

2007 Senate Bill 167

Date of enactment:
Date of publication*:

2007 WISCONSIN ACT

AN ACT *to repeal* 59.79 (4), 101.80 (2), 101.82 (3), 101.82 (3m), 101.84 (2), 101.86 (2), 101.865, 101.87 (2), 101.87 (3) and 101.87 (4); *to renumber and amend* 101.80 (1), 101.86 (3) and 101.87 (1); *to amend* 86.16 (2), 101.02 (20) (a), 101.02 (21) (a), subchapter IV (title) of chapter 101 [precedes 101.80], 101.82 (1), 101.82 (2), 101.86 (1) (a), 101.86 (1) (c), 101.88 (1), 101.88 (2), 101.88 (3), 182.018 (3) and 289.33 (3) (d); *to repeal and recreate* 101.87 (title); and *to create* 101.80 (1g), 101.80 (1j), 101.80 (1m), 101.80 (3), 101.80 (4), 101.80 (5), 101.82 (1m), 101.82 (1r), 101.82 (1v), 101.82 (2m), 101.82 (3r), 101.84 (3), 101.861, 101.862 and 101.87 (5) of the statutes; **relating to:** a state electrical wiring code; regulation of electricians, electrical contractors, and electrical inspectors; inspections of electrical wiring; regulation of electrical wiring; regulation of heating and air conditioning contractors by a county with a population of 500,000 or more; and granting rule-making authority.

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

SECTION 1. 59.79 (4) of the statutes is repealed.

SECTION 2. 86.16 (2) of the statutes is amended to read:

86.16 (2) All poles used in the construction of such lines shall be set in such manner as not to interfere with the use of such highway by the public, nor with the use of the adjoining land by the owner thereof; and all pole lines shall hereafter be constructed so as to meet the requirements of the Wisconsin provisions of the state electrical code promulgated by the public service commission.

SECTION 3. 101.02 (20) (a) of the statutes, as affected by 2005 Wisconsin Act 456, is amended to read:

101.02 (20) (a) For purposes of this subsection, “license” means a license, permit or certificate of certification or registration issued by the department under ss. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63

(2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

SECTION 4. 101.02 (21) (a) of the statutes, as affected by 2005 Wisconsin Act 456, is amended to read:

101.02 (21) (a) In this subsection, “license” means a license, permit or certificate of certification or registration issued by the department under s. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

SECTION 5. Subchapter IV (title) of chapter 101 [precedes 101.80] of the statutes is amended to read:

CHAPTER 101 SUBCHAPTER IV

* Section 991.11, WISCONSIN STATUTES 2005–06 : Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

INSPECTION OF ELECTRICAL CONSTRUCTION
WIRING AND CERTIFICATION OF MASTER
ELECTRICIANS, CONTRACTORS, JOURNEYMEN
AND BEGINNING ELECTRICIANS

SECTION 6. 101.80 (1) of the statutes is renumbered 101.80 (1r) and amended to read:

101.80 (1r) "Municipality" means a city, town, village and or county.

SECTION 7. 101.80 (1g) of the statutes is created to read:

101.80 (1g) "Electric cooperative" has the meaning given in s. 196.025 (5) (ag).

SECTION 8. 101.80 (1j) of the statutes is created to read:

101.80 (1j) "Electricity provider" means a public utility, an electric cooperative, or a wholesale merchant plant operator.

SECTION 9. 101.80 (1m) of the statutes is created to read:

101.80 (1m) "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 specified under the state electrical wiring code. "Electrical wiring" does not include the equipment, wiring, material, fittings, devices, appliances, fixtures, and apparatus used by a public utility, an electric cooperative, or a wholesale merchant operator for the purpose of generating, transmitting, distributing, or controlling heat, light, power, or natural gas to its customers or members.

SECTION 10. 101.80 (2) of the statutes is repealed.

SECTION 11. 101.80 (3) of the statutes is created to read:

101.80 (3) "Public utility" has the meaning given in s. 196.01 (5).

SECTION 12. 101.80 (4) of the statutes is created to read:

101.80 (4) "State electrical wiring code" means the rules promulgated under s. 101.82 (1) for electrical wiring.

SECTION 13. 101.80 (5) of the statutes is created to read:

101.80 (5) "Wholesale merchant plant operator" means the operator of a wholesale merchant plant, as defined in s. 196.491 (1) (w).

SECTION 14. 101.82 (1) of the statutes is amended to read:

101.82 (1) ~~Adopt rules for the construction and inspection of electrical construction of public buildings and places of employment and for the inspection of electrical construction of places where farming, as defined in s. 101.01 (11), is conducted~~ Promulgate by rule a state electrical wiring code that establishes standards for installing, repairing, and maintaining electrical wiring.

Where feasible, the standards used shall be those rules shall reflect nationally recognized.—No rule may be adopted which does not take into account the conservation of energy in construction and maintenance of buildings standards.

SECTION 15. 101.82 (1m) of the statutes is created to read:

101.82 (1m) Promulgate rules that establish criteria and procedures for the registration of beginning electricians and for the examination and licensing of different types of electricians, including journeymen electricians and master electricians.

SECTION 16. 101.82 (1r) of the statutes is created to read:

101.82 (1r) Promulgate rules that establish requirements for the supervision of beginning electricians.

SECTION 17. 101.82 (1v) of the statutes is created to read:

101.82 (1v) Promulgate rules that establish criteria and procedures for the licensing of electrical contractors.

SECTION 18. 101.82 (2) of the statutes is amended to read:

101.82 (2) ~~Adopt~~ Promulgate rules that establish criteria and procedures 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.~~

SECTION 19. 101.82 (2m) of the statutes is created to read:

101.82 (2m) Promulgate rules that establish standards and a process for the inspection of electrical wiring, including the inspection of electrical wiring for which a municipality does not provide inspection under s. 101.86 (1).

SECTION 20. 101.82 (3) of the statutes is repealed.

SECTION 21. 101.82 (3m) of the statutes is repealed.

SECTION 22. 101.82 (3r) of the statutes is created to read:

101.82 (3r) Promulgate rules that establish criteria and a process for the suspension or revocation of registrations issued to beginning electricians, licenses issued to electricians and electrical contractors, and certifications issued to electrical inspectors.

SECTION 23. 101.84 (2) of the statutes is repealed.

SECTION 24. 101.84 (3) of the statutes is created to read:

101.84 (3) Promulgate rules to differentiate the scope of installation, repair, or maintenance of electrical wiring that may be performed by electrical contractors and by different types of electricians, including beginning electricians, journeymen electricians, and master electricians.

SECTION 25. 101.86 (1) (a) of the statutes is amended to read:

101.86 (1) (a) ~~Exercise~~ Enact an electrical code or otherwise exercise jurisdiction over electrical ~~construction~~ wiring and inspection of electrical ~~construction in public buildings and places of employment~~ wiring by passage enactment of ordinances, ~~providing such ordinances meet the minimum requirements of the department's rules adopted under this subchapter.~~ An ordinance enacted under this paragraph may not be less restrictive than this subchapter. A county ordinance shall apply in any city, village or town which has not enacted such an ordinance.

SECTION 26. 101.86 (1) (c) of the statutes is amended to read:

101.86 (1) (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).~~

SECTION 27. 101.86 (2) of the statutes is repealed.

SECTION 28. 101.86 (3) of the statutes is renumbered 101.86 (3) (a) and amended to read:

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

~~(b) No part of the cost of inspection services, if not defrayed by fees,~~ may be charged to or taxed against the property within any city, village, or town ~~which that~~ has enacted such an ordinance ~~or contracted under sub. (2)~~ (1).

SECTION 29. 101.861 of the statutes is created to read:

101.861 Municipal licensing authority. Any ordinance enacted by a municipality that relates to licensure or certification of electrical contractors or electricians pursuant to the municipality's authority under s. 101.865, 2005 stats., or s. 101.87, 2005 stats., and that is in existence on the effective date of this section [revisor inserts date], shall remain in effect until the first day of the 61st month beginning after the effective date of this section [revisor inserts date], but may not be amended or repealed during this time period. Beginning on the first day of the 61st month beginning after the effective date of this section [revisor inserts date], such an ordinance is no longer in effect, and municipalities may no longer impose any registration, licensing, or certification requirements on electrical contractors, electricians, or electrical inspectors.

SECTION 30. 101.862 of the statutes is created to read:

101.862 License, registration, or certification required. (1) No person may engage in the business of installing, repairing, or maintaining electrical wiring unless the person is licensed as an electrical contractor by the department.

(2) No person may install, repair, or maintain electrical wiring unless the person is licensed as an electrician by the department or unless the person is registered as a beginning electrician by the department.

(3) No person who is not a master electrician may install, repair, or maintain electrical wiring unless a master electrician is at all times responsible for the person's work.

(4) Subsections (1) to (3) do not apply to any of the following:

(a) A residential property owner who installs, repairs, or maintains electrical wiring on premises that the property owner owns and occupies as a residence, unless a license or registration issued by the department is required by local ordinance.

(b) A person engaged in maintaining or repairing electrical wiring within a facility or on premises owned or leased by the person or by an entity for which the person is an agent.

(c) A person engaged in installing, repairing, or maintaining electrical wiring, apparatus, or equipment for elevators and escalators.

(d) A person engaged in installing, repairing, or maintaining equipment or systems that operate at 100 volts or less.

(e) A person engaged in installing, repairing, or maintaining an electronic system designed to monitor a premises for the presence of an emergency, to issue an alarm for an emergency, or to detect and summon aid for an emergency.

(f) A person engaged in installing, repairing, or maintaining electrical wiring of transmission facilities, as defined in s. 196.01 (12).

(g) A person engaged in installing, repairing, or maintaining manufactured equipment or a manufactured system that is designed to provide a function that is not primarily electrical in nature if the installation, repair, or maintenance does not involve the modification or installation of conductors beyond the disconnecting point or beyond the last junction, pull, or device box, whichever is nearer to the point where the person is performing the installation, repair, or maintenance.

(h) A person engaged in installing electrical wiring for components of a manufactured home, as defined in s. 101.91 (2), or a manufactured building, as defined in s. 101.71 (6), while the manufactured home or the manufactured building is at or in the facility at which it is being manufactured.

(i) A person employed by an electricity provider, or a subcontractor of an electricity provider, who installs, repairs, or maintains electrical wiring for equipment that is installed in the normal course of providing utility services by the electricity provider.

(j) A person engaged in installing, repairing, or maintaining electrical wiring that provides lighting or signals for public thoroughfares and for public airports.

(k) A person engaged in installing, repairing, or maintaining electric lines on the utility side of substations and other distribution facilities owned or operated by customers or members of electricity providers.

(L) A person employed by an electricity provider, or a subcontractor of an electricity provider, who installs, repairs, or maintains primary voltage electric facilities that are owned by the electricity provider's customers or members and that operate at greater than 600 volts.

(m) A person employed by an electricity provider, or a subcontractor of an electricity provider, who restores service during an emergency.

SECTION 31. 101.865 of the statutes is repealed.

SECTION 32. 101.87 (title) of the statutes is repealed and recreated to read:

101.87 (title) Requirements for journeymen electricians.

SECTION 33. 101.87 (1) of the statutes is renumbered 101.87 (1) (intro.) and amended to read:

101.87 (1) (intro.) ~~The department shall adopt rules establishing a uniform examination for the statewide certification of master electricians and establishing certification requirements for electrical contractors, journeymen electricians and beginning electricians. The rules shall specify that only master electricians and persons who employ at least one master electrician may be certified as electrical contractors; that persons who successfully complete~~ The rules governing the licensing of journeymen electricians under s. 101.82 (1m) shall require that an applicant for licensure as a journeyman electrician who is not a residential journeyman electrician have at least one of the following qualifications:

(a) Completion of an apprenticeship program lasting for in installing, repairing, and maintaining electrical wiring that has a duration of at least 4 years and that is approved by the U.S. department of labor and by the department or pass an inside journeyman wireman examination and who have installed of workforce development.

(b) Experience in installing, repairing, and maintaining electrical wiring for at least 48 60 months and have maintained and repaired electrical wiring for at least one month shall be certified as journeymen electricians; and that only persons who have some experience installing and repairing electrical wiring may be certified as beginning electricians. The rules shall provide for the periodic administration of the examination, shall specify the certification period and examination fee and shall establish criteria for the suspension of the certificate by the department for violations of a municipality's electrical code upon notification of such violations by the municipality. Applicants for certification as electrical contractors shall provide the department with their social security number,

~~their worker's compensation number, their unemployment insurance account number, their state and federal tax identification numbers and the name and address of each partner or member if they are partnerships or limited liability companies, of the owner if they are individual proprietorships and of their officers if they are corporations~~ passage of an examination required by the department.

SECTION 34. 101.87 (2) of the statutes is repealed.

SECTION 35. 101.87 (3) of the statutes is repealed.

SECTION 36. 101.87 (4) of the statutes is repealed.

SECTION 37. 101.87 (5) of the statutes is created to read:

101.87 (5) The rules promulgated under s. 101.82 (1m) shall require that an applicant for licensure as a residential journeyman electrician have at least one of the following qualifications:

(a) Completion of an apprenticeship program in installing, repairing, and maintaining residential electrical wiring that has a duration of at least 3 years and that is approved by the U.S. department of labor and by the department of workforce development.

(b) Experience in installing, repairing, and maintaining electrical wiring for at least 36 months, and passage of an examination required by the department.

SECTION 38. 101.88 (1) of the statutes is amended to read:

101.88 (1) Every contractor, designer and owner person installing, repairing, or maintaining electrical wiring shall use building materials, methods, and equipment which that are in conformance with the rules adopted promulgated by the department under this subchapter.

SECTION 39. 101.88 (2) of the statutes is amended to read:

101.88 (2) All inspections of electrical wiring shall be made by persons certified by the department.

SECTION 40. 101.88 (3) of the statutes is amended to read:

101.88 (3) ~~Except as provided under s. 101.865 (2),~~ whoever Any person who 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.

SECTION 41. 182.018 (3) of the statutes is amended to read:

182.018 (3) All wires strung over any railroad on or after August 1, 1949, shall be strung in such a way as to meet requirements of the Wisconsin provisions of the state electrical code promulgated by the public service commission. Any person stringing wires in violation of the code shall be subject to a forfeiture of not more than \$100 nor less than \$25. Each 10-day period, after the first day, that such violation occurs shall be a separate violation and shall subject the violator to an additional forfeiture of not less than \$25 nor more than \$100 for each such violation.

SECTION 42. 289.33 (3) (d) of the statutes is amended to read:

289.33 (3) (d) "Local approval" includes any requirement for a permit, license, authorization, approval, variance or exception or any restriction, condition of approval or other restriction, regulation, requirement or prohibition imposed by a charter ordinance, general ordinance, zoning ordinance, resolution or regulation by a town, city, village, county or special purpose district, including without limitation because of enumeration any ordinance, resolution or regulation adopted under s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2), (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19), (20) and (23), 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10), (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4), (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57 (1), 59.58 (1) and (5),

59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1), (2), (3), (5), (7), (8), (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), ~~(4)~~, (5), (6), (7), (8), (10) and (11), 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34, 61.35, 61.351, 61.354, 62.11, 62.23, 62.231, 62.234, 66.0101, 66.0415, 87.30, 91.73, 196.58, 200.11 (8), 236.45, 281.43 or 349.16 or subch. VIII of ch. 60.

SECTION 43. Nonstatutory provisions.

(1) No later than the first day of the 12th month beginning after the effective date of this subsection, the department of commerce shall submit in proposed form the rules required under section 101.82 (1), (1m), (1r), (1v), (2), and (2m) of the statutes, as affected by this act, to the legislative council staff under section 227.15 (1) of the statutes.

SECTION 44. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 59.79 (4) and 101.862 of the statutes takes effect on the first day of the 61st month beginning after publication.