

Clearinghouse Rule 09-028

The Wisconsin Department of Commerce adopts an order to repeal Comm 5.02 Table 5.02 line 23., Comm 5.06 Table 5.06 line 18., and Comm 5.40; to renumber Comm 5.43 (5); to amend Comm 5.02 Table 5.02, and Comm 5.06 Table 5.06.; to repeal and recreate Comm 5.41, Comm 5.42, and Comm 5.45; to create Comm 5.42 (1) Note, Comm 5.43 (5) (b), Comm 5.435, Comm 5.445, and Comm 5.63 (4) (b) 2. c., relating to the licensing of electrical contractors and electricians, and affecting small business.

Analysis of Rule

1. Statutes Interpreted

Statutes Interpreted: ss. 101.82, 101.84 (3), 101.862 and 101.87, Stats., as affected by 2007 Wisconsin Act 63.

2. Statutory Authority

Statutes Interpreted: ss. 101.02 (1), and 101.82 and 101.84 (3), Stats., as affected by 2007 Wisconsin Act 63.

3. Related Statute or Rule

None

4. Explanation of Agency Authority

Currently, municipalities determine on an individual basis whether the persons undertaking electrical construction wiring need to be certified. The department certifies electricians on a voluntary basis to facilitate fulfillment of municipal certification requirements. The enactment of 2007 Wisconsin Act 63 will require persons performing electrical construction wiring anywhere in state on and after April 1, 2013 to be licensed by the department. Local municipal licensing requirements and programs for electricians will also end on April 1, 2013.

5. Summary of Proposed Rules

The proposed rules establish administrative procedures for licensing of electrical contractors and electricians as mandated by 2007 Wisconsin Act 63.

6. Summary of, and Comparison with, Existing or Proposed Federal Regulations

An internet search on U.S. federal regulations and U.S. federal register yielded no results regarding the licensing of electrical contractors and electricians.

7. Comparison with Rules in Adjacent States

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 includes master, journeyman, apprentice, unclassified and special. A special electrician licenses carries one or more of the following endorsements: irrigation system wiring, disconnecting and reconnecting existing air conditioning and refrigeration systems, sign installation, and residential.

Michigan: Michigan law requires the licensing of electrical contractors and electricians to install any electric wiring, devices, appliances, or appurtenances for the generation, distribution and utilization of electrical energy within or on any building, structure or property. Michigan also provides a number of licensing exemptions similar to that addressed under s. 101.862 (4), Stats.

Minnesota: Minnesota law dictates that electrical work be performed by state licensed electrical contractors and electricians or under the direct supervision of licensed electricians. The contractor's license is a business type credential and not a personal license allowing the individual to perform electrical work or supervision. The state's licensure process includes an examination.

8. Summary of Factual Data and Analytical Methodologies

The proposed rules were developed by reviewing the provisions under 2007 Wisconsin Act 63, in conjunction with the current electrical certification rules under ch. Comm 5. The rules were developed with input from the Comm 16 Electric Code Advisory Council.

9. Analysis and Supporting Documents used to Determine Effect on Small Business or in Preparation of Economic Impact Report

The proposed rules implement the mandates imposed by 2007 Wisconsin Act 63. The department does not believe that the proposed rules will increase the effect on small businesses over that imposed by the Act.

An economic impact report has not been required pursuant to s. 227.137, Stats.

10. Agency Contact.

James Quast, Program Manager, jim.quast@wisconsin.gov, (608) 266-9292

11. Public Hearing Comments.

The hearing record on this proposed rulemaking will remain open until May 15, 2009. Written comments on the proposed may be submitted to James Quast, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or Email at jim.quast@wisconsin.gov.

SECTION 1. Comm 5.02 Table 5.02 is amended to read:

**Table 5.02
Partial Table
FEES**

	License, Certification or Registration Category	Type	Application Fee	Examination Fee	License, Certification or Registration Fee
	Subchapter IV				
22.	Electrical Contractor	Certification License	\$35	NA	\$200
23.	Electrical Contractor-Restricted	Certification	\$35	NA	\$200
24.	Master Electrician	Certification License	\$35	\$30	\$200
<u>24m.</u>	<u>Residential Master Electrician</u>	<u>License</u>	<u>\$35</u>	<u>\$30</u>	<u>\$200</u>
25.	Journeyman Electrician	Certification License	\$35	\$30	\$100
<u>25m.</u>	<u>Residential Journeyman Electrician</u>	<u>License</u>	<u>\$35</u>	<u>\$30</u>	<u>\$100</u>
26.	Beginning Electrician	Certification Registration	NA	NA	\$20
<u>26g.</u>	<u>Beginning Electrician-Apprentice</u>	<u>Registration</u>	<u>NA</u>	<u>NA</u>	<u>\$15</u>
<u>26r.</u>	<u>Beginning Electrician-Residential Apprentice</u>	<u>Registration</u>	<u>NA</u>	<u>NA</u>	<u>\$15</u>

SECTION 2. Comm 5.02 Table 5.02 line 23. is repealed.

SECTION 3. Comm 5.06 Table 5.06 is amended to read:

**Table 5.06
Partial Table
TERMS**

	License, Certification or Registration Category	Term	Expiration Date	Continuing Education Cycle
	Subchapter IV			
17.	Electrical Contractor	4 years	June 30	NA
18.	Electrical Contractor-Restricted	4 years	June 30	NA
19.	Master Electrician	4 years	June 30	March 30
<u>19m.</u>	<u>Residential Master Electrician</u>	<u>4 years</u>	<u>June 30</u>	<u>March 30</u>
20.	Journeyman Electrician	4 years	June 30	March 30
<u>20m.</u>	<u>Residential Journeyman Electrician</u>	<u>4 years</u>	<u>June 30</u>	<u>March 30</u>
21.	Beginning Electrician	4 years 1 year	June 30 Date of Issuance	3 Months Prior to Date of Expiration
<u>21c.</u>	<u>Beginning Electrician-Apprentice</u>	<u>1 year</u>	<u>Date of Issuance</u>	<u>NA</u>
<u>21m.</u>	<u>Beginning Electrician-Residential Apprentice</u>	<u>1 year</u>	<u>Date of Issuance</u>	<u>NA</u>

SECTION 4. Comm 5.06 Table 5.06 line 18. is repealed.

SECTION 5. Comm 5.40 is repealed.

SECTION 6. Comm 5.41 is repealed and recreated to read:

Comm 5.41 Electrical contractors. (1) GENERAL. Pursuant to s. 101.862, Stats., no person or entity, as of April 1, 2013, may engage in the business or offer to engage in the business of installing, repairing, or maintaining electrical construction wiring unless the person or entity holds a license or certification issued by the department as either a licensed electrical contractor or a certified electrical contractor-restricted, except as provided under s. 101.862 (4), Stats.

Note: Section 101.862 (4), Stats., exempts 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.

Note: As of April 1, 2013 the department will no longer issue or renew a certification for electrical contractor-restricted. On or after April 1, 2013 the applicant for renewal of a certification for electrical contractor-restricted will be issued a license as an electrical contractor.

(2) APPLICATION FOR LICENSURE. A person applying for an electrical contractor license shall submit all of the following:

- (a) An application in accordance with s. Comm 5.01.
- (b) An application fee and a license fee in accordance with s. Comm 5.02, Table 5.02.

(c) A statement certifying compliance with worker's compensation requirements under ch. 102, Stats., and unemployment compensation requirements under ch. 108, Stats.

(3) QUALIFICATIONS FOR LICENSURE. The person applying for an electrical contractor license shall be the owner of the contracting business, a partner in the contracting business applying on behalf of the partnership, or the chairman of the board or chief executive officer applying on behalf of the contracting corporation.

(4) RESPONSIBILITIES. (a) A licensed electrical contractor shall utilize the appropriately licensed or registered individuals to construct, install, repair or maintain electrical construction wiring.

(b) For any electrical installation that requires a uniform building permit under s. Comm 20.08, a person who holds an electrical contractor license may not commence installation of electrical wiring until a permit is issued for the installation.

Note: Chapters Comm 20 to 25 apply to one- and 2-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.

(5) RENEWAL. (a) A person may renew his or her license as an electrical contractor.

(b) An electrical contractor license shall be renewed in accordance with s. Comm 5.07.

SECTION 7. Comm 5.42 (1) Note is created to read:

Comm 5.42 (1) Note: As of April 1, 2013 the department will no longer issue or renew a certification for electrical contractor-restricted. On or after April 1, 2013 the applicant for renewal of a certification for electrical contractor-restricted will be issued a license as an electrical contractor.

SECTION 8. Comm 5.42 is repealed and recreated to read:

Comm 5.42 Electricians. (1) Except as provided under s. 101.862 (4), Stats., no person may install, repair or maintain electrical construction wiring unless the person holds a license or registration issued by the department as one of the following:

- (a) A licensed master electrician.
- (b) A licensed residential master electrician.
- (c) A licensed journeyman electrician.
- (d) A licensed residential journeyman electrician.
- (e) A registered beginning electrician.
- (f) A registered beginning electrician-apprentice.

(g) A registered beginning electrician-residential apprentice.

(2) (a) Except as provided in par. (b), the electrical construction wiring activities that may be undertaken by a person who holds a license or registration as a licensed residential master electrician, a licensed residential journeyman electrician or a registered beginning electrician-residential apprentice shall be limited to wiring associated with dwellings, dwelling units and detached accessory buildings and structures serving the dwellings or the dwelling units, such as garages, carports, gazebos and swimming pools.

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

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

2. A person who holds a license as a licensed journeyman electrician or a registration as a registered beginning electrician-apprentice may perform electrical construction wiring activities under the general supervision of a person who holds a license as a licensed residential master electrician provided the wiring is associated with dwellings, dwelling units and detached accessory buildings and structures serving the dwellings or the dwelling units, such as garages, carports, gazebos and swimming pools.

(b) A person who holds a license as a licensed residential journeyman electrician or a registration as a registered beginning electrician-residential apprentice shall perform electrical construction 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.

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

2. A person who holds a registration as a registered beginning electrician may perform electrical construction wiring activities under the direct supervision of a person who holds a license as a licensed residential master electrician or licensed residential journeyman electrician provided the wiring is associated with dwellings, dwelling units and detached accessory buildings and structures serving the dwellings or the dwelling units, such as garages, carports, gazebos and swimming pools.

SECTION 9. Comm 5.43 (5) is renumbered Comm 5.43 (5) (a).

SECTION 10. Comm 5.43 (5) (b) is created to read:

Comm 5.43 (5) (b) A person who as a licensed master electrician is responsible for the installation, repair or maintenance of electrical construction wiring shall utilize the appropriately licensed or registered individuals to construct, install, repair or maintain electrical construction wiring.

SECTION 11. Comm 5.435 is created to read:

Comm 5.435 Residential master electricians. (1) APPLICATION FOR EXAMINATION. A person applying to take a residential master electrician licensure examination shall submit all of the following:

(a) An application in accordance with s. Comm 5.01.

(b) An application fee and examination fee in accordance with s. Comm 5.02, Table 5.02.

(2) QUALIFICATIONS FOR EXAMINATION. (a) Except as provided in par. (b), a person applying for a residential master electrician licensure examination shall have at least 1,000 hours per year of experience for at least 5 years in electrical construction wiring work.

(b) Relative to the experience required under par. (a), each semester spent full-time in a school of electrical engineering or other accredited college, university, technical or vocational school in an electrical-related program shall be considered equivalent to 500 hours of experience, with no more than 3,000 hours and 3 years of experience through education being credited toward the required experience.

(3) EXAMINATION. A person seeking to obtain a residential master electrician license shall take and pass an examination in accordance with s. Comm 5.09.

(4) APPLICATION FOR LICENSURE. Upon notification of the successful passage of the examination for a residential master electrician license, a person may obtain the license by submitting an application and the license fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(5) RESPONSIBILITIES. (a) For any electrical installation that requires a uniform building permit under s. Comm 20.08, a person who holds a residential master electrician license may not commence installation of electrical wiring until a permit is issued for the installation.

Note: Chs. Comm 20 to 25 apply to one- and 2-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 licensed residential master electrician is responsible for the installation, repair or maintenance of electrical construction wiring shall utilize the appropriately licensed or registered individuals to construct, install, repair or maintain electrical construction wiring.

(6) RENEWAL. (a) 1. A person may renew his or her license as a residential master electrician.

2. A residential master electrician license shall be renewed in accordance with s. Comm 5.07.

(b) 1. The renewal of a license as a licensed residential master electrician shall be contingent upon the residential master electrician obtaining at least 18 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a license as a licensed residential master electrician may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

SECTION 12. Comm 5.445 is created to read:

Comm 5.445 Residential journeyman electricians. (1) GENERAL. A person may obtain a license as a licensed journeyman electrician by either one of the following:

- (a) Taking and passing the residential journeyman electrician licensure examination.
- (b) Completing a residential electrical construction wiring apprenticeship.

(2) APPLICATION FOR EXAMINATION. A person applying to take a residential journeyman electrician licensure examination shall submit all of the following:

- (a) An application in accordance with s. Comm 5.01.
- (b) An application fee and examination fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR EXAMINATION. (a) Except as provided in par. (b), a person applying for a residential journeyman electrician licensure examination shall have at least 1,000 hours per year of experience for at least 3 years in residential electrical construction wiring work.

(b) Relative to the experience required under par. (a), each semester spent full-time in a school of electrical engineering or other accredited college, university, technical or vocational school in an electrical-related program shall be considered equivalent to 500 hours of experience, with no more than 2,000 hours and 2 years of experience through education being credited toward the required experience.

(4) EXAMINATION. Except as provided in sub. (1) (b), a person seeking to obtain a residential journeyman electrician license shall take and pass an examination in accordance with s. Comm 5.09.

(5) APPLICATION FOR LICENSURE. (a) Upon notification of the successful passage of the examination for a residential journeyman electrician license, a person may obtain the license by submitting an application and the license fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(b) A person may apply for a license as a licensed residential journeyman electrician by submitting all of the following:

1. An application, application fee and a license fee in accordance with ss. Comm 5.01 and 5.02, Table 5.02.

2. Evidence of completing a residential electrical construction wiring apprenticeship program and the program has been recognized by the department of workforce development and the federal department of labor.

(6) RENEWAL. (a) 1. A person may renew his or her license as a residential journeyman electrician.

2. A residential journeyman electrician license shall be renewed in accordance with s. Comm 5.07.

(b) 1. The renewal of a license as a licensed residential journeyman electrician shall be contingent upon the residential journeyman electrician obtaining at least 18 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a license as a licensed residential journeyman electrician may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

3. A person who initially obtained his or her residential journeyman electrician license by completing a residential electrical construction wiring apprenticeship and whose request to renew his or her license is denied because of the failure to fulfill the continuing education requirements of subd. 1., shall be required to take and pass the residential journeyman electrician licensure examination in order to reacquire the journeyman electrician license.

SECTION 13. Comm 5.45 is repeal and recreated to read:

Comm 5.45 Beginning electricians. (1) APPLICATION FOR REGISTRATION. A person applying for registration as a registered beginning electrician, a registered beginning electrician-apprentice, or a registered beginning electrician-residential apprentice shall submit all of the following:

(a) An application in accordance with s. Comm 5.01.

(b) An application fee and a registration fee in accordance with s. Comm 5.02, Table 5.02.

(2) QUALIFICATIONS. A person applying for a beginning electrician-apprentice or a beginning electrician-residential apprentice registration shall be indentured in an apprenticeship program recognized under ch. 106, Stats.

(3) RENEWAL. (a) A person may renew his or her registration as a beginning electrician, beginning electrician-apprentice, or beginning electrician-residential apprentice.

(b) 1. A beginning electrician, beginning electrician-apprentice, or beginning electrician-residential apprentice registration shall be renewed in accordance with s. Comm 5.07.

2. The renewal of registration as a beginning electrician-apprentice, or beginning electrician-residential apprentice shall be contingent upon the person submitting evidence that the person is indentured in an electrical construction wiring apprenticeship recognized under ch. 106, Stats.

(c) 1. The renewal of a beginning electrician registration with an expiration date after [effective date of this rule, code editor to insert date] shall be for a term of one year.

2. The renewal of a registration as a beginning electrician which has an expiration date after June 30, 2013 shall be contingent upon the beginning electrician obtaining at least 24 hours of acceptable continuing education with the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 3.

3. A person who holds a registration as a registered beginning electrician may apply to the department for waiver of the continuing education requirements under subd. 2. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

4. A person who initially obtained a beginning electrician registration and fails to renew the registration shall be required to complete at least 24 hours of acceptable continuing education within one year prior to date of application to reacquire the beginning electrician registration.

SECTION 14. Comm 5.63 (4) (b) 2. c. is created to read:

Comm 5.63 (4) (b) 2. c. Evidence that the person holds a certification as a residential master electrician issued under s. Comm 5.435.

END

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.) and (b), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, except for treatment SECTIONS 2, 4, 5, 8, 9, and 10 and s. Comm 5.41(1) shall take effect on April 1, 2013.
