

1979 Senate Bill 301

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CHAPTER 309, Laws of 1979

AN ACT to renumber subchapter IV of chapter 101; and to create 20.445 (1) (i) and subchapter IV of chapter 101 of the statutes, relating to inspection of electrical construction by the department of industry, labor and human relations, granting rule-making authority, making an appropriation and imposing a penalty.

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

SECTION 1. 20.445 (1) (i) of the statutes is created to read:

20.445 (1) (i) *Electrical construction inspection fees.* All moneys received under subch. IV of ch. 101 for the administration of that subchapter.

SECTION 2. Subchapter IV of chapter 101 of the statutes is renumbered subchapter V of chapter 101.

SECTION 3. Subchapter IV of chapter 101 of the statutes is created to read:

CHAPTER 101
SUBCHAPTER IV

INSPECTION OF ELECTRICAL CONSTRUCTION

101.80 Definitions. In this subchapter:

(1) "Public buildings" and "places of employment" have the meanings provided by s. 101.01 (2) and include all exterior wiring except wiring owned, leased, operated or maintained by a public utility including any electrical cooperative, in the exercise of its utility function.

(2) "Municipality" means city, town, village and county.

101.82 Departmental duties. The department shall:

(1) Adopt rules for the construction and inspection of electrical construction of public buildings and places of employment. Where feasible, the standards used shall be those nationally recognized. No rule may be adopted which does not take into account the conservation of energy in construction and maintenance of buildings.

(2) Adopt rules for the certification, including provisions for suspension and revocation thereof, of electrical inspectors for the purpose of inspecting the electrical wiring of public buildings and places of employment. Persons certified as inspectors may be employees of the department, a municipality or private inspection agency.

(3) Contract to provide inspection services, at municipal expense, to any municipality which requests such service under s. 101.86.

(3m) Provide inspection services in those municipalities which have not adopted and enforced ordinances providing for inspection of electrical construction under s. 101.86 and defray the cost of this inspection through fees charged to the owner of the inspected building.

(4) Establish by rule a schedule of fees sufficient to defray the costs incurred under this subchapter.

101.84 Departmental powers. The department may:

(1) Hold hearings on any matter relating to this subchapter and issue subpoenas to compel the attendance of witnesses and the production of evidence at the hearings.

(2) At the request of the owner or tenant, enter, inspect and examine the exterior and interior wiring of a public building or place of employment necessary to ascertain compliance with the rules promulgated under this subchapter.

101.86 Municipal authority. (1) Municipalities may:

(a) Exercise jurisdiction over electrical construction and inspection of electrical construction in public buildings and places of employment by passage of ordinances, providing such ordinances meet the minimum requirements of the department's rules adopted under this subchapter. A county ordinance shall apply in any city, village or town which has not enacted such an ordinance.

(b) Under s. 66.30, jointly exercise the jurisdiction granted under par. (a).

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

(d) By ordinance, provide remedies and penalties for violation of the jurisdiction exercised under par. (a) or (b).

(2) A municipality may contract with the department for those inspection services which the municipality does not perform or contract for under sub. (1) (a) or (b) and reimburse the department for its reasonable and necessary expenses incurred in the performance of such services under s. 101.82 (4).

(3) The cost of inspection services provided by any county which has enacted an ordinance under sub. (1) or contracted under sub. (2) if not defrayed by fees shall be charged to or taxed upon the property within those cities, villages and towns in the county which have not enacted a local construction and inspection ordinance under sub. (1) or contracted under sub. (2), and no part of the cost of inspection services may be charged to or taxed against the property within any city, village or town which has enacted such an ordinance or contracted under sub. (2).

101.88 Compliance and penalties. (1) Every contractor, designer and owner shall use building materials, methods and equipment which are in conformance with the rules adopted by the department under this subchapter.

(2) All inspections shall be made by persons certified by the department.

(3) Whoever violates this subchapter or any rule promulgated under this subchapter shall forfeit to the state not less than \$25 nor more than \$500 for each violation. Each day of violation constitutes a separate offense.
