

Report From Agency

**STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

**IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
DEPARTMENT OF SAFETY AND : CLEARINGHOUSE RULE 13-042
PROFESSIONAL SERVICES :**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, are attached.

II. REFERENCE TO APPLICABLE FORMS:

There are no references to new forms.

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and Economic Impact Analysis are attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The Department of Safety and Professional Services under chapter SPS 316 has established provisions for safeguarding persons and property from the hazards arising from the installation and use of electrical wiring. The current chapter SPS 316 adopts and references the 2008 edition of the *National Electrical Code*[®] (*NEC*[®]) published by the National Fire Protection Association (NFPA). The primary purpose of the proposed rule is to reference the 2011 edition of the *NEC*[®]. This action will fulfill the statutory mandate for the electrical rules to reflect nationally recognized standards.

V. SUMMARY OF PUBLIC COMMENTS AND THE DEPARTMENT'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Department held a public hearing on June 27, 2013. The following people either testified at the hearing, or submitted written comments:

- Joseph Jameson, Wisconsin Chapter of International Association of Electrical Inspectors – Southwestern Wisconsin

- Bill Neitzel, Wisconsin Chapter of International Association of Electrical Inspectors – Southwestern Wisconsin
- Tim McClintock, National Fire Protection Association
- Robert DuPont, Alliance for Regulatory Coordination

The Department summarizes the comments received either by hearing testimony or by written submission as follows:

- All public hearing comments were in support of the proposed rules and the update to the 2011 edition of the *NEC*[®].

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment: 1.b

Response: This method of amending what is more or less a typographical/grammatical error has been utilized previously; the combining under a single treatment section came at the suggestion of the Legislative Clearinghouse under CR 11-047.

Comment: 1.e.

Response: The Department's experience has shown that its stakeholders are more confused by numbering gap leading to numerous inquiries. The objective to trace the history of provisions is further complicated with repeal and recreation actions which may completely renumber and reorganize provisions.

Comment: 5.g. (1)

Response: The Department typically obtains the permission and subsequent filing of adopted standards after the public hearing. This is undertaken for efficiency purposes if public comments result in the addition or deletion of referenced standards. The Department will be filing the 2011 edition of the *National Electrical Code*[®] with the Legislative Reference Bureau.

Comment: 5.h.

Response: The subject of the provision is a "standard". Acknowledgement of an alternate standard would allow any and all electrical installations conforming to this alternate to be considered code complying.

Comment: 5.j.

Response: The title reflects the corresponding title used by *National Electrical Code*[®].

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

These rules were not submitted to the Small Business Regulatory Review Board.

These rules will not have a significant economic impact on a substantial number of small businesses.

STATE OF WISCONSIN
Department of Safety and Professional Services

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	DEPARTMENT OF SAFETY
DEPARTMENT OF SAFETY AND	:	AND PROFESSIONAL SERVICES,
PROFESSIONAL SERVICES	:	ADOPTING RULES

PROPOSED ORDER

An order of the Department of Safety and Professional Services:

to repeal SPS 316.004 (2) Note [2], SPS 316.210 (a) and (c), SPS 316.210 (5), and SPS 316.225 (1);

to renumber SPS 316.210 (2) (b), SPS 316.210 (6), SPS 316.225 (2), (3) (b), (4) and (5), and SPS 316.230 (5);

to renumber and amend SPS 316.225 (3) (a), SPS 316.230 (3), SPS 316.230 (4), and SPS 316.511;

to amend SPS 316.003 (title), SPS 316.004 (1), SPS 316.010, SPS 316.012, SPS 316.090 (title), SPS 316.110, SPS 316.310 (title) and (intro.), SPS 316.314 (title), SPS 316.334 (2) (title), SPS 316.400 (title), SPS 316.450 (title) and (1), SPS 316.620 (title), SPS 316.675, SPS 316.680 (title), SPS 316.700 (1) (intro.) and (3), SPS 316.920 (2) (c), and SPS 316.940 (2) (c) 1. and 2. and (4) (b);

to repeal and recreate SPS 316.005 Note [2], SPS 316.014, SPS 316.210 (4), SPS 316.220 (1), SPS 316.250, and SPS 316.406; and

to create SPS 316.003 (5), SPS 316.004 (1) Note, SPS 316.013 Note, SPS 316.210 (6), SPS 316.300 (1) (a) 5., SPS 316.511 (2), and SPS 316.547 relating to electrical construction.

ANALYSIS

1. Statutes interpreted:

Section 101.82 (1), Stats.

2. Statutory authority:

Sections 101.02 (1) and 101.82 (1), Stats.

3. Explanation of agency authority:

Section 101.82 (1), Stats., grants the Department of Safety and Professional Services 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. In addition, the statutes read, “Where feasible, the rules shall reflect nationally recognized standards.”

4. Related statute or rule:

- Sections 101.18, 101.63 (1) and 101.73 (1), Stats.
- Chapters SPS 361 to 366, Wisconsin Commercial Building Code
- Chapters SPS 320 to 325 of the Uniform Dwelling Code
- Chapter PSC 114, Public Service Commission.

5. Plain language analysis:

The primary revisions to chapter SPS 316 are to adopt the most current edition of the *National Electrical Code*® (*NEC*®). In addition to bringing the state electrical code up to date with modern technology, the proposed revisions clarify or supplement the electrical standards contained in the 2011 edition of the *NEC*®. The proposed rules contain a number of modifications to the technical requirements within these standards, reorganization of current requirements and editorial changes. The following is a summary of the major proposed changes to this chapter:

- a. Adopt by reference the most current edition of the *NEC*® and include correct cross-references to this standard. [SPS 316.007]
- b. Exclude the *NEC*® requirements for arc-fault circuit-interrupter (AFCI) protection on replacement of receptacles because of the *NEC*®’s delayed effective date (January 1, 2014). Wisconsin will wait a code cycle for product availability and for the resolution of issues that the new AFCI requirements will create. [SPS 316.210 (4) and SPS 316.406]
- c. Amend or repeal several Wisconsin modifications that reference the *NEC*® because of changes in the 2011 edition.

6. Summary of, and comparison with, existing or proposed federal regulations:

There are several existing federal regulations that relate to the installation of electrical wiring and equipment. Some of these regulations require compliance with various editions of the *NEC*®. An internet-based search of the *Code of Federal Regulations* (CFR) found the following existing federal regulations relating to the activities to be regulated by this rule:

- Title 29 CFR, Part 1910 – Occupational Safety and Health Standards. Subpart S of this regulation in the Department of Labor contains design safety standards for electrical systems, safety-related work practices and maintenance requirements and safety requirements for special electrical equipment to safeguard employees in their workplaces. Subpart R contains industrial lighting requirements and safe practices relating to lockouts and emergency lighting requirements for the safety of employees working in special industries.

- Title 29 CFR, Part 1926 –Safety and Health Regulations for Construction. Subpart K of this regulation in the Department of Labor contains installation safety requirements, safety-related practices, safety-related maintenance and environmental considerations and safety requirements for special equipment necessary to safeguard employees involved in construction work.
- Title 30 CFR, Part 75 – Mandatory Safety Standards–Underground Coal Mines. Subpart F of this regulation in the Department of Labor contains electrical safety requirements for the protection of employees working in underground coal mines.
- Title 30 CFR, Part 57 – Safety and Health Standards–Underground Metal and Nonmetal Mines. Subpart K of this regulation in the Department of Labor contains specific electrical safety requirements for the protection of employees working in underground metal and nonmetal mines.
- Title 24 CFR, Part 3280—Manufactured Home Construction and Safety Standards. Subpart I of this regulation in the Department of Housing and Urban Development covers electrical systems in manufactured homes, and requires compliance with the 2005 *NEC*[®].
- Title 7 CFR, Part 1755 – Telecommunications Standards and Specifications for Materials, Equipment and Construction. This regulation in the Department of Agriculture applies to telecommunications wiring and equipment, and requires compliance with the *NEC*[®].

The Occupational Safety and Health Administration (OSHA) revised the general industry electrical installation standard found in Subpart S of Title 29 CFR, Part 1910, effective on August 13, 2007. The Agency determined that electrical hazards in the workplace pose a significant risk of injury or death to employees, and that the requirements in the revised standard, which draw heavily from the National Fire Protection Association's (NFPA) Standard for Electrical Safety in the Workplace[®] (NFPA 70E), and the *NEC*[®], are reasonably necessary to provide protection from these hazards. This revised standard focuses on safety in the design and installation of electric equipment in the workplace. In the October 29, 2008, *Federal Register*, the Agency revised the regulatory text to clarify OSHA's scope and corrected some typographical errors.

7. Comparison with rules in adjacent states:

An Internet-based search found that all adjacent states except Illinois adopt by reference various editions of the *NEC*[®].

- **Illinois** does not administer a state electrical code.
- The **Iowa** Department of Public Safety administers the Iowa Building Code that adopts the 2011 edition of the *NEC*[®] with modifications.

- The **Michigan** Department of Labor and Economic Growth administers the Michigan Construction Code that adopts by reference the 2008 edition of the *NEC*[®] with modifications.
- The **Minnesota** Department of Labor and Industry, Building Codes and Standards Division, administers the Minnesota State Building Code that incorporates by reference the 2011 edition of the *NEC*[®].

8. Summary of factual data and analytical methodologies:

The primary methodology for updating the Wisconsin Electrical Code, chapter SPS 316 has been a review and assessment of the latest edition of the national technical standards that serve as the basis for Wisconsin code. Staff compared the changes in the 2011 edition of the *NEC*[®] to the 2008 edition currently adopted under SPS 316 and solicited code change proposals.

The department's review and assessment process involved the participation of the Electrical Code Advisory Council. The members of that Council represent the many stakeholders involved in the electrical industry including utility representatives, inspectors, labor and building contractors. The Council reviewed and discussed 37 code change proposals at its meetings.

The department believes the national model codes reflect current societal values with respect to safeguarding people and property from hazards arising from the use of electricity.

The 2011 edition of *NFPA 70, NEC*[®] is the most adopted code in the United States. Part of the National Fire Codes series published by the National Fire Protection Association (NFPA), the 2011 *NEC*[®] sets the benchmark for safe electrical design, installation, and inspection. The *NEC*[®] is developed by NFPA's committee on the National Electrical Code, which consists of 20 code-making panels and a technical correlating committee. The *NEC*[®] is approved as an American National Standard by the American National Standards Institute (ANSI). First published in 1897, the *NEC*[®] is updated and published every 3 years. Most states adopt the most recent edition within a year of its publication to safeguard people and property.

More information on the development of this national model code may be obtained from the NFPA web site at www.nfpa.org or from the *NEC*[®] web site at www.necplus.org.

The Department has ensured the accuracy, integrity, objectivity and consistency of data were used in preparing the proposed rule and related analysis

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

The department used the Electrical Code Advisory Council to gather and analyze information on potential impacts in complying with both the technical and administrative requirements of the *NEC*[®]. Many small businesses belong to the industry associations that sit on the advisory council. A responsibility of council members is to bring forth concerns that their respective organizations may have with the requirements including economic impact.

The proposed rule changes also were shared with the Commercial Buildings Code Council, Uniform Dwelling Code Council and Multifamily Dwelling Code Council.

In addition to posting rule development and council activities on the department's web site, the department offers an Email subscription service that is available to all small businesses and concerned interests. This service provides Email notification of council meetings, agendas and council meeting progress reports so interested parties can follow proposed code changes.

Adopting the most current edition of the *NEC*[®] will not impose a significant impact on small businesses involved in the inspection, maintenance, service and installation of electrical wiring.

10. Fiscal estimate and economic impact analysis:

The Fiscal estimate and economic impact analysis is attached.

11. Initial regulatory flexibility analysis or summary:

The proposed rules update the Electrical Code, ch. SPS 316, to reference the 2011 edition of the *National Electrical Code*[®]. Currently, the Electrical Code references the 2008 edition.

No new or additional reporting, bookkeeping and other procedures are required for compliance with the rules.

No professional skills are required for compliance with the rules above those needed under the current rules.

12. Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Greg.Gasper@wisconsin.gov, or by calling (608) 266-8608.

13. Environmental Assessment

The Department has considered the environmental impact of the proposed rules. In accordance with chapter SPS 301, the proposed rules are a Type III action. A Type III action normally does not have the potential to cause significant environmental effects and normally does not involve unresolved conflicts in the use of available resources. The Department has reviewed these rules and finds no reason to believe that any unusual conditions exist. At this time, the Department has issued this notice to serve as a finding of no significant impact.

14. Agency contact person:

James Quast, Program Manager, jim.quast@wisconsin.gov, (608) 266-9292 or by telecommunications relay services at 711.

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

Comments may be submitted to James Quast, Program Manager, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, WI 53708-8935, or by email to jim.quast@wisconsin.gov. Comments must be received on or before July 5, 2013 to be included in the record of rule-making proceedings.

SECTION 1. SPS 316.003 (title) is amended to read:

SPS 316.003 (title) Application of rules.

SECTION 2. SPS 316.003 (5) is created to read:

SPS 316.003 (5) DIFFERING RULES. (a) Where any department rule in this chapter differs from a requirement within a standard referenced in this chapter, the department rule shall govern.

(b) Where a provision of this chapter prescribes a general requirement and another provision of this chapter 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).

(c) Where different sections of this chapter specify conflicting requirements, the most restrictive requirement, as determined by the department, shall govern, except as provided in pars. (a) and (b).

Note: This chapter does not nullify any exclusions specified in the standard adopted under s. SPS 316.014.

SECTION 3. SPS 316.004 (1) is amended to read:

SPS 316.004 (1) DEPARTMENT AUTHORITY. ~~The~~ Under s. 101.02 (1), Stats., the department ~~shall have the authority and responsibility for interpreting~~ reserves the right to interpret the requirements in this chapter ~~and the National Electrical Code, and granting special permission as specified in this chapter. A formal interpretation of this chapter shall remain in effect until rescinded or changed or until the edition of the National Electrical Code is changed in s. SPS 316.014 in all adopted codes and standards.~~

SECTION 4. SPS 316.004 (1) Note is created to read:

SPS 316.004 (1) Note: Section 101.02 (1) of the Statutes reads: “The department shall adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings.”

SECTION 5. SPS 316.004 (2) Note [2] is repealed.

SECTION 6. SPS 316.005 Note [2] is repealed and recreated to read:

SPS 316.005 Note: The Department forms required in this chapter are available for a nominal fee by telephone 800-DOC-SALE, (800-362-7253), or by contacting through relay, or by emailing docsales@doa.state.wi.us. Forms are

also available at no charge at the Department's web site at <http://dps.wi.gov> through links to Industry Services Division forms.

SECTION 7. Wherever the title "National Electrical Code" occurs in chapter SPS 316, insert the registered trademark symbol after "Code" and italicize the entire title: *National Electrical Code*[®].

SECTION 8. SPS 316.010 is amended to read:

SPS 316.010 Inspection and 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 9. SPS 316.012 is amended to read:

SPS 316.012 Use of approved materials and construction methods. (1) MATERIALS. Materials, equipment and products ~~which that~~ do not comply with the requirements of this chapter shall not be used unless approved in writing by the department. Approval of materials, equipment and products shall be based on sufficient data, tests and other evidence that prove the material, equipment or product meets the intent of the requirements of this chapter. Data, tests and other evidence shall be provided by a qualified independent third party.

Note: Examples of a qualified independent third party include a nationally recognized testing laboratory and a professional engineer.

(2) METHODS OF INSTALLATION. Methods of installation ~~which that~~ do not comply with the regulations of this chapter shall not be used unless approved by the department.

(3) NEW PRODUCTS, CONSTRUCTIONS OR MATERIALS. The incorporated ~~National Electrical Code~~ *National Electrical Code*[®] may require new products, constructions or materials ~~which that~~ may not be available at the time this chapter is adopted. In such event, the department may permit the use of the products, constructions or materials which comply with a previous edition of the ~~National Electrical Code~~ *National Electrical Code*[®].

SECTION 10. SPS 316.013 Note is created to read:

SPS 316.013 Note: Under s. 101.18, Stats., the Department is responsible for establishing "...reasonable standards, rules or regulations for the erection, construction, repair and maintenance of electric fences as shall render the m safe."

SECTION 11. SPS 316.014 is repealed and recreated to read:

SPS 316.014 Adoption of standards by reference. (1) PRIMARY STANDARDS. The following standard is hereby incorporated by reference into this chapter, subject to the modifications specified in this chapter:

(a) National Fire Protection Association® (NFPA), One Batterymarch Park, Quincy, MA 02169-7471, telephone 800-344-3555, www.nfpa.org: *NFPA 70 National Electrical Code®*, (*NEC®*) – 2011.

Note: Copies of the standard are on file in the offices of the Department and the Legislative Reference Bureau. A copy of the code may purchased from the organization listed or may be reviewed on the organization's website at not cost if the person is a registered user for the site.

(b) If a requirement in the standards adopted in par. (a) contains a cross-reference to another requirement modified by this chapter, the modification shall apply to the cross-reference unless specified otherwise in this chapter.

(2) SECONDARY REFERENCES. Any codes or standards referenced in the standards adopted in sub. (1) (a) shall apply to the prescribed extent of each such reference, except as modified by this chapter.

(3) ALTERNATE STANDARDS. Any alternate standard that is equivalent to or more stringent than a standard incorporated by reference or otherwise referenced under this chapter may be used in lieu of the incorporated or referenced standard if the alternate standard is accepted in writing by the department.

SECTION 12. SPS 316.090 (title) is amended to read:

SPS 316.090 (title) ~~Purpose, scope and enforcement~~ Introduction.

SECTION 13. SPS 316.110 is amended to read:

SPS 316.110 Requirements for electrical installation. ~~(1) INSTALLATION AND USE.~~ Substitute the following wording for the requirements in NEC 110.3 (B): Listed or labeled equipment shall be installed or used, or both, in accordance with any instructions included in the listing or labeling, provided the instructions, listing or labeling do not conflict with this chapter.

SECTION 14. SPS 316.210 (2) (a) and (c) are repealed.

SECTION 15. SPS 316.210 (2) (b) is renumbered SPS 316.210 (2).

SECTION 16. SPS 316.210 (4) is repealed and recreated to read:

SPS 316.210 (4) BRANCH CIRCUIT EXTENSIONS OR MODIFICATIONS – DWELLING UNITS. The requirements in NEC 210.12 (B) are not included as part of this chapter.

SECTION 17. SPS 316.210 (5) is repealed.

SECTION 18. SPS 316.210 (6) is renumbered SPS 316.210 (5).

SECTION 19. SPS 316.210 (6) is created to read:

SPS 316.210 (6) COUNTERTOP RECEPTACLES. The requirements in NEC 210.52 (A) (4) are not included as part of this chapter.

SECTION 20. SPS 316.220 (1) is repealed and recreated to read:

SPS 316.220 (1) GENERAL. This is a department exception to the requirements in NEC 220.10: Circuit load calculations may use unit load values lower than those identified in NEC Table 220.12 for lighting loads calculated using the maximum electrical energy conservation values specified under ch. SPS 363 for public buildings and places of employment.

SECTION 21. SPS 316.225 (1) is repealed.

SECTION 22. SPS 316.225 (2) to (5) are renumbered SPS 316.225 (1) to (4) and as renumbered SPS 316.225 (2) (a) is amended to read:

SPS 316.225 (2) (a) For the purpose of this section, multiple feeders that are supplied from the same distribution point, ~~rated having a total rating of~~ 300 amperes or ~~greater more,~~ and that supply not more than 6 disconnecting means grouped at the same location ~~are~~ shall be considered as one supply.

SECTION 23. SPS 316.230 (3) is renumbered SPS 316.230 (3) (b) and as renumbered SPS 316.230 (3) (b) (title) is amended to read:

SPS 316.230 (3) (b) (title) LOCATION *Location*.

SECTION 24. SPS 316.230 (4) is renumbered SPS 316.230 (3) (a) and as renumbered SPS 316.230 (3) (title) and (a) (title) are amended to read:

SPS 316.230 (3) (title) GENERAL SERVICE EQUIPMENT – DISCONNECTING MEANS.
(a) (title) *General*.

SECTION 25. SPS 316.230 (5) is renumbered SPS 316.230 (4).

SECTION 26. SPS 316.250 is repealed and recreated to read:

SPS 316.250 Grounding and bonding. (1) SUPPLEMENTAL ELECTRODE REQUIRED.
The exception in NEC 250.53 (A) (2) is not included as part of this chapter.

(2) SUPPLEMENTAL ELECTRODE. This is a department rule in addition to the requirements in NEC 250.53 (A) (3): A single electrode consisting of a rod, pipe or plate shall be augmented by one additional electrode of any of the types in NEC 250.52 (A) (4) to (A) (8).

SECTION 27. SPS 316.300 (1) (a) 5. is created to read:

SPS 316.300 (1) (a) 5. Where the wiring enclosure for the alarm and pump circuit is located outside the pump chamber, any openings into the pump chamber for circuit wiring shall be sealed or plugged to prevent the passage of gas or vapor into the wiring enclosure.

SECTION 28. SPS 316.310 (title) and (intro.) are amended to read:

SPS 316.310 (title) ~~More than three current-carrying conductors in a raceway or cable~~ Conductors for general wiring. This is a department ~~exception~~ rule in addition to the ~~exceptions~~ specified requirements in ~~NEC 310.15 (B) (2) (a): Exception No. 6:~~ NEC 310.15 (B) (3) (a): The derating factors shown in ~~NEC Table 310.15 (B) (2) (a)~~ NEC Table 310.15 (B) (3) (a) do not apply to branch circuits supplying an individual dwelling unit except under the following conditions:

SECTION 29. SPS 316.314 (title) is amended to read:

SPS 316.314 (title) Outlet, device, pull and junction boxes; conduit bodies; fittings; and ~~manhole~~ handhole enclosures.

SECTION 30. SPS 316.334 (2) (title) is amended to read:

SPS 316.334 (2) (title) ~~DELETION~~ TYPES NM, NMC AND NMS.

SECTION 31. SPS 316.400 (title) is amended to read:

SPS 316.400 (title) ~~Uses not permitted~~ Flexible cords and cables.

SECTION 32. SPS 316.406 is repealed and recreated to read:

SPS 316.406 Receptacles, cord connectors and attachment plugs (caps). The requirements in NEC 406.4 (D) (4) are not included as part of this chapter.

SECTION 33. SPS 316.450 (title) and (1) are amended to read:

SPS 316.450 (title) **Transformers and transformer vaults (including secondary ties).** (1) OVERCURRENT PROTECTION. This is a department rule in addition to the requirements in NEC Table 450.3 (A) Note 3: The qualified person ~~can~~ shall be either an employee at that location or an employee contracted for this purpose who is readily available.

SECTION 34. SPS 316.511 is renumbered SPS 316.511 (1) and as renumbered SPS 316.511 (title) and (1) are amended to read:

SPS 316.511 (title) ~~Classifications of locations~~ Commercial garages, repair and storage. (1) The requirements specified in NEC 511 (C) (1) (a) ~~and 511 (C) (2) (a)~~ are not included as part of this chapter.

SECTION 35. SPS 316.511 (2) is created to read:

SPS 316.511 (2) Substitute the following wording for NEC 511.3 (C) (2) (a): The ceiling area shall be unclassified where ventilation is provided from a point not more than 18 inches from the highest point in the ceiling. The ventilation shall conform to chapters SPS 361 to 366.

Note: The Commercial Building Code, chapters SPS 361 to 366, adopts and references the International Mechanical Code, IMC, for the design of ventilation systems. The adopted provisions of the International Mechanical Code under section 502.16 prescribe provisions for repair garages for natural gas- and hydrogen- fueled vehicles.

SECTION 36. SPS 316.547 is created to read:

SPS 316.547 Agricultural buildings. This is a department exception to the requirements in NEC 547.5 (G): Exception: Ground-fault circuit-interrupter protection is not required for a single receptacle providing power for an electric fence controller used for livestock containment where an

accessible ground-fault circuit-interrupter protected receptacle is located within 900 mm (3 ft) of the non-GFCI protected receptacle.

SECTION 37. SPS 316.620 (title) is amended to read:

SPS 316.620 (title) ~~Branch circuits for other utilization equipment~~ Elevators, dumbwaiters, escalators, moving walks, platform lifts and stairway chairlifts.

SECTION 38. SPS 316.675 is amended to read:

SPS 316.675 ~~Disconnecting means~~ Electrically driven or controlled irrigation machines.
This is a department rule in addition to the requirements in NEC 675.8: A service disconnecting means with overcurrent protection shall be provided at the service point in accordance with NEC 230 subchapter VI.

SECTION 39. SPS 316.680 (title) is amended to read:

SPS 316.680 (title) ~~Equipotential bonding~~ Swimming pools, fountains and similar installations.

SECTION 40. SPS 316.700 (1) (intro.) and (3) are amended to read:

SPS 316.700 Emergency systems. (1) WIRING, EMERGENCY SYSTEM. This is a department rule in addition to the requirements of NEC ~~700.9 (B)~~ 700.10 (B):

(3) ~~DELETION~~ GENERAL REQUIREMENTS, DUAL SUPPLIES. The requirements ~~specified~~ in NEC 700.12 (B) (3) are not included as part of this chapter.

SECTION 41. SPS 316.920 (2) (c) is amended to read:

SPS 316.920 (2) (c) *Municipal contracts.* A municipality may contract with a certified inspector, independent inspection agency or the department for those inspection services ~~which~~ that the municipality does not perform under par. (a) or (b).

SECTION 42. SPS 316.940 (2) (c) 1. and 2. and (4) (b) are amended to read:

SPS 316.940 (2) (c) *Permit required.* 1. Except as provided in subd. 2., ~~no~~ electrical wiring as specified in par. (a) may not be installed ~~unless~~ until an application for a permit and the required fees have been submitted to the municipality exercising jurisdiction under s. SPS 316.920 (2).

2. Under emergency conditions, the necessary electrical construction may be commenced without submitting an application for a permit; ~~however, the~~ The person performing the emergency electrical construction shall report the construction to the municipality no later than the next business day. The emergency ~~installation~~ electrical construction shall conform to this chapter.

(4) (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.

SECTION 43. EFFECTIVE DATE. Pursuant to s. 227.22 (2) (intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

END