

Chapter Comm 17

ELECTRICAL INSPECTION

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Note: Chapter ILHR 17 as it existed on November 30, 1994 was repealed and a new chapter ILHR 17 was created effective December 1, 1994. Chapter ILHR 17 was renumbered to be ch. Comm 17 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, March, 1996, No. 490.

Subchapter I— General Requirements

Comm 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. Comm 16.

Note: The Electrical Code, Volume 2, ch. Comm 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. Comm 16.002 (1).

Note: The Electrical Code, Volume 1 is issued and administered by the public service commission under ch. PSC 114.

History: Cr. Register, November, 1994, No. 467, eff. 12-1-94.

Comm 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: Copies of the petition for variance form (SBD-9890) are available at no charge from the Division of Safety and Buildings, P.O. Box 7162, Madison, Wisconsin 53707, telephone 608/261-8471.

Note: 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.

History: Cr. Register, November, 1994, No. 467, eff. 12-1-94.

Comm 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 provi-

sions 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.

History: Cr. Register, November, 1994, No. 467, eff. 12-1-94.

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

History: Cr. Register, November, 1994, No. 467, eff. 12-1-94; am. Register, October, 1996, No. 490, eff. 11-1-96.

Comm 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 to ensure compliance with the Electrical Code, Volume 2, ch. Comm 16.

(6) "Certified inspector" means a certified 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 commerce.

(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. Comm 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: 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: 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. Comm 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. Comm 16.

(19) "Independent inspection agency" means any corporation, partnership or sole proprietor with one or more employees, 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.

(29) "Secretary" means the secretary of the department of commerce.

History: Cr. Register, November, 1994, No. 467, eff. 12-1-94; am. (5), (6), r. (27), (28), Register, October, 1996, No. 490, eff. 11-1-96.

Subchapter II— Electrical Inspection

Comm 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.

History: Cr. Register, November, 1994, No. 467, eff. 12-1-94.

Comm 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.

History: Cr. Register, November, 1994, No. 467, eff. 12-1-94.

Comm 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. Comm 16 on farms and in public buildings and places of employment, and to companies or utilities providing connection of electric service.

History: Cr. Register, November, 1994, No. 467, eff. 12-1-94.

Comm 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. Comm 16 in its entirety;
5. The municipality employs or contracts with certified inspectors or independent inspection agencies to perform electrical inspection functions;
6. The municipality provides the department with the names of its certified inspectors or 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, 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.

History: Cr. Register, November, 1994, No. 467, eff. 12-1-94; am (2) (a) 5., 6., (c), Register, October, 1996, No. 490, eff. 11-1-96.

Comm 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. Comm 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.

Note: Section Comm 5.63 contains requirements pertaining to the certification of commercial electrical inspectors.

(2) MUNICIPAL INSPECTIONS (a) *Electrical wiring requiring inspection.* Municipalities exercising jurisdiction under s. Comm 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. Comm 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. Comm 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. Comm 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. Comm 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. Comm 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. Comm 17.15 (1).

4. If the installation is incomplete or not in compliance with the Electrical Code, Volume 2, ch. Comm 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. Comm 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.

History: Cr. Register, November, 1994, No. 467, eff. 12-1-94.

Comm 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. Comm 16 before furnishing the service, as follows:

(1) **CERTIFICATE REQUIRED.** The electrical wiring required to be inspected under s. Comm 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. Comm 16. The electrical contractor or other person doing the wiring shall complete and file the written statement with the company or utility.

History: Cr. Register, November, 1994, No. 467, eff. 12-1-94.

Comm 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. Comm 16. The technical assistance may consist of telephone, written, in-office or on-site review of specific problems.

History: Cr. Register, November, 1994, No. 467, eff. 12-1-94.

Comm 17.70 Purpose. **History:** Cr. Register, November, 1994, No. 467, eff. 12-1-94; r., Register, March, 1998, No. 507, eff. 4-1-98.

Comm 17.71 Scope. **History:** Cr. Register, November, 1994, No. 467, eff. 12-1-94; r., Register, March, 1998, No. 507, eff. 4-1-98.

Comm 17.72 Application. **History:** Cr. Register, November, 1994, No. 467, eff. 12-1-94; r., Register, March, 1998, No. 507, eff. 4-1-98.

Comm 17.73 Denial of certification. History: Cr. Register, November, 1994, No. 467, eff. 12-1-94; r., Register, March, 1998, No. 507, eff. 4-1-98.

Comm 17.74 Suspension or revocation of certification. History: Cr. Register, November, 1994, No. 467, eff. 12-1-94; r., Register, March, 1998, No. 507, eff. 4-1-98.

Comm 17.75 Filing of complaint. History: Cr. Register, November, 1994, No. 467, eff. 12-1-94; r., Register, March, 1998, No. 507, eff. 4-1-98.

Comm 17.76 Investigation and notification. History: Cr. Register, November, 1994, No. 467, eff. 12-1-94; r., Register, March, 1998, No. 507, eff. 4-1-98.

Comm 17.77 Mailing. History: Cr. Register, November, 1994, No. 467, eff. 12-1-94; r., Register, March, 1998, No. 507, eff. 4-1-98.

Comm 17.78 Response. History: Cr. Register, November, 1994, No. 467, eff. 12-1-94; r., Register, March, 1998, No. 507, eff. 4-1-98.

Comm 17.79 Conciliation agreement prior to hearing. History: Cr. Register, November, 1994, No. 467, eff. 12-1-94; r., Register, March, 1998, No. 507, eff. 4-1-98.

Comm 17.80 Hearings. History: Cr. Register, November, 1994, No. 467, eff. 12-1-94; r., Register, March, 1998, No. 507, eff. 4-1-98.

Comm 17.81 Findings and time periods. History: Cr. Register, November, 1994, No. 467, eff. 12-1-94; r., Register, March, 1998, No. 507, eff. 4-1-98.

Comm 17.82 Appeal arguments. History: Cr. Register, November, 1994, No. 467, eff. 12-1-94; r., Register, March, 1998, No. 507, eff. 4-1-98.