

Chapter ILHR 17

**ELECTRICAL INSPECTION, AND CERTIFICATION OF ELECTRICAL INSPECTORS AND MASTER ELECTRICIANS**

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**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 public buildings and places of employment, certification of commercial electrical inspectors and independent inspection agencies, and certification of master electricians. 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, public buildings and places of employment, and other locations as specified in s. ILHR 16.002 (1).

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Note 2: The Electrical Code, Volume 1 is issued and administered by the public service commission in ch. PSC 114.

History: Cr. Register, April, 1986, No. 364, eff. 5-1-86.

**ILHR 17.02 Petition for variance. (1) PROCEDURE.** The department shall consider and may grant a variance to a provision 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 those conditions under which the variance is granted shall constitute a violation of these rules.

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

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.

History: Cr. Register, April, 1986, No. 364, eff. 5-1-86.

**ILHR 17.03 Penalties.** Penalties for violations of the provisions 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 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 that the violation continues shall constitute a separate offense.

History: Cr. Register, April, 1986, No. 364, eff. 5-1-86.

**ILHR 17.04 Fees.** Fees for electrical inspections, certification examinations, and certifications issued under the provisions of this chapter shall be submitted as specified in ch. Ind 69.

History: Cr. Register, April, 1986, No. 364, eff. 5-1-86.

**ILHR 17.05 Definitions.** For the purpose of this chapter, the following definitions shall apply:

(1) "Approved" means acceptable to the department.

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

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

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

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

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(6) "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.

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

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

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

(10) "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.

(11) "Electrical work" means the installation or superintending of electrical wiring.

(12) "Full-time" means work which is performed for more than 30 hours per week.

(13) "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 and the Electrical Code, Volume 2, ch. ILHR 16.

(14) "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.

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

(16) "Municipality" means any city, village, town or county in this state.

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

(18) "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.

(19) "Practical experience" means personally installing or superintending the installation, alteration or repair of electrical wiring for electrical lighting, heating or power.

(20) "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.

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

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

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

History: Cr. Register, April, 1986, No. 364, eff. 5-1-86.

## Subchapter II — Electrical Inspection of Public Buildings and Places of Employment

**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 public buildings and places of employment.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.

**ILHR 17.11 Scope.** The rules contained in this subchapter specify the electrical construction to be inspected, the inspection procedures to be followed and the procedures for connection of electric service.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.

**ILHR 17.12 Application.** The rules contained in this subchapter shall apply to all persons, independent inspection agencies, municipalities and state governmental agencies engaged in the inspection of electrical work for the purposes of administering and enforcing the Electrical Code, Volume 2, ch. ILHR 16 in public buildings and places of employment, and to companies or utilities providing connection of electric service.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.

**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 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:

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

1. The 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 ordinance adopts 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.

(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 any 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, October, 1988, No. 394, eff. 11-1-88.

**ILHR 17.14 Inspections.** (1) PERSONS AUTHORIZED TO PERFORM INSPECTIONS. (a) *General.* All 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.* Any certified inspector performing inspections under par. (a) may, during reasonable hours, enter any building or premises in

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the discharge of his or her official duties for the purpose of making inspections, reinspections or testing of electrical wiring.

(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 required to be inspected by the department 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 work complies with the Electrical Code, Volume 2, ch. ILHR 16:

1. An inspection before the work is concealed;

2. Reinspections, as necessary, to confirm compliance and satisfactory completion of all electrical work; 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 work may be commenced without submitting an application; however, the person performing the emergency work shall report the work 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 electrical service. For connection of electrical 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 as noted in subd. 3., 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) *Required inspections.* The department shall inspect, upon written request, 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;
2. Hotels, motels, YMCA and YWCA buildings that provide overnight accommodations;
3. Day care centers;
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 wiring in public buildings or places of employment in any municipality upon written request or complaint.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.

**ILHR 17.15 Connection of electrical 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) **AFFIDAVANT REQUIRED.** Any electrical wiring not requiring a certificate under sub. (1) may not be connected for use until an affidavit 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 affidavit with the company or utility.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.

**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

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may consist of telephone, written, in-office or on-site review of specific problems.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.

### **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.

History: Cr. Register, April, 1986, No. 364, eff. 8-1-86.

**ILHR 17.21 Scope.** The rules contained in this subchapter establish the standards and procedures for certification of electrical inspectors and independent inspection agencies for the purpose of inspecting the electrical wiring of public buildings and places of employment.

History: Cr. Register, April, 1986, No. 364, eff. 8-1-86.

**ILHR 17.22 Application.** The rules contained in this subchapter shall apply to all persons, independent inspection agencies, municipalities and state governmental agencies engaged in the administration and enforcement of the Electrical Code, Volume 2, ch. ILHR 16 in public buildings and places of employment.

History: Cr. Register, April, 1986, No. 364, eff. 8-1-86.

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