

Clearinghouse Rule 14-049

STATE OF WISCONSIN
Department of Safety and Professional Services

IN THE MATTER OF RULEMAKING	:	NOTICE OF PUBLIC HEARING FOR
PROCEEDINGS BEFORE THE	:	EMERGENCY RULES AND
DEPARTMENT OF SAFETY AND	:	PROPOSED PERMANENT RULES,
PROFESSIONAL SERVICES	:	AND PROPOSED ORDER ADOPTING
	:	PERMANENT RULES

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Department of Safety and Professional Services in sections 101.862 (5) and 227.11 (2) (a) of the Wisconsin Statutes, and interpreting sections 101.82 (1r) and 101.862 (3) and (5) of the Statutes, the Department will hold a public hearing at the time and place shown below to consider an order to amend SPS 305.40 (2) (b); (3) (b); (4) (a) 1., (b), (c), and (d) 1.; and (5); and to create SPS Table 305.02 Row 24r, Table 305.06 Row 19r, 305.40 (1) (bm), and 305.437 relating to registration of electricians who are exempt from passing an examination and from acquiring continuing-education credits. As provided in section 227.24 (4) of the Statutes, this hearing will also be for emergency rules that identically address these chapter SPS 305 criteria.

Hearing Date, Time, and Location

Date: September 12, 2014
Time: Commencing at 10:00 A.M.
Location: 1400 East Washington Avenue
Room 121A
Madison, Wisconsin (enter at 55 North Dickenson street)

APPEARANCE AT THE HEARING:

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions, and arguments in writing as well. Facts, opinions, and arguments may also be submitted in writing without a personal appearance, by e-mail to sam.rockweiler@wi.gov or by mail addressed to the Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366. Written comments must be received at or before the public hearing to be included in the record of rulemaking proceedings.

The proposed rulemaking order and permanent rules and an analysis of the rules follow. Copies of the emergency rules and the proposed permanent rules are also available upon request to the Rules Coordinator shown above, or on the Department's website at <http://dsps.wi.gov/Default.aspx?Page=44e541e8-abdd-49da-8fde-046713617e9e>, through links to SPS 305: Licensing electricians.

PROPOSED ORDER

An order of the Department of Safety and Professional Services to amend SPS 305.40 (2) (b); (3) (b); (4) (a) 1., (b), (c), and (d) 1.; and (5); and to create SPS Table 305.02 Row 24r, Table 305.06 Row 19r, 305.40 (1) (bm), and 305.437 relating to registration of electricians who are exempt from passing an examination and from acquiring continuing-education credits.

ANALYSIS

Statutes interpreted:

Sections 101.82 (1r) and 101.862 (3) and (5).

Statutory authority:

Sections 101.862 (5) and 227.11 (2) (a)

Explanation of agency authority:

Section 101.862 (5) (b) requires the Department to promulgate rules establishing criteria and procedures for issuing licenses to electricians who were born on or before January 1, 1956, and who have at least 15 years of experience in installing, repairing, or maintaining electrical wiring. Under section 101.862 (5) (a), these criteria are not to include any of the following licensing requirements that the Department applies to other electricians: initial examination, continuing education, credential renewal, being supervised, and having someone else be responsible for any of the electrical work.

Section 227.11 (2) (a) authorizes the Department to promulgate rules interpreting any statute that is enforced or administered by the Department, if the rule is considered necessary to effectuate the purpose of the statute.

Related statute or rule:

Chapter SPS 316 contains Wisconsin's statewide requirements for installing electrical and communication conductors and equipment for public or private buildings and places of employment.

Plain language analysis:

These rule revisions establish a registration process for electricians who were born on or before January 1, 1956; and who have at least 15 years of experience in installing, repairing, or maintaining electrical wiring.

This registration process includes submitting proof of meeting the age and experience requirements – and includes exemption from the following licensing requirements that the Department applies to other electricians: initial examination, continuing education, credential renewal, being supervised, and having someone else be responsible for some of the electrical work.

This registration process also includes allowing these registered electricians to do any electrical work that is otherwise limited to master electricians, such as supervising other electricians or being responsible for the work of other electricians.

Summary of, and comparison with, existing or proposed federal regulation:

An Internet search of U.S. federal regulations and the U.S. *Federal Register* yielded no results regarding licensure of electricians.

Comparison with rules in adjacent states:

An Internet search of state-level rules for electrical licensure in the adjacent states yielded the following results:

Illinois: Illinois does not license or certify electricians or electrical contractors at the state level. Electrical licensing and certification is at the discretion of the local municipality.

Iowa: As of January 1, 2008, Iowa requires electrical contractors and electricians to be state-licensed. License types for electricians include Class A and Class B master, Class A and Class B journeyman, apprentice, unclassified, and special. Examination is required for Class A licenses. No exemption was found relating to age and experience.

Michigan: Michigan law requires licensing of electrical contractors and electricians. Examinations and state residency are required. Michigan also provides a number of licensing exemptions similar to those addressed under section 101.862 (4) of the Statutes, but no exemption was found relating to age and experience.

Minnesota: Minnesota law dictates that electrical work be performed by state-licensed electrical contractors and electricians or under the direct supervision of licensed electricians. Examinations and prerequisite experience are required, but no exemption was found relating to age and experience.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the corresponding provisions of 2013 Wisconsin Act 143 in conjunction with the current electrical credential rules in chapter SPS 305.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rules implement the mandates imposed by 2013 Wisconsin Act 143. The Department does not believe that the proposed rules will increase the effect on small businesses over that imposed by the Act.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These rule revisions are not expected to have an economic impact on small businesses as defined in section 227.114 (1) of the Statutes. The Department’s Regulatory Review Coordinator may be contacted by e-mail at Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Sam Rockweiler, Rules Coordinator, at the Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI, 53708-8366; or at telephone (608) 266-0797; or by e-mail at sam.rockweiler@wi.gov; or by telecommunications relay services at 711.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to the agency contact person as listed immediately above. Comments must be received on or before September 12, 2014, to be included in the record of rulemaking proceedings.

TEXT OF RULE

SECTION 1. SPS Table 305.02 Row 24r is created to read:

**Table 305.02
FEES**

(Partial Table, title and column headings are provided for reference only.)

	License, Certification or Registration Category	Type	Application Fee	Examination Fee	License, Certification or Registration Fee
24r.	Registered Master Electrician	Registration	\$35	NA	\$150

SECTION 2. SPS Table 305.06 Row 19r is created to read:

**Table 305.06
TERMS**

(Partial Table, title and column headings are provided for reference only.)

	License, Certification or Registration Category	Term	Expiration Date	Continuing Education Cycle
19r.	Registered Master Electrician	Permanent	NA	NA

SECTION 3. SPS 305.40 (1) (bm) is created to read:

SPS 305.40 (1) (bm) A registered master electrician.

SECTION 4. SPS 305.40 (2) (b); (3) (b); (4) (a) 1., (b), (c), and (d) 1.; and (5) are amended to read:

SPS 305.40 (2) (b) A person who holds a license or registration as a licensed residential master electrician, a licensed residential journeyman electrician, or a registered residential electrical apprentice may perform electrical wiring not associated with dwellings and dwelling units, provided the person is under the direct supervision of a licensed master electrician, ~~or a registered master electrician,~~ or a licensed journeyman electrician.

(3) (b) A person who holds a license or registration as a licensed industrial journeyman electrician or a registered industrial electrical apprentice may perform electrical wiring not associated with the facilities or properties of the business establishment where the person is employed, provided the person is under the direct supervision of a licensed master electrician, ~~or a registered master electrician,~~ or a licensed journeyman electrician.

(4) (a) 1. A person who holds a license as a licensed journeyman electrician or a registration as a registered electrical apprentice shall perform electrical wiring activities under the general supervision of a person who holds a license as a licensed master electrician or a registration as a registered master electrician, except as provided in subd. 2.

(b) A person who holds a license as a licensed industrial journeyman electrician or a registration as a registered industrial electrical apprentice shall perform electrical wiring within the facilities or properties of the business establishment where the person is employed under the general supervision of a person who holds a license as a licensed master electrician or a registration as a registered master electrician.

(c) A person who holds a license as a licensed residential journeyman electrician or a registration as a registered residential electrical apprentice shall perform electrical wiring activities associated with dwellings and dwelling units under the general supervision of a person who holds a license either as a licensed master electrician or a licensed residential master electrician, or holds a registration as a registered master electrician.

(d) 1. Except as provided in subd. 2., a person who holds a registration as a registered beginning electrician shall perform electrical wiring activities under the direct supervision of a person who holds a license either as a licensed master electrician or a licensed journeyman electrician, or holds a registration as a registered master electrician.

(5) At any time, for any electrical wiring project, the total number of registered beginning electricians at an installation site may not exceed twice the total number of licensed or registered master electricians and journeyman electricians at the installation site plus two.

SECTION 5. SPS 305.437 is created to read:

SPS 305.437 Registered master electricians. (1) APPLICATION FOR REGISTRATION. A person applying for registration as a registered master electrician shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(c) Documented verification of meeting the requirements in sub. (2).

(2) QUALIFICATIONS. A person applying for registration as a registered master electrician shall have a birth date of on or before January 1, 1956; and shall have at least 15 years of experience in installing, repairing or maintaining electrical wiring.

(3) RESPONSIBILITIES. (a) For any electrical installation that is required to have a uniform building permit under s. SPS 320.08, a person who holds a master electrician registration may not commence installation of electrical wiring until a permit is issued for the installation.

Note: The Wisconsin Uniform Dwelling Code (UDC), which consists of chapters SPS 320 to 325, applies to one- and two-family dwellings and manufactured dwellings. The Department's uniform building permit is issued either by the municipality in which the dwelling is located, or by a UDC inspection agency where the municipality does not administer the Uniform Dwelling Code.

(b) A person who as a registered master electrician is responsible for the installation, repair or maintenance of electrical wiring shall utilize the appropriately licensed or registered individuals to construct, install, repair or maintain electrical wiring.

SECTION 6. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Dave Ross, Secretary of the
Department of Safety and
Professional Services

File reference: SPS 316/Hearing notice, order and rules