. A certified inspector performing inspections under par. (a) may, during reasonable hours, enter any building or premises in the discharge of his or her official duties for the purpose of making inspections, reinspections or testing of electrical construction.

(2) MUNICIPAL INSPECTIONS. (a) Electrical wiring requiring inspection. Municipalities exercising jurisdiction under s. ILHR 17.13 (2) shall provide for inspection of all electrical wiring in:

1. New construction, additions, alterations and change of use of public buildings and places of employment requiring submittal of building plans under ss. ILHR 50.03 and 50.12 for the classes of occupancies specified under sub. (4) (a); and

2. Such other installations as required by the municipality.

(b) Inspection types. Inspections required to be performed shall be of the following types for the purpose of determining if the electrical construction complies with the Electrical Code, Volume 2, ch. ILHR 16:

1. An inspection before the construction is concealed;

2. Reinspections, as necessary, to confirm compliance and satisfactory completion of all electrical construction; and

3. A final inspection.

(c) Permit required. 1. Except as provided in subd. 2., no electrical wiring specified in par. (a) may be installed unless an application for a permit and the required fees have been submitted to the municipality exercising jurisdiction under s. ILHR 17.13 (2).

2. Under emergency conditions, the necessary electrical construction may be commenced without submitting an application for a permit; however, the person performing the emergency construction shall report the construction to the municipality no later than the next business day. The emergency installation shall conform to the Electrical Code, Volume 2, ch. ILHR 16.

(d) Inspection. 1. Upon completion of the electrical wiring required to be inspected under par. (a) or before any electrical wiring is to be hidden from view, the person, firm or corporation installing the electrical wiring shall notify the municipality that the installation is ready for inspection.

2. The certified inspector responsible for the inspection shall perform the requested inspection within 2 business days after receiving notification.

3. If upon inspection, it is found that the installation is fully in compliance with the Electrical Code, Volume 2, ch. ILHR 16 and the municipal ordinances, the certified inspector shall approve the installation and authorize concealment of the electrical wiring or connection of electric service. For connection of electric service, the certified inspector shall issue the certificate required in s. ILHR 17.15 (1).

4. If the installation is incomplete or not in compliance with the Electrical Code, Volume 2, ch. ILHR 16 or the municipal ordinances, orders to correct shall be issued in accordance with the municipal ordinances.

(3) INDEPENDENT AGENCY INSPECTIONS. (a) Municipalities. Independent inspection agencies performing inspections for municipalities exercising jurisdiction under s. ILHR 17.13 (2) shall provide inspections in accordance with the requirements of sub. (2) for municipalities.

(b) Department. Independent inspection agencies performing inspections for the department shall provide inspections as required by the department.

(4) DEPARTMENT INSPECTION PROGRAM. (a) Specific inspections. The department may inspect all electrical wiring in new construction, additions, alterations and change of use of public buildings and places of employment requiring submittal of building plans under ss. ILHR 50.03 and 50.12 in the following occupancies that are not within the boundaries of municipalities exercising jurisdiction:

1. Nursing homes and health care facilities;

2. Hotels, motels, and YMCA and YWCA buildings that provide overnight accommodations;
3. Day care centers and schools;
4. Community-based residential facilities;
5. Restaurants having a capacity of 100 or more occupants; and
6. All indoor theaters.

(b) Random inspections. The department may perform random inspections of electrical wiring in any new construction, additions, alterations and change of use of public buildings and places of employment, that are not within the boundaries of municipalities exercising jurisdiction.

(c) Requested or complaint inspections. The department may perform inspection of electrical construction in public buildings or places of employment in any municipality upon written request or complaint.

(d) Farm inspections. The department may inspect electrical construction on farms.

ILHR 17.15 CONNECTION OF ELECTRIC SERVICE. Pursuant to s. 101.865, Stats., the company or utility furnishing electric current shall obtain proof that electrical wiring complies with the Electrical Code, Volume 2, ch. ILHR 16 before furnishing the service, as follows:

(1) CERTIFICATE REQUIRED. The electrical wiring required to be inspected under s. ILHR 17.14 (2) (a) may not be connected for use until a certificate is filed with the company or utility furnishing electric current. The certified inspector authorized to perform the inspection shall complete and file the certificate with the company or utility.

(2) STATEMENT REQUIRED. Electrical wiring not requiring a certificate under sub. (1) may not be connected for use until a written statement is filed with the company or utility furnishing electric current indicating that the electrical wiring complies with the Electrical Code, Volume 2, ch. ILHR 16. The electrical contractor or other person doing the wiring shall complete and file the written statement with the company or utility.

ILHR 17.16 TECHNICAL ASSISTANCE. The department shall provide technical assistance to the extent possible with the available resources to any person, upon written request, regarding interpretation and application of the Electrical Code, Volume 2; ch. ILHR 16. The technical assistance may consist of telephone, written, in-office or on-site review of specific problems.

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. This subchapter specifies the standards and procedures for certification of electrical inspectors and independent inspection agencies for the purpose of inspecting the electrical construction of farms, public buildings and places of employment.

ILHR 17.22 APPLICATION. This subchapter applies to persons, independent inspection agencies, municipalities and state governmental agencies engaged in the administration and enforcement of the Electrical Code, Volume 2, ch. ILHR 16 on farms and in public buildings and places of employment.

ILHR 17.23 ADMINISTRATION AND ENFORCEMENT. Inspections for the purpose of administering and enforcing the Electrical Code, Volume 2, ch. ILHR 16 on farms and 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 s. 101.82, 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 construction of farms, public buildings and places of employment.

(2) MUNICIPAL AUTHORITY. (a) A municipality 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.

(b) 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.

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

(d) 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 INSPECTOR CERTIFICATION. (1) ELIGIBILITY. Eligibility for inspector certification shall be based upon acceptance of the application and on successful completion of examinations as required by subs. (2) and (3) (a) and (b), or on presentation of information as required by subs. (3) (c) and (4).

(2) NEW ELECTRICAL INSPECTORS. (a) Persons not employed by a municipality on August 1, 1986, 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 at least 6 years of electrical trade-related experience satisfactory to the department, based on a minimum of 1,000 hours per calendar 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. (4), new inspectors shall be certified as a commercial electrical inspector through examination.

(3) EXISTING ELECTRICAL INSPECTORS. (a) Persons employed by a municipality as an electrical inspector on August 1, 1986, and who have less than 1,500 hours of experience inspecting electrical construction in public buildings and places of employment shall be certified through examination.

(b) Persons employed by a municipality as an electrical inspector on August 1, 1986, and who have 1,500 or more hours of experience inspecting electrical construction in public buildings and places of employment may be certified through examination.

(c) 1. Persons employed by a municipality as an electrical inspector on August 1, 1986, and who have 1,500 or more hours of experience inspecting electrical construction in public buildings and places of employment may be certified as a restricted commercial electrical inspector without examination if the person provides verification of attendance at required on-going approved education programs for continuous inspector certification renewal.

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.

(4) CERTIFIED MASTER ELECTRICIANS. (a) A person certified as a master electrician under subch. IV may be certified as a commercial electrical inspector without examination if the person shows evidence of employment by a municipality, independent inspection agency or the department and:

1. The person received his or her master electrician certification within the previous 2 years; or

2. It has been longer than 2 years since the person received his or her master electrician certification and the person provides verification of attendance at required on-going approved education programs for continuous inspector certification renewal.

(b) A master electrician not eligible for certification as a commercial electrical inspector under par. (a) may be certified as a restricted commercial electrical inspector without examination if the master electrician shows evidence of employment by a municipality.

Note: See sub. (3) (c) 2.

(c) A master electrician certified as a restricted commercial electrical inspector under par. (b) may be recertified as a commercial electrical inspector upon completion of an approved education program.

ILHR 17.31 APPLICATION FOR INSPECTOR CERTIFICATION. (1) APPLICATIONS.

(a) A person seeking inspector certification shall apply to the department on forms provided by the department together with the payment of the application and examination fees as specified in ch. ILHR 2.

Note: Form No. SBD-7595 is available from the Electrical Unit, Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707, telephone 608/266-1094.

(b) Applications and fees for inspector certification shall be received by the department at least 4 weeks prior to the date of the examination. The department may postpone the applicant's appearance to the next examination if the applicant fails to have the application on file with the department within the required time.

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

(d) Applications shall contain the appropriate proof of experience, skill and completion of the educational instruction, required 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 INSPECTOR CERTIFICATION EXAMINATIONS. (1) GENERAL. The department shall conduct not fewer than 4 examinations annually for the certification of commercial electrical inspectors 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 persons 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 all or some of the following:

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

(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.

(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 9 months between subsequent examinations.

Note: The intent of the progressive waiting periods between examination retakes is to allow time for the applicant to attend educational courses and gain additional work experience.

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 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. Certifications shall expire on June 30 of each year, regardless of the date of issuance.

ILHR 17.35 INSPECTOR CERTIFICATION RENEWAL. (1) NOTICE OF RENEWAL. 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. The department shall send the renewal notice to the address given on the latest certification form on file with the department. A person holding certification shall be responsible for notifying the department of any change in mailing address. 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 any required 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 and the required fee.

(3) DELINQUENT OR LAPSED CERTIFICATIONS. The department may renew certifications within 2 months following certification expiration upon payment by the applicant of a late renewal fee as specified in ch. ILHR 2. A person whose certification has been lapsed for more than 2 months shall be required to pass an 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, an 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 a request for a hearing regarding denial of certification renewal.

Part III - Independent Inspection Agency Certification

ILHR 17.40 AGENCY CERTIFICATION REQUIRED. An 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 AGENCY CERTIFICATION. (1) APPLICATIONS. A person seeking independent inspection agency certification shall apply to the department on forms provided by the department together with the payment of the fee as specified in ch. ILHR 2.

Note: Form No. SBD-5483 is available from the Electrical Unit, Safety and Buildings Division, P.O. Box 7969, Madison, Wisconsin 53707, telephone 608/266-1094.

(2) REQUIRED INFORMATION. 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. An independent inspection agency to be certified by the department shall agree in writing to all of the following:
- (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.
 - (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 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. Certifications shall expire on June 30 of each year, regardless of the date of issuance.

ILHR 17.43 AGENCY CERTIFICATION RENEWAL. (1) NOTICE OF RENEWAL. 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. The department shall send the renewal notice to the address given on the latest certification form on file with the department. An agency holding certification shall be responsible for notifying the department of any change in mailing address. 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 and the required fee.

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, an 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 ELECTRICIANS

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

ILHR 17.51 SCOPE. This subchapter specifies the standards and procedures for obtaining certification as a master electrician, journeyman electrician and beginning electrician.

ILHR 17.52 APPLICATION. This subchapter applies to:

(1) Persons who apply for and are issued certification under this subchapter as a master electrician, journeyman electrician or beginning electrician; and

(2) Municipalities that require the licensure of electricians.

ILHR 17.53 MUNICIPALITY TO RECOGNIZE CERTIFIED ELECTRICIANS. (1) MASTER AND JOURNEYMAN CERTIFICATION. A municipality which by ordinance requires the licensure of journeyman electricians may not require a certified master electrician or a certified journeyman electrician to obtain any municipal journeyman-type license or permit.

(2) BEGINNING ELECTRICIAN CERTIFICATION. A municipality which by ordinance requires the licensure of beginning electricians may not require an electrical construction apprentice electrician or a certified beginning electrician to obtain any municipal beginning electrician-type license or permit.

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

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

ILHR 17.54 QUALIFICATIONS FOR ELECTRICIAN CERTIFICATION. (1) MASTER ELECTRICIAN. (a) Required experience. A person applying for a master electrician certification shall have at least 6 years of practical experience, based on a minimum of 1,000 hours per calendar year, in electrical construction.

(b) 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.

(2) JOURNEYMAN ELECTRICIAN. (a) Required experience. A person applying for a journeyman electrician certification shall have at least four years of practical experience, based on a minimum of 1,000 hours per calendar year, in electrical construction or shall have completed an electrical construction apprenticeship program lasting for at least four years and approved by the U.S. department of labor and by the department.

(b) 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 nine months of practical experience and may be substituted for up to a maximum of one year of the required four years of practical experience.

(3) BEGINNING ELECTRICIAN. A person applying for a beginning electrician certification shall be performing electrical construction for at least 20 hours per week.

ILHR 17.55 APPLICATION FOR ELECTRICIAN CERTIFICATION. (1) MASTER AND JOURNEYMAN APPLICATIONS. (a) A person seeking master or journeyman electrician certification shall apply to the department on forms provided by the department together with the payment of the application and examination fees as specified in ch. ILHR 2.

Note: Form No. SBD-7595 is available from the Electrical Unit, Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707, telephone 608/266-1094.

(b) Applications and fees for master and journeyman electrician certification shall be received by the department at least 4 weeks prior to the date of the examination. The department may postpone the applicant's appearance to the next examination if the applicant fails to have the application on file with the department within the required time.

(c) Applications for master and journeyman electrician certification shall expire after a period of one year from the date of filing for all persons not taking the examination during that period.

(d) Applications for master and journeyman electrician certification shall contain the appropriate proof of experience, skill and completion of the educational instruction, required by s. ILHR 17.54.

(2) BEGINNING APPLICATIONS. (a) A person seeking beginning electrician certification shall apply to the department on forms provided by the department together with the payment of the application fee as specified in ch. ILHR 2.

Note: Form No. SBD-7595 is available from the Electrical Unit, Division of Safety and Buildings, P.O. Box 7969, Madison, WI 53707, telephone 608/266-1094.

(b) Applications for beginning electrician certification shall contain the appropriate proof of experience.

(3) 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 ELECTRICIAN CERTIFICATION EXAMINATIONS. (1) GENERAL. The department shall conduct not fewer than 4 examinations annually for the certification of master and journeyman electricians 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 re-examination 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. The master electrician certification examination 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 all or some of the following:

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

(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.

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

(6) RE-EXAMINATION. Qualified applicants failing the initial certification examination may apply for re-examination with a minimum waiting period of 3 months between the initial and the second examinations, 6 months between the second and third examinations, and 9 months between subsequent examinations.

Note: The intent of the progressive waiting periods between examination retakes is to allow time for the applicant to attend educational courses and gain additional work experience.

ILHR 17.57 ISSUANCE OF ELECTRICIAN CERTIFICATIONS. (1) MASTER ELECTRICIAN. (a) The department shall issue a master electrician certificate to an applicant who has successfully passed the department's written examination and paid the required certification fee. Failure to pay the required fee within two months from the date the department has mailed the examination results shall necessitate re-examination. 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.

(b) A certified commercial electrical inspector who has the qualifications specified in s. ILHR 17.54 (1) for master electrician certification shall be issued the master electrician certification upon submittal of written application and the required fee. 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 construction 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 the name of the municipalities where the certification is valid.

(3) JOURNEYMAN ELECTRICIAN. (a) The department shall issue a journeyman electrician certificate to an applicant who has successfully passed the department's written examination, if required, and paid the required certification fee. Failure to pay the required fee within two months from the date the department has mailed the examination results shall necessitate re-examination.

(b) The department shall issue a journeyman electrician certificate to an applicant who has submitted evidence of successful completion of the approved apprenticeship program and paid the required certification fee.

(c) The department shall issue the journeyman electrician certificate within 30 business days of receipt of the fee. The certificate shall bear the name of the applicant, certification number and the expiration date.

(4) BEGINNING ELECTRICIAN. The department shall issue a beginning electrician certificate to an applicant who has submitted evidence of the practical experience specified in s. ILHR 17.54 (3) and paid the required certification fee. 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.

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

(6) 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 ELECTRICIAN CERTIFICATION RENEWAL. (1) NOTICE OF RENEWAL. 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. The renewal notice shall be sent to the address given on the latest certification form on file with the department. A person holding certification shall be responsible for notifying the department of any change in mailing address. 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 any required 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 and the required fee.

(3) DELINQUENT OR LAPSED CERTIFICATIONS. The department may renew certifications within 2 months following certification expiration upon payment by the applicant of a late renewal fee as specified in ch. ILHR 2. A person whose certification has been lapsed for more than 2 months shall be required to pass an examination to again qualify for certification.

ILHR 17.59 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, an 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 V
CERTIFICATION OF ELECTRICAL CONTRACTORS

ILHR 17.60 PURPOSE. The purpose of this subchapter is to establish rules for the uniform statewide certification of electrical contractors.

ILHR 17.61 SCOPE. This subchapter specifies the requirements relating to the qualifications of electrical contractors and the issuance of electrical contractor certifications.

ILHR 17.62 APPLICATION. This subchapter applies to:

- (1) Persons who apply for and are issued certification under this subchapter as an electrical contractor; and
- (2) Municipalities that require the licensure of electrical contractors.

ILHR 17.63 MUNICIPALITY TO RECOGNIZE CERTIFIED ELECTRICAL CONTRACTOR.

(1) MUNICIPAL ELECTRICAL CONTRACTOR'S LICENSE. A municipality which by ordinance requires the licensure of electrical contractors shall issue a license to an electrical contractor within 10 business days of submittal of all of the following information to the municipality:

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

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

(b) Payment of the municipality's licensure fee.

(c) Posting of any required bond or insurance.

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

(3) OTHER LICENSES. Municipalities may recognize electrical contractor certification as qualification for any other type of municipal electrical 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 17.64 QUALIFICATIONS FOR CONTRACTOR CERTIFICATION. Only certified master electricians or persons who employ at least one full-time certified master electrician may be certified as electrical contractors. A certified master electrician may not be named on more than one municipal electrical contractor's license application.

ILHR 17.65 APPLICATION FOR CONTRACTOR CERTIFICATION. (1) APPLICATIONS. (a) A person seeking electrical contractor certification shall apply to the department on forms provided by the department together with the payment of the application fee as specified in ch. ILHR 2.

Note: Form No. SBD-9790 is available from the Electrical Unit, Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707, telephone 608/266-1094.

(b) Applications shall expire after a period of one year from the date of filing.

(c) Applicants shall provide the department with their social security number, and the name and address of each partner if they are partnerships, of the owner if they are individual proprietorships and of their officers if they are corporations. Applicants shall provide the department with their worker's compensation number, their unemployment insurance account number, and their state and federal tax identification numbers, if state or federal regulations require the applicant to have these numbers.

(d) Applicants shall provide the department with the name of the certified master electrician required in s. ILHR 17.64. The applicant shall be responsible for notifying the department of any change in the name of the certified master electrician.

(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 17.66 ISSUANCE OF CONTRACTOR CERTIFICATE. (1) ISSUANCE. Upon acceptance of the application and findings of eligibility, the department shall notify the applicant in writing and shall issue an electrical contractor certificate. The certificate shall bear the name of the applicant, certification number, and expiration date.

(2) ADVERTISING RESTRICTION. No person may advertise as a certified electrical contractor unless that person holds a valid certificate issued under this subchapter.

(3) EXPIRATION OF CERTIFICATION. Certifications issued under this subchapter shall be valid for not more than 3 years, and certificates shall expire on June 30. If the certified electrical contractor also holds the master electrician certification, the 2 certifications shall expire in the same year.

ILHR 17.67 CONTRACTOR CERTIFICATION RENEWAL. (1) NOTICE OF RENEWAL. 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. The renewal notice shall be sent to the address given on the latest certification form on file with the department. A person holding certification shall be responsible for notifying the department of any change in mailing address. 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 and the required fee.

ILHR 17.68 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, an 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 VI DENIAL, SUSPENSION AND REVOCATION

ILHR 17.70 PURPOSE. The purpose of this subchapter is to establish rules for the denial, suspension and revocation of certifications issued under this chapter.

ILHR 17.71 SCOPE. This subchapter specifies the standards and procedures for the denial, suspension and revocation of inspection certifications, and for the denial and suspension of electrician and electrical contractor certifications.

ILHR 17.72 APPLICATION. This subchapter applies to persons and independent inspection agencies who have applied for or been issued certifications under this chapter.

ILHR 17.73 DENIAL OF CERTIFICATION. The department may deny the certification of an inspector, independent inspection agency, electrician or electrical contractor for any of the following reasons:

- (1) Failure to meet the required qualifications.
- (2) Failure to provide the required information.
- (3) For any of the reasons specified in s. ILHR 17.74.

ILHR 17.74 SUSPENSION OR REVOCATION OF CERTIFICATION. (1) INSPECTION CERTIFICATION. The department may suspend or revoke the certification of an 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 farms, public buildings and places of employment by persons not certified by the department.

(c) 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.

(e) Conflict of interest.

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

(a) Fraud or deceit in obtaining certification.

(b) 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.

(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.

(3) JOURNEYMAN AND BEGINNING ELECTRICIAN CERTIFICATION. The department may suspend the certification of a journeyman electrician or beginning electrician for any of the following reasons:

(a) Fraud or deceit in obtaining certification.

(b) 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.

(4) ELECTRICAL CONTRACTOR CERTIFICATION. The department may suspend the certification of an electrical contractor for any of the following reasons:

(a) Fraud or deceit in obtaining certification.

(b) 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.

(d) Failure to notify the department within 10 business days of a change in the name of the certified master electrician employed by the electrical contractor.

ILHR 17.75 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. An 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 17.76 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 17.77 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 17.78 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 17.79 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 a defense nor an admission of a fact until accepted by the secretary.

ILHR 17.80 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. 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 17.81 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. 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 electrician or electrical contractor 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 who was required to pass a written examination for initial certification and 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 17.82 APPEAL ARGUMENTS. Appeal arguments shall be submitted to the department in writing unless otherwise noted.

(END)

EFFECTIVE DATE

Pursuant to s. 227.22 (2)(intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.



Tommy G. Thompson
Governor
Carol Skornicka
Secretary



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State of Wisconsin
Department of Industry, Labor and Human Relations

September 8, 1994

Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 W. Wilson St.
Madison, Wisconsin 53703-3233

Douglas LaFollette
Secretary of State
10th Floor
30 West Mifflin Street
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 93-190
RULE NO. Chapters ILHR 2 and 17
RELATING TO: Electrical Inspection and Certification

Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with 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 227.114, Stats., a summary of the final regulatory flexibility analysis is included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully submitted,


Carol Skornicka
Secretary

