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Safety and Professional Services
General Part I, Chs. SPS 301-319
EmR1415

STATE OF WISCONSIN
Department of Safety and Professional Services

IN THE MATTER OF RULE-MAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	DEPARTMENT OF SAFETY AND
DEPARTMENT OF SAFETY AND	:	PROFESSIONAL SERVICES,
PROFESSIONAL SERVICES	:	ADOPTING EMERGENCY RULES

The statement of scope for this rule, SS #041–14, was approved by the Governor on April 30, 2014, published in Register #701 on May 14, 2014, and approved by the Department on May 27, 2014. This emergency rule was approved by the Governor on July 29, 2014.

ORDER

An order of the Department of Safety and Professional Services to amend SPS 305.40 (2) (b); (3) (b); (4) (a) 1., (b), (c), and (d) 1.; and (5); and to create SPS Table 305.02 Row 24r, Table 305.06 Row 19r, 305.40 (1) (bm), and 305.437 relating to credentials for electricians.

FINDING OF EMERGENCY

The Department of Safety and Professional Services finds that an emergency exists and that this rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is as follows.

SECTION 15 of 2013 Wisconsin Act 143 exempts any electrician who was born on or before January 1, 1956, and who has at least 15 years of experience in installing, repairing, or maintaining electrical wiring, from the electrical licensure and supervision requirements in sections 101.862 (2) and (3) of the Statutes. SECTION 15 also requires the Department to promulgate rules establishing criteria and procedures for issuing a corresponding credential to these grandfathered electricians.

Because of Act 143, the statutory requirements are now out of step with the Department's administrative rules – and the stakeholders who are affected by these statutory changes are confused by the differences. For example, there has been substantial confusion on what these grandfathered electricians can or need to do and how local governmental units should treat them. Promulgating revisions to the rules through the emergency rule process is needed in order to minimize the confusion and any hardship as soon as possible.

ANALYSIS

Statutes interpreted:

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

Statutory authority:

Sections 101.862 (5), 227.11 (2) (a), and 227.24 (1) (a)

Explanation of agency authority:

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

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

Section 227.24 (1) (a) of the Statutes authorizes the Department to promulgate rules as emergency rules if preservation of the public peace, health, safety, or welfare necessitates putting the rules into effect prior to the time they would take effect if the agency complied with the otherwise applicable procedures in chapter 227.

Related statute or rule:

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

Plain language analysis:

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

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

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

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

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

Comparison with rules in adjacent states:

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

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

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

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

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

Summary of factual data and analytical methodologies:

These rule revisions were developed by reviewing the provisions under 2013 Wisconsin Act 143 in conjunction with the current electrical credential rules in chapter SPS 305.

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

These rule revisions implement the mandates imposed by 2013 Wisconsin Act 143. The Department does not believe that these revisions will increase the effect on small businesses over that imposed by the Act.

Fiscal Estimate:

The Department estimates that these rule revisions will have positive rather than negative fiscal impacts.

Effect on small business:

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

Agency contact person:

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

TEXT OF RULE

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

**Table 305.02
FEES**

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

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

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

**Table 305.06
TERMS**

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 5. SPS 305.437 is created to read:

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

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

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

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

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

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

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

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

SECTION 6. EFFECTIVE DATE. This emergency rule shall take effect upon publication in the official state newspaper as provided in s. 227.24 (1) (c), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

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

File reference: SPS 316/E order and rules