

## **Clearinghouse Rule 09-029**

The Department of Commerce proposes an order to repeal Comm 16.004 (2) Notes, Comm 16.007, Comm 16.011, Comm 16.100, and Comm 16.900 to 16.960; to renumber Comm 5.63 (5) (intro.), Comm 16.006, Comm 16.008, Comm 16.009, Comm 16.012 and 16.013, Comm 16.014, and Comm 16.015; to renumber and amend Comm 16.010; to repeal and recreate ch. Comm 16 Subchapter I (title), Comm 16.002, Comm 16.003, Comm 16.004 (2), Chapter Comm 16 Subchapter II (title), Chapter Comm 16 Subchapter III (title), and Chapter Comm 16 Subchapter IV (title); and to create Comm 5.02 Table 5.02 line 37m., Comm 5.06 Table 5.06 line 32m., Comm 5.62 (6) (d), Comm 5.627, Comm 5.63 (5) (b), Comm 16.006, Comm 16.010 to 16.013, and Comm 16.020 (3), relating to electrical inspection.

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### **Analysis of Rule**

#### **1. Statutes Interpreted**

Statutes Interpreted: ss. 101.82 (2m), 101.862, and 101.88, Stats., as affected by 2007 Wisconsin Act 63.

#### **2. Statutory Authority**

Statutes Interpreted: ss. 101.02 (1), and 101.82 (2m) and 101.84 (3), Stats., as created by 2007 Wisconsin Act 63.

#### **3. Related Statute or Rule**

None

#### **4. Explanation of Agency Authority**

Section 101.82 (1), Stats., grants the Department of Commerce general authority for protecting the health, safety and welfare of the public by establishing reasonable and effective safety standards for the installation, repair and maintenance of electrical wiring. Section 101.82 (2m), Stats., directs the Department to establish an inspection program for electrical wiring.

#### **5. Summary of Proposed Rules**

Primarily, the proposed rules establish a state wide inspection program for electrical wiring installations for farms, public buildings and places of employment. The program will require electrical permits to be obtained for new electrical services, new electrical feeders and new branch circuits. The permits will result in electrical inspections being conducted before the wiring is to be energized and concealed. A final inspection will also be required once the installation is completed. Permits are to be obtained from commercial building inspection agencies that will provide the inspections. Inspection agencies will be either municipalities or third party independent entities as designated by the Department. The cost of the permits and the resulting inspections will be determined by the respective enforcing

municipal inspection agency or by the state contract procurement process when involving an independent building inspection agency. The inspections will be conducted by certified commercial electric inspectors. The rules do not restrict municipalities from enacting a more robust permitting and inspection program.

The proposed rules also establish plan submittal requirements for proposed fire pump installations regulated under section 695 of the adopted National Electrical Code.

The proposed rules also rearrange the material and subchapters within chapter Comm 16.

## **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 inspection of electrical wiring installations.

## **7. Comparison with Rules in Adjacent States**

**Illinois:** Illinois does not administer a state electrical inspection program.

**Iowa:** Iowa is to implement an electrical inspection program as of March 1, 2009. Inspections are required of new electrical installations for commercial and industrial applications, public-use buildings and facilities, and residential applications in excess of single-family and new electrical service equipment for single-family applications. Permits are required to commence electrical installations. Inspections are to be conducted by state inspectors or by certified local inspectors.

**Michigan:** With the exception of farms and universities, Michigan requires electrical permits and inspections for electrical installations costing more than \$100. The inspections are typically conducted by state certified electrical inspectors for municipalities that meet state minimum requirements. Where municipal inspection is not provided state inspectors conduct the inspections.

**Minnesota:** In Minnesota, all new electrical wiring installations are subject to inspection with the exception of minor repairs. Requests for inspections are to be made by the person responsible of the installation to an enforcing municipality recognized by the state or the state for non-enforcing municipalities. State electrical inspections are conducted by contracted inspectors under the oversight of regional state representatives. All inspectors are either licensed journeyman or master electricians.

## **8. Summary of Factual Data and Analytical Methodologies**

The proposed rules for a state wide electrical inspection program were developed based upon the following:

- The mandates and the objectives of 2007 Wisconsin Act 63 with respect to electrical inspections.
- The state wide inspection program for the construction of new one- and two family dwellings.

- Current municipal electrical inspection schemes as well other state programs besides the four bordering states.

A working draft of the proposed rules was shared with the Electrical Code Advisory Council for their input. The Council's membership includes electrical contractors and municipal inspectors.

#### **9. Effect on Small Business including an Analysis and Supporting Documents Used to Determine the Effect or in Preparation of Economic Impact Report.**

Pursuant to 2007 Wisconsin Act 63, the proposed electrical inspection program for farms, public buildings and places of employment will affect all electrical contractors installing electrical wiring in and for such establishments as well the owners or tenants of these establishments. The rules will require obtaining permits before electrical wiring installations commence for farms, public buildings and places of employment. The issuance of the permits will result in periodic construction inspections by enforcing municipal or independent building inspection agencies during the electrical wiring installation. The cost of the permits and the resulting inspections will be determined by the respective enforcing municipal inspection agency or by the state contract procurement process when involving an independent building inspection agency. Many of the more populous municipalities in the state currently administer electrical permit and inspection program. Municipal electrical permits and inspections are typically determined on the basis of a base fee plus a cost for each electrical opening which varies with the size and type of building and occupancy. 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](mailto: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](mailto:jim.quast@wisconsin.gov).

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SECTION 1. Comm 5.02 Table 5.02 line 37m. is created to read:

**Table 5.02  
(Partial Table)  
FEES**

	License, Certification or Registration Category	Type	Application Fee	Examination Fee	License, Certification or Registration Fee
37m.	Commercial Building Inspection Agency	Registration	\$15	NA	\$40

SECTION 2. Comm 5.06 Table 5.06 line 32m. is created to read:

**Table 5.06  
(Partial Table)  
TERMS**

	License, Certification or Registration Category	Term	Expiration Date	Continuing Education Cycle
32m.	Commercial Building Inspection Agency	4 years	Date of Issuance	NA

SECTION 3. Comm 5.62 (6) (d) is created to read:

**Comm 5.62 (6) (d)** Contact and indicate to the electrical utility, cooperative or other entity furnishing electric current whether an electrical service installation complies with ch. Comm 16.

SECTION 4. Comm 5.627 is created to read:

**Comm 5.627 Commercial building inspection agency. (1) GENERAL.** No person or municipality may engage in or offer to engage in providing plan review, permit issuance or inspections regarding electrical wiring serving farms, public buildings and places of employment under the scope of ch. Comm 16 unless the person or municipality holds a registration from the department as a registered commercial building inspection agency.

**(2) APPLICATION FOR REGISTRATION.** A person applying for a commercial building inspection agency registration 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.

**(3) QUALIFICATIONS FOR REGISTRATION.** The person applying for a commercial building inspection agency registration shall be one of the following:

- (a) If a municipality, the department head of the agency administering the electrical program.

(b) If not a municipality, the owner of the business, a partner in the business applying on behalf of a partnership, or the chairman of the board or chief executive officer applying on behalf of the corporation.

**(4) RESPONSIBILITIES.** A person or municipality who is responsible for facilitating plan review, permit issuance or inspection regarding electrical wiring under ch. Comm 16 as a registered commercial building inspection agency shall be responsible for all of the following:

- (a) Utilizing persons appropriately certified under s. Comm 5.62 to conduct the inspections.
- (b) Maintaining a record of the electrical permits issued under s. Comm 16.012.
- (c) Making the records relative to permit issuance and inspections available to the department upon request.
- (d) Providing inspection services for all inspections required under s. Comm 16.013.
- (e) Cooperating with the department in any program monitoring, enforcement activities, and investigations related to electrical inspections of farms, public buildings and places of employment under the scope of ch. Comm 16.
- (e) Following all procedures established by the department for enforcement.

**(5) RENEWAL.** (a) A person may renew his or her registration as a commercial building inspection agency.

(b) A commercial building inspection agency registration shall be renewed in accordance with s. Comm 5.07.

SECTION 5. Comm 5.63 (5) (intro.) is renumbered Comm 5.63 (5) (a).

SECTION 6. Comm 5.63 (5) (b) is created to read:

**Comm 5.63 (5)** (b) A person who inspects one- and 2- family dwellings as a certified UDC-electrical inspector shall contact and indicate to the electrical utility, cooperative or other entity furnishing electric current whether an electrical service installation complies with ch. Comm 16.

SECTION 7. Chapter Comm 16 Subchapter I (title) is repealed and recreated to read:

**Subchapter I – Purpose, Scope and Application**

(Note to Code Editor: Subchapter I includes ss. Comm 16.001 through 16.007.)

SECTION 8. Comm 16.002 is repealed and recreated to read:

**Comm 16.002 Scope. (1) GENERAL.** Except as provided in sub. (2), this chapter covers electrical wiring installations.

**(2) EXCLUSIONS.** This chapter does not cover any of the following electrical wiring installations:

- (a) Installations in ships, watercraft, railway rolling stock, aircraft, or automotive vehicles.
- (b) Installations for generation, transformation or distribution of power used exclusively by railways for signaling and communication purposes.
- (c) Installations of communication equipment under exclusive control of communication utilities, located outdoors or in building spaces used exclusively for such installations.
- (d) Installations in manufactured homes, other than electrical wiring alterations in existing manufactured homes.
- (e) Installations under the exclusive control of an electric utility, an electric cooperative or a wholesale merchant operator where such installations meet any of the following situations:
  - 1. Consist of service drops or service laterals, and associated metering.
  - 2. Are located in legally established easements or right-of-ways designated by public service commissions, utility commissions, or other regulatory agencies having jurisdiction for such installations.
  - 3. Are on property owned or leased by the electric utility for the purpose of communications, metering, generation, control, transformation, transmission, or distribution of electric energy.

SECTION 9. Comm 16.003 is repealed and recreated to read:

**Comm 16.003 Application. (1) STANDARDS.** The standard that is referenced in this chapter, and any additional codes and standards which are subsequently referenced in that standard, shall apply to the prescribed extent of each such reference, except as modified by this chapter.

**(2) RETROACTIVITY.** A rule of this code does not apply retroactively to electrical installation existing prior to the effective date of the rule unless specifically stated in the rule.

**(3) CONFLICTS. (a)** Where any rule written by the department differs from a requirement within a document referenced in this code, the rule written by the department shall govern.

**(b)** Where rules of the department specify conflicting requirements, types of materials or methods of construction, the most restrictive rule shall govern, except as provided in pars. (a) and (c).

**Note:** If the most restrictive of two or more conflicting requirements is not readily apparent, a determination of which is more restrictive can be obtained from the department.

(c) Where a rule prescribes a general requirement and another rule prescribes a specific or more detailed requirement regarding the same subject, the specific or more detailed requirement shall govern, except as provided in par. (a).

**(4) LOCAL ORDINANCES.** (a) Except as provided in par. (b), pursuant to s. 101.02 (7), Stats., a city, village, town or local board of health may enact and enforce additional or more restrictive standards for electrical installations, provided the standards do not conflict with this code.

(b) 1. Pursuant to ss. 66.1019 (1) and 101.02 (7m), Stats., a city, village, town or county may not enact and enforce additional or more restrictive standards for electrical installations in one- and 2- family dwellings and multifamily dwellings, except as provided under subd. 2.

2. Any municipality exercising or intending to exercise jurisdiction under this code may apply to the department for a variance permitting the municipality to adopt an ordinance pertaining to one- and 2- family dwellings or multifamily dwellings not in conformance with this code. The department shall review and make a determination on a municipal request under this section within 60 business days of receipt of the request.

3. a. The department may grant a municipal variance only where all of the conditions in subds. 3. b. and c. are demonstrated.

b. The municipality demonstrates that the variance is necessary to protect the health, safety, and welfare of individuals within the municipality because of specific climate or soil conditions generally existing within the municipality.

c. The municipality demonstrates that the granting of the variance, when viewed both individually and in conjunction with other variances requested by the municipality, does not impair the statewide uniformity of this code.

d. Prior to making a determination on a municipal variance, the department shall solicit within the municipality and consider the statements of any interested persons as to whether the variance should be granted.

e. This subdivision shall be strictly construed in accordance with the goal of promoting statewide uniformity.

4. Pursuant s. 101.121, Stats., a city, village, town or county may not enact or enforce additional or more restrictive standards regarding issues addressed under this code that would apply to alteration or change of occupancy for a historic building.

**(5) TYPES OF INSTALLATIONS.** The provisions of this chapter apply to all new electrical installations, electrical alterations and electrical additions.

**(6) EXISTING INSTALLATIONS.** Unless otherwise specifically stated in this chapter, existing electrical installations shall be maintained to the electrical code that applied when the installations were installed.

(7) REPAIRS. Repairs to electrical installations shall conform to the electrical code that applied when the installations were installed.

(8) TESTING. Rooms which are used exclusively for routine or special electrical test work shall comply with this chapter where practicable for the character of the testing done.

SECTION 10. Comm 16.004 (2) is repealed and recreated to read:

**Comm 16.004 (2) INTERPRETATIONS.** Any departmental interpretation of the requirements in this chapter or in the codes and standards that are adopted in this chapter shall supersede any differing interpretation by either a lower level jurisdiction or an issuer of the adopted code or standard.

SECTION 11. Comm 16.004 (2) Notes are repealed.

SECTION 12. Comm 16.007 is repealed.

SECTION 13. Comm 16.014 is renumbered Comm 16.007.

SECTION 14. Comm 16.006 is renumbered Comm 16.014.

SECTION 15. Comm 16.006 is created to read:

**Comm 16.006 Definitions.** In this ~~subchapter~~ chapter:

(1) “Department” means the department of commerce.

(2) “Electrical wiring” has the meaning specified under s. 101.80 (1m), Stats.

**Note:** Under s. 101.80 (1m), Stats., “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.

(3) “Farm” means a place where farming is conducted.

(4) “Farming” has the meaning specified under s. 102.04 (3), Stats.

**Note:** Under s. 102.04 (3), Stats., “farming” means the operation of farm premises owned or rented by the operator. “Farm premises” means areas used for operations herein set forth, but does not include other areas, greenhouses or other similar structures unless used principally for the production of food and farm plants.



**Note:** Section 102.04 (3), Stats., states that the operation of farm premises shall be deemed to be the planting and cultivating of the soil thereof; the raising and harvesting of agricultural, horticultural or arboricultural crops thereon; the raising, breeding, tending, training and management of livestock, bees, poultry, fur-bearing animals, wildlife or aquatic life, or their products, thereon; the processing, drying, packing, packaging, freezing, grading, storing, delivering to storage, to market or to a carrier for transportation to market, distributing directly to consumers or marketing any of the above-named commodities, substantially all of which have been planted or produced thereon; the clearing of such premises and the salvaging of timber and management and use of wood lots thereon, but not including logging, lumbering or wood cutting operations unless conducted as an accessory to other farming operations; the managing, conserving, improving and maintaining of such premises or the tools, equipment and improvements thereon and the exchange of labor, services or the exchange of use of equipment with other farmers in pursuing such activities.

(5) “Multifamily dwelling” has the meaning given in s. 101.971 (2), Stats.

**Note:** Section 101.971 (2), Stats., reads as follows: “ ‘Multifamily dwelling’ means an apartment building, rowhouse, town house, condominium or manufactured building, as defined in s. 101.71 (6), that does not exceed 60 feet in height or 6 stories and that consists of 3 or more attached dwelling units the initial construction of which is begun on or after January 1, 1993. ‘Multifamily dwelling’ does not include a facility licensed under ch. 50.”

(6) “Municipality” means a city, village, town or county in this state.

(7) “One- and 2- family dwelling” means any building that contains one or 2 dwelling units that construction of which commenced on or after December 1, 1978.

(8) “Place of employment” has the meaning specified under s. 101.01 (11), Stats.

**Note:** Under s. 101.01 (11), Stats., “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 private domestic service which does not involve the use of mechanical power or in farming. “Farming” includes those activities specified in s. 102.04 (3), and also includes the transportation of farm products, supplies or equipment directly to the farm by the operator of said farm or employees for use thereon, if such activities are directly or indirectly for the purpose of producing commodities for market, or as an accessory to such production. When used with relation to building codes, “place of employment” does not include an adult family home, as defined in s. 50.01 (1), or, except for the purposes of s. 101.11, a previously constructed building used as a community-based residential facility, as defined in s. 50.01 (1g), which serves 20 or fewer residents who are not related to the operator or administrator.

(9) “Public building” has the meaning specified under s. 101.01 (12), Stats.

**Note:** Under s. 101.01 (12), Stats., “public building” means 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. When used in relation to building codes, “public building” does not include a previously constructed building used as a community-based residential facility as defined in s. 50.01 (1g) which serves 20 or fewer residents who are not related to the operator or administrator or an adult family home, as defined in s. 50.01 (1).

SECTION 16. Comm 16.008 is renumbered Comm 16.015.

SECTION 17. Chapter Comm 16 Subchapter II (title) is repealed and recreated to read:

## Subchapter II – Administration and Enforcement

(Note to Code Editor: Subchapter I includes ss. Comm 16.010 through 16.015.)

SECTION 18. Comm 16.009 is renumbered Comm 16.020.

SECTION 19. Comm 16.010 is renumbered Comm 16.021 and amended to read:

**Comm 16.021 Maintenance.** All electrical installations and equipment shall be cleaned and inspected at intervals as experience has shown to be necessary. Any equipment or electrical installation known to be defective so as to endanger life or property shall be promptly repaired, permanently disconnected, or isolated until repairs can be made. ~~Construction, repairs, additions and changes to electrical equipment and conductors shall be made by qualified persons only.~~

SECTION 20. Comm 16.011 is repealed.

SECTION 21. Comm 16.012 and 16.013 are renumbered 16.022 and 16.023.

SECTION 22. Comm 16.015 is renumbered 16.080.

SECTION 23. Comm 16.010 to 16.013 is created to read:

**Comm 16.010 Electrical plan review. (1) REQUIRED SUBMITTALS.** Electrical wiring plans for proposed fire pump installations regulated under s. NEC 695 shall be submitted to and approved by the department prior to commencing an installation.

**(2) SIGNING AND SEALING.** Electrical wiring plans submitted to the department for review under sub. (1) shall comply with one of the following:

(a) Be signed and sealed in accordance with s. A–E 2.02 by an architect, engineer or electrical systems designer who is registered by the department of regulation and licensing.

(b) Be signed, including license number, and dated by the master electrician who is responsible for the electrical wiring installation of the fire pump and who is licensed by the department of commerce.

**Note:** Pursuant to s. A–E 2.02 (4) and (5) read: “A–E 2.02 (4) Each sheet of plans, drawings, documents, specifications and reports for architectural, landscape architectural, professional geological, professional engineering, design or land surveying practice shall be signed, sealed and dated by the registrant or permit holder who prepared, or directed and controlled preparation of, the written material, except as specified in sub. (5).

(5) If more than one sheet is bound together in a volume, the registrant or permit holder who prepared or directed and controlled the preparation of the volume, may sign, seal and date only the title or index sheet if the signed sheet identifies clearly all other sheets comprising the bound volume and if any other sheets which are prepared by or

under the direction and control of another registrant or permit holder are signed, sealed and dated by the other registrant or permit holder.”

**(3) CONTENTS AND INFORMATION.** (a) 1. a. Except as provided in subd. 1. b., at least 4 sets of electrical wiring plans shall be submitted to the department for review.

b. One complete set of plans may be submitted, provided it is accompanied with 3 copies of the cover sheet for the complete set, and provided all 4 cover sheets comply with sub. (2).

2. At least one set of construction specifications shall be submitted to the department for review.

(b) All wiring documents submitted to the department for review shall be permanent copies of the original documents and the copies shall be bound into sets in a manner that enables the documents to be reviewed without removing the binding.

(c) Wiring documents submitted to the department for review shall be of sufficient clarity, character and detail to show how the proposed installation will conform to this chapter.

(d) 1. Construction documents shall be accompanied by sufficient calculations or information to substantiate that the documents conform to this chapter.

2. When requested by the department, additional data pertaining to the design, construction, materials and equipment shall be submitted to the department to substantiate conformance to this chapter.

**(4) APPLICATION FOR APPROVAL.** (a) A plan review application form shall be included with the wiring documents and information submitted to the department for examination and approval. Pursuant to s. Comm 2.07 (3), the department shall review and make a determination on an application for plan review under this chapter within 15 business days.

**Note:** The department forms required in this chapter are available from the Department’s Website at [www.commerce.wi.gov](http://www.commerce.wi.gov), through links to Safety and Buildings Division forms.

(b) If, upon examination, the department determines that the wiring documents or application for approval do not substantially conform to this code, the application for conditional approval will be denied, in writing.

(c) If, upon examination, the department determines that the wiring documents and the application for approval substantially conform to this code, a conditional approval, in writing, will be granted and the plans will be stamped conditionally approved. All conditions stated in the conditional approval shall be complied with before or during installation.

**Note:** The plan examination and approval by the department does not constitute an approval to proceed with construction prior to obtaining any permits or approvals that are required by a local unit of government.

**(5) REVISIONS TO APPROVED PLANS.** (a) 1. All proposed revisions and modifications which involve rules under this code and which are made to wiring documents that have previously been granted approval by the department shall be submitted for review to the office that granted the approval.

2. All revisions and modifications to the plans shall be approved in writing by the department prior to the work involved in the revision or modification being carried out.

(b) A revision or modification to a plan, drawing or specification shall be signed and sealed in accordance with sub. (2).

**Comm 16.011 Administration (1) MUNICIPAL ADMINISTRATION.** (a) *Jurisdiction conditions.* Pursuant to s. 101.86 (1), Stats., municipalities may exercise jurisdiction over the inspection of electrical wiring installations at farms, public buildings and places of employment, provided the municipality complies with all of the following:

1. The municipality holds a registration issued by the department as a commercial building inspection agency for the purpose of issuing permits and inspecting electrical wiring at farms, public buildings and places of employment.

2. The municipality notifies the department at least 60 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's ordinances adopt this chapter in its entirety.

5. The municipality employs or contracts with certified commercial electrical inspectors or independent commercial building inspection agencies to perform electrical inspection activities.

6. The municipality provides the department with the names of its certified commercial electrical inspectors or independent building inspection agencies employed or contracted by the municipality.

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

(b) *County.* Ordinances enacted by a county under this subsection establishing electrical inspection functions may not prevent or prohibit a municipality within that county from assuming those functions at any time.

**Note:** Pursuant to s. 101.86 (1) (a), Stats., a county ordinance shall apply in any city, village or town which has not enacted such an ordinance.

(c) *Relinquishing of jurisdiction.* The municipality shall notify the department, in writing, at least 60 days prior to the date upon which the municipality intends to relinquish jurisdiction responsibilities.

**(2) DEPARTMENT ADMINISTRATION.** In municipalities not exercising jurisdiction under sub. (1), the department shall provide permit and inspection services for the installation of electrical wiring on farms and in public buildings and places of employment.

**Comm 16.012 Permits. (1)** (a) Except as provided in par. (b), no electrical wiring project involving the installation of an electrical service, feeder or branch circuit to serve a farm, public building or place of employment may commence, unless the owner of the premises where the installation is to occur or their agent holds a permit from the commercial building inspection agency designated by the department to provide electrical inspections for the installation.

(b) Under emergency conditions, the necessary electrical wiring may commence without obtaining a permit, provided the owner of the premises where the installation is to occur or their agent submits a permit application to the commercial electrical inspection agency designated by the department to provide electrical inspections for the installation no later than next business day after commencement of the installation.

**(2)** The application for a permit required under sub. (1) shall contain at least the following information:

- (a) The name of the applicant.
- (b) The name of the building or property owner.
- (c) The location of the electrical installation.
- (d) 1. The name of the person responsible for the installation.

2. The name and license number of the master electrician or residential master electrician responsible for the installation on or after April 1, 2013, unless exempted under s. 101.862 (4), Stats.

**(3)** (a) The issuing commercial building inspection agency shall indicate on the electrical permit the date of issuance.

(b) A permit required under sub. (1) shall expire 12 months after the date of issuance, if installation of the electrical wiring has not commenced.

**Comm 16.013 Inspections. (1)** Inspections of electrical wiring installations serving farms, public buildings and places of employment shall be conducted by a certified commercial electrical inspector.

**Note:** See Comm 5.62 for certification provisions for commercial electrical inspectors.

**(2)** (a) The building owner or their agent shall notify the commercial building inspection agency designated by the department to provide electrical inspections when the electrical wiring installation is ready for inspection.

(b) Except as provided in par. (c), to facilitate inspection:

- 1. Electrical wiring shall remain accessible and exposed for inspection purposes.
- 2. Electrical wiring may not be energized.

(c) 1. The concealment or energizing of electrical wiring, other than an electrical service, may proceed if inspection has not been completed within 2 business days after notification is received or as otherwise agreed between the wiring installer and the designated commercial building inspection agency providing the inspection.

2. The notification that an electrical wiring installation is ready for final inspection shall occur when all electrical fixtures, outlets and face plates are in place and the installation or that portion of the installation is energized.

(d) 1. If upon inspection, it is found that the installation is in compliance with this chapter, the certified inspector shall approve the installation and authorize concealment or energization of the electrical wiring.

2. If upon inspection, it is found that the installation is incomplete or not in compliance with this chapter, orders to correct shall be issued, that may include the condition that the electrical wiring is to remain unconcealed and non-energized until reinspected.

SECTION 24. Chapter Comm 16 Subchapter III (title) is repealed and recreated to read:

### **Subchapter III – General Requirements**

(Note to Code Editor: Subchapter I includes ss. Comm 16.020 through 16.023.)

SECTION 25. Comm 16.020 (3) is created to read:

**Comm 16.020 (3) LIGHTING.** Installations for the purpose of street or area lighting owned and under exclusive control of electrical utilities or municipalities where located outdoors on property owned or leased by the utility; on or along public highways, streets, roads or similar public thoroughfares; or outdoors on private property by established rights such as easements shall comply with this chapter or ch. PSC 114.

SECTION 26. Comm 16.100 is repealed.

SECTION 27. Chapter Comm 16 Subchapter IV (title) is repealed and recreated to read:

### **Subchapter IV – Changes, Additions or Omissions to the NEC**

(Note to Code Editor: Subchapter I includes ss. Comm 16.080 through 16.701.)

SECTION 28. Comm 16.900 to 16.960 is repealed.

**END**

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**EFFECTIVE DATES**

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 ss. Comm 16.012 and 16.013 (1) which shall take effect on April 1, 2010.

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