

STATE OF WISCONSIN  
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

---

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	DEPARTMENT
DEPARTMENT OF SAFETY AND	:	ADOPTING RULES
PROFESSIONAL SERVICES	:	(CLEARINGHOUSE RULE 16-093)

---

PROPOSED ORDER

An order of the department to repeal SPS 305.44 (1), 305.44 (5) (b), 316.007, 316.011, 316.100 (1) (a) and (2) (a), 316.230 (1) (a) (Note 1), 316.620 (2), 316.915 (3), (6), (7), (8), (10), (12), and (13), and subch. V of ch. SPS 316; to renumber SPS 305.44 (5) (a), 316.006, 316.008, subch. II of ch. SPS 316, 316.013, 316.015, subch. III of ch. SPS 316, 316.100 (1) (b) to (d), 316.310 (1) and (2), subch. IV of Chapter SPS 316, 316.930, and 316.960; to renumber and amend SPS 305.10 (1), 316.009, 316.010, 316.012, 316.014, 316.300 (2), 316.310 (intro.), 316.400, 316.406, 316.620 (1), and 316.675; to consolidate, renumber, and amend SPS 316.100 (2) (intro.) and (b); to amend SPS 305.001 and 305.002, 305.01 (1) and (Note 1) and (3), 305.02 (1) (a), (2), (3), and (5), Table 305.02 (intro.) and line 26., 305.04 (1) and (Note) and (2) (a), 305.05 (2), 305.06 (1) and (2), 305.07 (1) (a) and (b) and (2) (a), (Note), (b) 1. (intro.) and b., and (c), 305.10 (1) (a) (intro.) and 1. to 8., (b) (intro.) and 2., (c), (e), and (f) 1. a. to d. and 2., 305.11 (1) to (3), 305.12, 305.40 (1) (intro.) and (f) and (4) (d), 305.41 (Note 3), 305.44 (6) (b) 3., 305.45 (title), (1) (intro.), and (2) (a), (b), and (c) 1. to 4., 316.003 (Note), 316.090, 316.220 (1) and (2), 316.225 (1), (2) (intro.), (3), (4), and (6), 316.230 (1) (a) (intro.) and (c), (2), (3) (a) and (b), and (4) (intro.), 316.250 (1) and (2), 316.300 (1) (intro.), 316.312 (1), (2), and (3), 316.314 (1) and (2), 316.334 (1) and (2), 316.358, 316.450 (1) and (2), 316.511 (1) and (2), 316.547, 316.680 (1) and (2), 316.700 (1) (intro.), (2), and (3), and 316.701 (1) and (2); to repeal and recreate SPS 305.43 (2), 305.44 (3), 305.62 (6), 305.63 (5), subch. I (title) of ch. SPS 316, 316.002, 316.004, 316.110, and 316.210 (1) to (6); and to create SPS 305.01 (4) (j), SPS Table 305.02, line 37s., SPS Table 305.06, line 32s., 305.47, 305.629, 316.003 (6), 316.006, 316.007 (1) (am), subch. II of ch. SPS 316, 316.023 (3), 316.210 (7) and (8), 316.230 (5), 316.240, 316.250 (3), 316.300 (2) (b), 316.310 (2), 316.400 (2), 316.404, 316.406 (2), 316.511 (3) and (4), 316.551, and 316.675 (2), relating to the electrical code and affecting small businesses.

Analysis prepared by the Department of Safety and Professional Services.

---

ANALYSIS

**Statutes interpreted:**

Section 101.82 (1), Stats.

**Statutory authority:**

Sections 101.19, 101.63, 101.73, 101.82, and 101.84, Stats.

**Explanation of agency authority:**

Section 101.19, Stats., requires the department to, by rule, fix and collect fees that, as closely as possible, equal the cost of providing the examination of plans for public buildings, public structures, places of employment and the components thereof and each inspection of a facility conducted to ensure that the construction is in accordance with the plans approved by the department.

Section 101.63, Stats., requires the department to adopt rules which establish standards for the construction and inspection of one- and 2-family dwellings and components thereof and, where feasible, to use standards that are nationally recognized.

Section 101.73, Stats., requires the department to:

- Adopt rules which establish standards for the use of building materials, methods and equipment in the manufacture and installation of modular homes for use as dwellings or dwelling units. Where feasible, the standards used shall be those nationally recognized and shall apply to the dwelling and to its electrical, heating, ventilating, air conditioning and other systems. Such rules shall take into account the conservation of energy in construction and maintenance of dwellings and the costs to home buyers of specific code provisions in relation to the benefits derived therefrom.
- Adopt rules for the examination of plans and specifications and for periodic in-plant and on-site inspections of manufacturing facilities, processes, fabrication, assembly and installation of modular homes to ensure that examinations and inspections are made in compliance with the rules adopted for construction, electrical wiring, heating, ventilating, air conditioning and other systems under ss. 101.70 to 101.77, Stats., and with the rules for indoor plumbing adopted by the department under ch. 145, Stats.
- Provide for examination of plans and specifications and in-plant inspections when contracted for by the manufacturer under s. 101.75 (1), Stats., and contract to provide on-site inspection services for the installation of modular homes for dwellings, at municipal expense, for any municipality which requires such service under s. 101.76 or 101.761, Stats.
- Adopt rules for the certification, including provisions for suspension and revocation thereof, of on-site inspectors of the installation of modular homes for dwellings. Persons certified as on-site inspectors may be employees of the department, a city, village, town or county or an independent agency.
- Adopt rules for the certification, including provisions for suspension and revocation thereof, of independent inspection agencies to conduct in-plant inspections of manufacturing facilities, processes, fabrication and assembly of modular homes for dwellings and to certify compliance with subch. I of ch. 101, Stats.

Section 101.82, Stats., requires the department to:

- Promulgate by rule a state electrical wiring code that establishes standards for installing, repairing, and maintaining electrical wiring. Where feasible, the rules shall reflect nationally recognized standards.
- Regulate master electricians, including residential master electricians, journeyman electricians, including residential journeyman electricians and industrial journeyman electricians, electrical apprentices, including residential electrical apprentices and industrial electrical apprentices, and registered electricians.
- Promulgate rules that establish criteria for the enrollment of registered electricians and for the registration of electrical apprentices.
- Promulgate rules that establish procedures for the enrollment of registered electricians, the registration of electrical apprentices, and the licensing of journeyman electricians and master electricians.

- Promulgate rules that establish requirements for the supervision of registered electricians. Registered electricians must be supervised by licensed journeyman or master electricians.
- Promulgate rules that establish criteria and procedures for the licensing of electrical contractors.
- Promulgate rules that establish criteria and procedures for the certification of electrical inspectors for the purpose of inspecting electrical wiring.
- Promulgate rules that establish standards and a process for the inspection of electrical wiring, including the inspection of electrical wiring for which a municipality does not provide inspection under s. 101.86 (1), Stats.
- Promulgate rules that establish criteria and a process for the suspension or revocation of registrations issued to registered electricians, licenses issued to electricians and electrical contractors, and certifications issued to electrical inspectors.
- Establish by rule a schedule of fees sufficient to defray the costs incurred under subch. IV of ch. 101, Stats.

Section 101.84, Stats., provides the department may:

- Hold hearings on any matter relating to this subchapter and issue subpoenas to compel the attendance of witnesses and the production of evidence at the hearings.
- Promulgate rules to differentiate the scope of installation, repair, or maintenance of electrical wiring that may be performed by electrical contractors, registered electricians, journeyman electricians, master electricians, and any additional types of electricians recognized by the department.
- The department may promulgate rules that recognize and regulate different types and subtypes of electricians that are in addition to those specified in s. 101.82 (1g), Stats., and that establish criteria and procedures for enrolling, registering, or licensing these electricians.

**Related statutes or rules:**

- Chapters SPS 361 to 366, Wisconsin Commercial Building Code
- Chapters SPS 320 to 325, Uniform Dwelling Code
- Chapter PSC 114, Wisconsin State Electrical Code (Volume I)

**Plain language analysis:**

The proposed rules update Wisconsin’s electrical code to the 2017 edition of the National Electrical Code (NEC) with certain specified changes, additions, and omissions to the requirements of the NEC.

Out of over 2,300 changes in the 2014 and 2017 editions of the NEC reviewed by department staff and the Electrical Code Advisory Committee, department staff conducted a second review of less than 200 changes it considered to be the most significant. As a result of its additional review and public comment, the department determined 11, or less than 1%, of the changes from the 2014 and 2017 editions of the NEC would not be incorporated into Wisconsin’s electrical code:

- SPS 316.210 (1) (a) is created to not incorporate 2017 NEC 210.9 (A) (7), which expands GFCI protection requirements to receptacles installed within 6 feet of a kitchen sink in a dwelling unit.
- SPS 316.210 (1) (b) is created to not incorporate 2017 NEC 210.8 (A) (9) and (10), which expand GFCI protection requirements in dwelling units to receptacles installed within 6 feet of a bathtub or shower stall and in laundry areas.
- SPS 316.210 (1) (c) is created to not incorporate 2017 NEC 210.8 (B), which for other than dwelling units increases the threshold rating of voltage and amperage used to determine if a receptacle requires GFCI protection.
- SPS 316.210 (2) is created to not incorporate 2017 NEC 210.11 (C) (4), which requires at least one 120-volt, 20-ampere branch circuit be installed to supply receptacle outlets to attached dwelling unit garages and detached dwelling unit garages with electric power.
- SPS 316.210 (3) (a) is created to not incorporate the portion of 2017 NEC 210.12 (A) that expands AFCI protection requirements to kitchens in dwelling units.
- SPS 316.210 (6) is created to not incorporate 2017 NEC 210.52 (G) (1), which requires at least one receptacle outlet in each vehicle bay of a dwelling unit garage.
- SPS 316.210 (7) is amended to not incorporate 2017 NEC 210.71, which requires a minimum number of receptacles be installed in meeting rooms.
- SPS 316.240 is created to not incorporate 2017 NEC 240.67, which, effective January 1, 2020, expands the arc energy reduction method for circuit breakers to include fuses rated 1200A or greater.
- SPS 316.404 is created to not incorporate 2017 NEC 404.2 (C), which requires installation of the grounded conductor at the switch location for switches controlling lighting loads.
- SPS 316.406 (2) is created to not incorporate 2017 NEC 406.9 (B) (1), which requires receptacle outlet boxes for receptacles of 15- and 20-amperes in a wet location be listed and identified as "extra duty."
- SPS 316.551 is created to not incorporate 2017 NEC 551.71 (C), which requires every recreational vehicle site equipped with a 50-ampere receptacle also be equipped with a 30-ampere, 125-volt receptacle.

The proposed rules also develop a statewide electrical inspection program, as required by the provisions of 2007 Wisconsin Act 63, and reflect the following changes in 2013 Wisconsin Act 143:

- Changes the licensing category of a "beginning electrician" that is registered by the department to a "registered electrician" that is enrolled by the department.
- Revises the licensure requirements for master electricians and journeyman electricians.
- Creates a provision allowing the department to enter into a reciprocal agreement with another state under which credentials issued to electricians, electrical apprentices, electrical contractors, and electrical inspectors by either state are recognized as comparable credentials by the other state.

### **Summary of, and comparison with, existing or proposed federal statutes and 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 National Electrical Code. A search of the Code of Federal Regulations (CFR) found the following regulations:

- Title 29 CFR, Part 1910.302 through 1910.308 – Design Safety Standards for Electrical Systems, and 1910.331 through 1910.335 – Electrical Safety-Related Work Practices Standards. Subpart S of this regulation 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. These regulations are part of the Occupational Safety and Health Standards.
- Title 29 CFR, Part 1926 – Safety and Health Regulations for Construction. Subpart K of this regulation contains installation safety requirements, safety requirements and environmental considerations for special equipment necessary to safeguard employees working in special industries.
- Title 30 CFR, Part 75 – Mandatory Safety Standards – Underground Coal Mines. Subpart F contains specific 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 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 covers electrical systems in manufactured homes, and requires compliance with the 2005 NEC.
- Title 7 CFR, Part 1755 – Telecommunication Standards and Specifications for Materials, Equipment, and Construction. This regulation applies to telecommunications wiring and equipment and requires compliance with the NEC.

### **Comparison with rules in adjacent states:**

An Internet-based search found that all adjacent states except Illinois adopt or incorporate by reference the National Electrical Code (NEC).

**Illinois:** Illinois does not administer a statewide electrical code.

**Iowa:** The Iowa Department of Public Safety administers a statewide electrical code that adopts the 2014 edition of the NEC with modifications (661 IAC 504.1).

**Michigan:** The Michigan Department of Licensing and Regulatory Affairs administers a statewide electrical code that incorporates by reference the 2014 edition of the NEC with modifications (Mich Admin Code, R 408.30801).

**Minnesota:** The Minnesota Department of Labor and Industry administers a statewide electrical code that incorporates by reference the 2017 edition of the NEC (Minnesota Rules, Part 1315.0200).

**Summary of factual data and analytical methodologies:**

The primary methodology for updating the Wisconsin Electrical Code, ch. SPS 316, was a review and assessment of the latest editions of the national technical standards that serve as the basis for Wisconsin code. Staff compared the changes in the 2014 and 2017 editions of the NEC to the 2011 edition currently adopted under SPS 316 and solicited code change proposals.

The department's review and assessment process also involved the participation of the Electrical Code Advisory Committee. The members of the Committee represent the many stakeholders involved in the electrical industry including utility representatives, inspectors, and building contractors.

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

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. Comments were received from one individual suggesting that some of the changes from the 2014 and 2017 NEC that are not being incorporated into Wisconsin's electrical code would minimally increase the economic impact of the proposed rules. These comments did not affect the department's analysis of the economic impact of the proposed rules.

With assistance of the members of Electrical Code Advisory Committee, the department carefully reviewed the changes in compliance proposed in the 2014 and 2017 National Electrical Code updates that were anticipated to increase costs and proposed 11 modifications to keep cost increases of the new code changes to a minimum.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis document is attached.

**Effect on small business:**

These proposed rules effect small businesses, as defined in s. 227.114 (1), Stats. See the attached Fiscal Estimate and Economic Impact Analysis document for additional information. The Department's Regulatory Review Coordinator may be contacted by email at [Kirsten.Reader@wisconsin.gov](mailto:Kirsten.Reader@wisconsin.gov), or by calling (608) 267-2435.

**Agency contact person:**

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4472; email at [Dale2.Kleven@wisconsin.gov](mailto:Dale2.Kleven@wisconsin.gov).

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

The deadline for submitting comments was 11:00 a.m. on February 2, 2017.

---

## TEXT OF RULE

SECTION 1. SPS 305.001 and 305.002 are amended to read:

**SPS 305.001 Purpose.** This chapter is to protect public and employee health, safety, and welfare by establishing minimum standards for the qualifications and responsibilities of persons and businesses that are required or permitted to obtain licenses, certifications, ~~or~~ registrations, or enrollment under chs. 101, 145, and 167, Stats.

**305.002 Scope.** This chapter applies to any person or business engaging or offering to engage in an activity or provide a service for which a license, certification, ~~or~~ registration, or enrollment is required or desired under chs. 101, 145, and 167, Stats.

SECTION 2. SPS 305.01 (1) and (Note 1) and (3) are amended to read:

**SPS 305.01 (1)** Application for a license, certification, ~~or~~ registration, or enrollment or a license, certification, ~~or~~ registration, or enrollment examination covered under this chapter shall be submitted on a form prescribed by the department.

**(Note 1)** Applications and related forms for licenses, certifications, ~~or~~ registrations, or enrollment covered under subchapters II to VII and IX and X of this chapter are available from the Division of Industry Services at P.O. Box 7082, Madison, WI 53707-7082; or at telephone (608) 261-8467 or (877) 4617-1565 or 411 (Telecommunications Relay); or at the Division's ~~Web site~~ website at <http://dsps.wi.gov/programs/industry-services>.

**(3)** Pursuant to s. 101.02 (20) (b) and (21) (b), Stats., the department may not issue or renew any license, certification, ~~or~~ registration, or enrollment under this chapter unless the applicant for the license, certification, ~~or~~ registration, or enrollment includes his or her social security number, or in the case of a license, certification, ~~or~~ registration, or enrollment for a business, the applicant includes the federal employer identification number. The department shall consider the failure by the applicant to provide a social security number or a federal employer identification number as an incomplete application and shall not process the application further until the appropriate number is provided.

SECTION 3. SPS 305.01 (4) (j) is created to read:

**SPS 305.01 (4) (j)** Inspection agency.

SECTION 4. SPS 305.02 (1) (a), (2), (3), and (5) are amended to read:

**SPS 305.02 (1) (a)** Fees required for the various licenses, certifications, ~~or~~ registrations, or enrollment and their processing under this chapter shall be determined in accordance with Table 305.02, except as provided in par. (b).

**(2)** Fees required under this chapter for ~~the various~~ licenses, certifications, ~~or~~ registrations, and enrollment ~~or their~~ and for processing examinations shall not be refundable.

(3) The department shall prorate a license, certification, ~~or~~ registration, or enrollment fee on a monthly basis for the initial issuance of a license, certification, ~~or~~ registration, ~~which or~~ enrollment that is issued for less than the full license, certification, ~~or~~ registration, or enrollment period.

(5) A fee of \$15.00 shall be charged to replace a lost or destroyed license, certification, ~~or~~ registration, or enrollment.

SECTION 5. SPS Table 305.02, (intro.) and line 26., is amended to read:

**Table 305.02**  
**(Partial Table)**  
**FEES**

	<u>License, Certification, <del>or</del> Registration, or Enrollment</u> Category	Type	Application Fee	Examination Fee	<u>License, Certification, <del>or</del> Registration, or Enrollment</u> Fee
26.	<del>Beginning Registered</del> Electrician	<del>Registration</del> <u>Enrollment</u>	\$15	NA	\$20

SECTION 6. SPS Table 305.02, line 37s., is created to read:

**Table 305.02**  
**(Partial Table)**  
**FEES**

	<u>License, Certification, Registration, or Enrollment</u> Category	Type	Application Fee	Examination Fee	<u>License, Certification, Registration, or Enrollment</u> Fee
37s.	Inspection Agency	Registration	\$15	NA	\$40

SECTION 7. SPS 305.04 (1) and (Note) and (2) (a) are amended to read:

**SPS 305.04 (1)** An application for a license, certification, ~~or~~ registration, or enrollment covered under this chapter shall be granted or denied by the department within 21 calendar days after the department receives all of the application materials necessary to obtain the license, certification, ~~or~~ registration, or enrollment.

**(Note)** Pursuant to s. 227.116, Stats., the failure by the department to make a determination on an application results in the department having to prepare and file a report with the permit information center of the department. The failure by the department to make a determination on an application does not relieve a person from the obligation to comply with the requirements or qualifications of the license, certification, ~~or~~ registration, or enrollment or to secure the license, certification, ~~or~~ registration, or enrollment.

**(2) (a)** If the license, certification, ~~or~~ registration, or enrollment application information is insufficient, the department shall request additional information within 21 calendar days of receipt of the application.



SECTION 8. SPS 305.05 (2) is amended to read:

**SPS 305.05 (2)** A license, certification, ~~or~~ registration, or enrollment holder shall be responsible for notifying the department of any change in mailing address.

SECTION 9. SPS 305.06 (1) and (2) are amended to read:

**SPS 305.06 (1)** A license, certification, ~~or~~ registration, or enrollment issued under this chapter shall be valid for a period of time no longer than that specified in Table 305.06.

**(2)** A license, certification, ~~or~~ registration, or enrollment issued under this chapter shall expire at midnight on the day or date of expiration of the term specified in Table 305.06.

SECTION 10. SPS Table 305.06, (intro.) and line 21., are amended to read:

**Table 305.06**  
**(Partial Table)**  
**TERMS**

	<b>License, Certification, <del>or</del> Registration, or Enrollment Category</b>	<b>Term</b>	<b>Expiration Date</b>
21.	<del>Beginning</del> Registered Electrician	1 year	Date of Issuance

SECTION 11. SPS Table 305.06, line 32s., is created to read:

**Table 305.06**  
**(Partial Table)**  
**TERMS**

	<b>License, Certification, Registration, or Enrollment Category</b>	<b>Term</b>	<b>Expiration Date</b>
32s.	Inspection Agency	4 years	Date of Issuance

SECTION 12. SPS 305.07 (1) (a) and (b) and (2) (a), (Note), (b) 1. (intro.) and b., and (c) are amended to read:

**SPS 305.07 (1) (a)** Except under s. SPS 305.96, a notice of renewal shall be mailed by the department to a license, certification, ~~or~~ registration, or enrollment holder at least 30 calendar days prior to the expiration of the license, certification, ~~or~~ registration, or enrollment.

**(b)** Failure to receive a notice for renewal of a license, certification, ~~or~~ registration, or enrollment shall not be considered as an excuse or good cause for failure to renew a license, certification, ~~or~~ registration, or enrollment prior to the expiration of the license, certification, ~~or~~ registration, or enrollment.

**(2) (a)** Except as provided in par. (b), upon receipt of the renewal application from the department, a person may apply to renew his or her license, certification, ~~or~~ registration, or enrollment provided an application, a license, certification, ~~or~~ registration, or enrollment fee and

evidence of all renewal obligations, if any, are submitted to the department prior to the expiration date of the license, certification, ~~or~~ registration, or enrollment.

**(Note)** Qualification obligations for renewal are specified under the appropriate license, certification, ~~or~~ registration, or enrollment category sections.

**(b) 1. (intro.)** A person may apply to renew his or her license, certification, ~~or~~ registration, or enrollment in accordance with par. (a) no later than one term after expiration of the license, certification, ~~or~~ registration, or enrollment as specified in Table 305.06 in accordance with all of the following conditions:

**b.** Any continuing education credit obtained after the expiration date of the license, certification, ~~or~~ registration, or enrollment, but prior to one-term after the expiration date of the license, certification, ~~or~~ registration, or enrollment as specified in Table 305.06, that is needed to fulfill the renewal obligations shall be documented and filed with the department on a form prescribed by the department.

**(c)** A person who files for renewal more than one term after expiration of his or her license, certification, ~~or~~ registration, or enrollment may be reinstated by filing with the department an administrative fee of \$200.00, an application, and the application fee and the license, certification, ~~or~~ registration, or enrollment fee specified in s. SPS 305.02, Table 305.02. The department may also require demonstration of competence by various methods including, ~~but not limited to~~, written or oral examination, documentation of relevant work experience in other jurisdictions, or documentation of education or experience in the field. Any education or examination required by the department may not be more extensive than the requirements in effect at the time of the request for reinstatement.

SECTION 13. SPS 305.10 (1) is renumbered SPS 305.10 (1) (intro.) and amended to read:

**SPS 305.10 (1) (intro.)** Except as provided in sub. (2) pertaining to licenses or registrations for master plumbers, journeyman plumbers, cross connection control testers and utility contractors, the department may deny, suspend or revoke a license, certification, ~~or~~ registration, or enrollment under this chapter in accordance with ~~this subsection.~~ the following provisions:

SECTION 14. SPS 305.10 (1) (a) (intro.) and 1. to 8., (b) (intro.) and 2., (c), (e), and (f) 1. a. to d. and 2. are amended to read:

**SPS 305.10 (1) (a) (intro.)** The department may deny, suspend, or revoke a license, certification, ~~or~~ registration, or enrollment under this chapter if the department determines that an applicant or holder of the license, certification, ~~or~~ registration, or enrollment is responsible for any of the following:

1. Fails to meet the qualifications for the license, certification, ~~or~~ registration, or enrollment.
2. Has obtained the license, certification, ~~or~~ registration, or enrollment through fraud or deceit.
3. Has demonstrated negligence or incompetence in fulfilling the responsibilities or obligations of the license, certification, ~~or~~ registration, or enrollment.

4. Has a conflict of interest in fulfilling the responsibilities or obligations under the license, certification, ~~or~~ registration, or enrollment.

5. Has demonstrated misconduct in fulfilling the responsibilities or obligations under the license, certification, ~~or~~ registration, or enrollment.

6. Has been arrested or convicted for a crime substantially related to the license, certification, ~~or~~ registration, or enrollment.

7. Has a physical or mental impairment which prevents the applicant or holder from fulfilling the responsibilities or obligations under the license, certification, ~~or~~ registration, or enrollment.

8. Has violated state, federal, ~~or~~ local laws or regulations relating to the conduct of the activities under the license, certification, ~~or~~ registration, or enrollment.

**(b) (intro.)** Except as provided under s. 101.654 (4), Stats., relative to a dwelling contractor certification, and par. (c), a notice of denial, suspension, ~~or~~ revocation shall be sent to the applicant or the license, certification, ~~or~~ registration, or enrollment holder. The notice shall include all of the following:

2. A statement that the applicant or the license, certification, ~~or~~ registration, or enrollment holder may file a request for an administrative hearing.

**(c) Summary suspension.** Under s. 227.51 (3), Stats., the department may summarily suspend any license, certification, ~~or~~ registration, or enrollment if the department finds that immediate action is necessary for public health, safety, ~~or~~ welfare. The summary suspension of a license, certification, ~~or~~ registration, or enrollment shall remain in effect until after a final decision is issued following a hearing.

**(e) Surrender of license, certification, ~~or~~ registration, or enrollment.** A person whose license, certification, ~~or~~ registration, or enrollment has been suspended or revoked shall surrender the license, certification, ~~or~~ registration, or enrollment to the department upon request.

**(f) 1. a.** A person whose license, certification, ~~or~~ registration, or enrollment has been suspended may apply to have the license, certification, ~~or~~ registration, or enrollment reissued only after the time set for suspension by the department or hearing examiner has passed and by complying with the conditions set forth in the suspension order.

**b.** The request to the department to have a suspended license, certification, ~~or~~ registration, or enrollment reissued shall be made in writing.

**c.** The department may require a person whose license, certification, ~~or~~ registration, or enrollment has been suspended to apply for the license, certification, ~~or~~ registration, or enrollment by complying with all of the requirements for a new applicant, including paying the application fees and successfully passing an examination.

d. The department may impose conditions on the reissued license, certification, ~~or~~ registration, or enrollment to assure compliance with this chapter.

2. Revocation. A person whose license, certification, ~~or~~ registration, or enrollment has been revoked may not apply to ~~ever~~ receive such a license, certification, ~~or~~ registration, or enrollment.

SECTION 15. SPS 305.11 (1) to (3) are amended to read:

**SPS 305.11 (1)** A person who holds a license, certification, ~~or~~ registration, or enrollment under this chapter shall carry on his or her person the license, certification, ~~or~~ registration, or enrollment issued by the department while performing or conducting the activity or activities permitted under the license, certification, ~~or~~ registration, or enrollment.

(2) A person who holds a license, certification, ~~or~~ registration, or enrollment under this chapter shall upon request of the department or its representative present the license, certification, ~~or~~ registration, or enrollment for identification.

(3) The requirements of this section apply to licenses, certifications, ~~or~~ registrations, or enrollment issued to an individual and not to a business.

SECTION 16. SPS 305.12 is amended to read:

**SPS 305.12 Penalties.** In addition to the forfeitures provided for in s. SPS 305.125, penalties for violations of the provisions of this chapter may be assessed in accordance with the respective penalty provisions in the statutes, depending upon the license, certification, ~~or~~ registration, or enrollment category or activity involved.

SECTION 17. SPS 305.40 (1) (intro.) and (f) and (4) (d) are amended to read:

**SPS 305.40 (1) (intro.)** Except as provided under s. 101.862 (4), Stats., no person as of April 1, 2013 may install, repair, ~~or~~ maintain electrical wiring unless the person holds a license or registration issued by the department or is enrolled by the department as one of the following:

(f) ~~A~~ An enrolled registered ~~beginning~~ electrician.

(4) (d) 1. Except as provided in subd. 2., a person who ~~holds a registration~~ is enrolled 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.

2. A person who ~~holds a registration~~ is enrolled as a registered ~~beginning~~ electrician may perform electrical 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.

3. A person who ~~holds a registration~~ is enrolled as a registered ~~beginning~~ electrician may perform electrical wiring activities under the direct supervision of a person who holds a license as a licensed industrial journeyman electrician provided the wiring is within the facilities or properties of the business establishment where the industrial journeyman electrician is employed.

SECTION 18. SPS 305.41 (Note 3) is amended to read:

**SPS 305.41 (Note 3)** 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.
- (am) A person engaged in installing electrical wiring within an existing industrial facility or existing manufacturing facility owned or leased by the person or by an entity for which the person is an agent or employee.
- (b) A person engaged in maintaining or repairing electrical wiring within a an existing facility or on premises owned or leased by the person or by an entity for which the person is an agent or employee.
- (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 that support telecommunications service, as defined in s. 182.017 (1g) (cq), that is provided by a telecommunications provider, as defined in s. 196.01 (12), 2011 stats 196.01 (8p).
- (g) A person engaged in installing, repairing, or maintaining manufactured equipment or utilization equipment, including ballasts, electric signs and luminaires, or a any other 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~~ only involves 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 that are considered part of the equipment or system under this paragraph. For purposes of this paragraph, any conductor going from the disconnecting point or the nearest junction, pull, or device box to the manufactured equipment or utilization equipment or the manufactured system is considered part of the equipment or system.
- (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.

(n) A person who installs a replacement for an existing switch or outlet if the replacement switch or outlet has a rating of not more than 20 amperes.

(p) A person engaged in installing, repairing, or maintaining a private on-site wastewater treatment system, as defined in s. 145.01 (12), if the activity only involves installing or modifying a conductor going from the system's junction, pull, or device box to the nearest disconnecting point and the conductor is buried with the system.

(q) A person engaged in installing, repairing, or maintaining a pump for a well if the activity only involves installing or modifying a conductor going from the pump's junction, pull, or device box to the nearest disconnecting point and the conductor is buried with the pump.

SECTION 19. SPS 305.43 (2) is repealed and recreated to read:

**SPS 305.43 (2) QUALIFICATIONS FOR EXAMINATION.** A person applying for a master electrician license examination shall have at least one of the following qualifications:

(a) A bachelor's degree or master's degree in electrical engineering.

(b) Twelve months of experience in installing, repairing, and maintaining electrical wiring while being licensed as a journeyman electrician.

(c) Experience in installing, repairing, and maintaining electrical wiring during a period of not less than 60 months, with at least 10,000 hours of experience over that period.

SECTION 20. SPS 305.44 (1) is repealed.

SECTION 21. SPS 305.44 (3) is repealed and recreated to read:

**SPS 305.44 (3) QUALIFICATIONS FOR EXAMINATION.** A person applying for a journeyman electrician license examination shall have at least one of the following qualifications:

(a) Completion of a construction electrician apprenticeship program in installing, repairing, and maintaining electrical wiring that has a duration of at least 3 years and that is approved by the U.S. department of labor or by the department of workforce development.

(b) Experience in installing, repairing, and maintaining electrical wiring during a period of not less than 48 months, with at least 8,000 hours of experience over that period. For purposes of meeting this requirement, a degree or diploma from a 2-year program in a school of electrical engineering or from a 2-year program in an accredited technical or vocational school in an electrical-related program shall be accepted by the department as being equivalent to 12 months and 2,000 hours of experience.

SECTION 22. SPS 305.44 (5) (a) is renumbered SPS 305.44 (5).

SECTION 23. SPS 305.44 (5) (b) is repealed.

SECTION 24. SPS 305.44 (6) (b) 3. is amended to read:

**SPS 305.44 (6) (b) 3.** A person who initially obtained his or her journeyman electrician license ~~by completing an electrical construction apprenticeship~~ without having successfully passed a journeyman electrician license examination 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 journeyman electrician license examination in order to reacquire the journeyman electrician license.

SECTION 25. SPS 305.45 (title), (1) (intro.), and (2) (a), (b), and (c) 1. to 4. are amended to read:

**SPS 305.45 (title) Beginning Registered electricians.**

**(1) (intro.)** APPLICATION FOR ~~REGISTRATION~~ ENROLLMENT. A person applying for ~~registration~~ enrollment as a registered ~~beginning~~ electrician shall submit all of the following:

**(2) RENEWAL. (a)** A person may renew his or her ~~registration~~ enrollment as a ~~beginning~~ registered electrician.

**(b)** A ~~beginning~~ registered electrician ~~registration~~ enrollment shall be renewed in accordance with s. SPS 305.07.

**(c) 1.** The renewal of a ~~beginning~~ registered electrician ~~registration~~ enrollment ~~with an expiration date after September 1, 2010~~ shall be for a term of one year.

**2.** The renewal of a ~~registration~~ an enrollment as a ~~beginning~~ registered electrician ~~which has an expiration date after June 30, 2013~~ shall be contingent upon the ~~beginning~~ registered electrician obtaining at least 24 hours of acceptable continuing education prior to the expiration date of the ~~registration~~ enrollment as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 3.

**3.** A person ~~who holds a registration~~ enrolled 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~~ registered electrician ~~registration~~ enrollment and fails to renew the ~~registration~~ enrollment 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~~ registered electrician ~~registration~~ enrollment.

SECTION 26. SPS 305.47 is created to read:

**SPS 305.47 Reciprocity.** As provided under s. 101.874, Stats., the department may enter into a reciprocal agreement with another state under which credentials issued to electricians, electrical apprentices, electrical contractors, and electrical inspectors by either state are recognized as comparable credentials by the other state.

SECTION 27. SPS 305.62 (6) is repealed and recreated to read:

**SPS 305.62 (6) RESPONSIBILITIES.** A person who inspects electrical construction work as a certified commercial electrical inspector shall do all of the following:

(a) Maintain a record of the inspections made including the dates and the findings of the inspections.

(b) Document any compliance deficiencies in the inspection report, and include the specific code reference or citation relative to the deficiency.

(c) Provide a copy of the inspection report to the property owner or his or her agent.

(d) Make inspection records available to the department upon request.

(e) Contact and indicate to the electrical utility, cooperative, or other entity furnishing electric current when an electrical service installation complies with ch. SPS 316 within 2 business days of the determination of compliance.

SECTION 28. SPS 305.629 is created to read:

**SPS 305.629 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 under the scope of ch. SPS 316 unless the person or municipality holds a registration from the department as a registered inspection agency.

**(2) APPLICATION FOR REGISTRATION.** A person applying for an inspection agency registration shall submit all of the following:

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

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

**(3) QUALIFICATIONS FOR REGISTRATION.** The person applying for an 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 a corporation.

**(4) RESPONSIBILITIES.** A person or municipality who is responsible for facilitating plan review, permit issuance, or inspection regarding electrical wiring under ch. SPS 316 as a registered inspection agency shall be responsible for all of the following:

(a) Utilizing persons appropriately certified under s. SPS 305.62 to conduct the inspections.



- (b) Maintaining a record of the electrical permits issued under s. SPS 316.012.
  - (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. SPS 316.013.
  - (e) Cooperating with the department in any program monitoring, enforcement activities, and investigations related to electrical wiring under the scope of ch. SPS 316.
  - (f) Following all procedures established by the department for enforcement.
- (5) RENEWAL.** (a) A person may renew his or her registration as an inspection agency.
- (b) An inspection agency registration shall be renewed in accordance with s. SPS 305.07.

SECTION 29. SPS 305.63 (5) is repealed and recreated to read:

**SPS 305.63 (5) RESPONSIBILITIES.** (a) A person who inspects one- and 2-family dwellings as a certified UDC-construction inspector, certified UDC-electrical inspector, certified UDC-HVAC inspector, certified UDC-plumbing inspector, or certified soil erosion inspector shall do all of the following:

1. Maintain a record of the inspections made including the dates and the findings of the inspections.
2. Document any compliance deficiencies in the inspection report, and include the specific code reference or citation relative to the deficiency.
3. Provide a copy of the inspection report to the property owner or his or her agent.
4. Make inspection records available to the department upon request.

(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 when an electrical service installation complies with ch. SPS 316 within 2 business days of the determination of compliance.

SECTION 30. Subchapter I (title) of ch. SPS 316 is repealed and recreated to read:

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

[Note to LRB: Subchapter I includes ss. SPS 316.001 to 316.007.]

SECTION 31. SPS 316.002 is repealed and recreated to read:

**SPS 316.002 Scope. (1) GENERAL.** Except as provided in sub. (2), this chapter applies to electrical wiring installations.

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

(a) Installations in ships, watercraft other than floating buildings, railway rolling stock, aircraft, or automotive vehicles other than mobile homes and recreational 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, or an electric cooperative 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, storage, or distribution of electric energy.

(f) 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 32. SPS 316.003 (6) is created to read:

**SPS 316.003 (6) ADDITIONS AND ALTERATIONS.** Additions and alterations to electrical systems covered by this chapter shall comply with all provisions of this chapter at the time of permit application or, if no permit is required, the beginning of the project.

SECTION 33. SPS 316.003 (Note) is amended to read:

**SPS 316.003 (Note)** This chapter does not nullify any exclusions specified in the ~~standard~~ standards adopted under s. ~~SPS 316.014~~ 316.007.

SECTION 34. SPS 316.004 is repealed and recreated to read:

**SPS 316.004 Department authority.** Under s. 101.02 (1), Stats., the department reserves the right to interpret the requirements in this chapter and in all adopted codes and standards. Any interpretation under this section shall supersede any differing interpretation by either a lower level jurisdiction or an issuer of the adopted code or standard.

**Note:** Section 101.86, Stats., prohibits municipalities from enacting rules that are more restrictive than this chapter. Section 101.86 (1) (a), Stats., provides a municipality may “[e]nact an electrical code or otherwise exercise jurisdiction over electrical wiring and inspection of electrical wiring by enactment of ordinances, provided that the electrical code or ordinance strictly conforms with the state electrical wiring code promulgated by the department under s. 101.82 (1). A county ordinance shall apply in any city, village or town which has not enacted such an ordinance.”

SECTION 35. SPS 316.006 is renumbered SPS 316.014.

SECTION 36. SPS 316.006 is created to read:

**SPS 316.006 Definitions.** In this chapter:

- (1) “Department” means the department of safety and professional services.
- (2) “Electrical wiring” has the meaning given in 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 given in 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:** Under s. 101.971 (2), Stats., “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 dwellings” means any buildings that contain one or 2 dwelling units the construction of which commenced on or after December 1, 1978.

(8) “Place of employment” has the meaning given in 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), Stats., 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), Stats., or, except for the purposes of s. 101.11, Stats., a previously constructed building used as a community-based residential facility, as defined in s. 50.01 (1g), Stats., which serves 20 or fewer residents who are not related to the operator or administrator.

(9) “Public building” has the meaning given in 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), Stats., 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), Stats.

SECTION 37. SPS 316.007 is repealed.

SECTION 38. SPS 316.007 (1) (am) is created to read:

**SPS 316.007 (1) (am)** Prior to the first day of the 19th month beginning after publication [LRB inserts date], for all electrical wiring, installations, equipment, and materials used in the construction of one- and 2- family dwellings, 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.

SECTION 39. SPS 316.008 is renumbered SPS 316.015.

SECTION 40. Subchapter II of ch. SPS 316 is renumbered subch. III of ch. SPS 316.

SECTION 41. SPS 316.009 and 316.010 are renumbered SPS 316.020 and 316.021 and amended to read:

**SPS 316.020 Construction and operation. (1) GENERAL.** All electrical power and communication equipment and lines shall be constructed, installed, operated, and maintained so as to minimize hazards to life and property. All electrical installations shall conform to the National Electrical Code, incorporated by reference in this chapter, and the requirements specified in this chapter.

**Note:** The federal and state Fair Housing Acts, the federal Americans with Disabilities Act, and the Wisconsin Commercial Building Code under chs. SPS 361 to 366 contain requirements relating to making buildings accessible to and usable by people with disabilities. Some of those requirements apply to the installation of various electrical devices. For example, in the federal Fair Housing Accessibility Guidelines, devices such as light switches, electrical outlets, thermostats and other environmental controls would meet the requirements if operable parts of the controls are located no higher than 48 inches, and no lower than 15 inches, above the floor. If the reach is over an obstruction between 20 and 25 inches in depth, the maximum height is reduced to 44 inches for forward approach; or 46 inches for side approach, provided the obstruction is no more than 24 inches in depth. Complete copies of the federal Fair Housing Accessibility Guidelines or the federal Americans with Disabilities Act Accessibility Guidelines can be obtained from the Superintendent of Documents, New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954.

**(2) INSTALLATIONS OVER 600 VOLTS.** Installations over 600 volts shall, in addition to the requirements of this chapter, comply with ch. PSC 114.

**SPS 316.021 ~~Inspection and maintenance~~ Maintenance.** All electrical wiring installations and equipment shall be cleaned and inspected at intervals as experience has shown to be necessary. Any equipment or electrical wiring 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 42. SPS 316.011 is repealed.

SECTION 43. SPS 316.012 is renumbered SPS 316.022 and amended to read:

**SPS 316.022 Use of approved materials and construction methods.**

(1) MATERIALS. Materials, equipment, and products that do not comply with the requirements of this chapter shall not be used unless approved in writing by the department in an approval of a petition for variance. 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 that do not comply with the regulations of this chapter shall not be used unless approved in writing by the department in an approval of a petition for variance.

(3) NEW PRODUCTS, CONSTRUCTIONS OR MATERIALS. The incorporated *National Electrical Code*® may require new products, constructions, or materials 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* ®.

SECTION 44. SPS 316.013 is renumbered SPS 316.023.

SECTION 45. SPS 316.014 is renumbered SPS 316.007 and amended to read:

**SPS 316.007 Adoption of standards by reference.** (1) PRIMARY STANDARDS. The following ~~standard is hereby~~ standards are incorporated by reference into this chapter, subject to the modifications specified in this chapter:

(a) Except as provided under par. (am), 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~~ 2017.

**Note:** Copies of the ~~standard~~ standards are on file in the offices of the Department and the Legislative Reference Bureau. A copy of the code may be purchased from the organization listed or may be reviewed on the organization's website at ~~not~~ no cost if the person is a registered user for the site.

(b) If a requirement in the ~~standard~~ standards adopted in ~~par.~~ pars. (a) ~~contains~~ and (am) contain 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 ~~standard~~ standards adopted in sub. (1) (a) and (am) 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 46. SPS 316.015 is renumbered SPS 316.080.

SECTION 47. Subchapter II of ch. SPS 316 is created to read:

## **Subchapter II – Administration and Enforcement**

**SPS 316.011 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, places of employment, campgrounds, manufactured home communities, public marinas, piers, docks, or wharves and recreational vehicle parks provided the municipality complies with all of the following:

1. The municipality holds a registration issued by the department as an inspection agency for the purpose of issuing permits and inspecting electrical wiring at farms, public buildings, places of employment, campgrounds, manufactured home communities, public marinas, piers, docks, or wharves and recreational vehicle parks.
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 inspection agencies to perform electrical inspection activities.
6. The municipality provides the department with the names of its certified commercial electrical inspectors and independent inspection agencies employed or contracted by the municipality, if applicable.

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

**Note:** These provisions do not limit municipal authority to implement regulatory oversight for other electrical wiring installations at other locations not addressed under this section. The permitting and inspection of electrical wiring installations for the construction of new one- and 2-family dwellings are addressed under ch. SPS 320.

(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.* A 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. (a) 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, places of employment, campgrounds, manufactured home communities, public marinas, piers, docks, or wharves and recreational vehicle parks.

(b) Pursuant to ss. 101.02 (5) and (15) and 101.82 (2m), Stats., municipalities engaging in providing plan review, permit issuance, or inspections regarding electrical wiring under the scope of this chapter as a designated inspection agency may be monitored or audited by the department for compliance with administrative requirements of this chapter and s. SPS 305.627.

**SPS 316.012 Permits.** (1) (a) Except for an electrical wiring project described in s. 101.875 (2), Stats., and as provided in par. (b), no electrical wiring project may commence unless the owner of the premises where the installation is to occur or their agent holds a permit from the designated inspection agency if the project involves the installation of new or an addition to any electrical service, feeder or branch circuit serving any of the following:

1. A farm.
2. A public building, structure, or premises.
3. A place of employment.
4. A campground.
5. A manufactured home community.
6. A public marina, pier, dock, or wharf.
7. A recreational vehicle park.

(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 inspection agency designated by the department to provide electrical inspections for the installation no later than the next business day after commencement of the installation.

(2) The application for a permit required under sub. (1) shall contain all of the following information:

- (a) The name of the applicant.
- (b) The name of the building or property owner.
- (c) The location of the electrical wiring installation.



(d) The scope and extent of the electrical wiring installation.

(e) 1. The name of the person responsible for the installation.

2. The name and license number of the master electrician, residential master electrician, or registered master electrician under s. SPS 305.437 responsible for the installation, unless exempted under s. 101.862 (4), Stats.

(3) (a) The issuing 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.

**SPS 316.013 Inspections.** (1) Except as provided under s. 101.875 (2), Stats., electrical wiring installations shall be subject to inspection.

**Note:** See s. SPS 320.10 regarding the inspections for the construction of new one- and 2-family dwellings.

(2) Inspections of electrical wiring installations described under s. SPS 316.012 (1) (a) shall be conducted by a certified commercial electrical inspector.

**Note:** See s. SPS 305.62 for certification provisions for commercial electrical inspectors.

(3) (a) The building owner or their agent shall notify the 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 all of the following shall apply:

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 inspection agency providing the inspection.

2. The notification that an electrical wiring installation is ready for final inspection shall be made to indicate 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 prior to concealment or energizing 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. An order may include the condition that the electrical wiring is to remain unconcealed and non-energized until re-inspected.

SECTION 48. SPS 316.023 (3) is created to read:

**SPS 316.023 (3) EXCEPTION.** Subsections (1) and (2) do not apply to electric fence controllers designed and manufactured for the purpose of controlling humans.

SECTION 49. Subchapter III of ch. SPS 316 is renumbered subch. IV of ch. SPS 316.

SECTION 50. SPS 316.090 is amended to read:

**SPS 316.090 Introduction.** The requirements specified in 2011 and 2017 NEC 90.1, NEC 90.2, and NEC 90.4 are not included as part of this chapter.

SECTION 51. SPS 316.100 (1) (a) is repealed.

SECTION 52. SPS 316.100 (1) (b) to (d) are renumbered SPS 316.100 (a) to (c).

SECTION 53. SPS 316.100 (2) (intro.) and (b) are consolidated, renumbered SPS 316.100 (2) and amended to read:

**SPS 316.100 (2) SUBSTITUTIONS.** The following department ~~definitions are substitutions~~ definition is a substitution for the respective ~~definitions~~ definition in 2011 and 2017 NEC 100: ~~(b)~~ "Special permission" means a petition for variance in accordance with s. SPS 316.005.

SECTION 54. SPS 316.100 (2) (a) is repealed.

SECTION 55. SPS 316.110 is repealed and recreated to read:

**SPS 316.110 Examination, identification, installation, use, and listing of equipment.**

(a) Substitute the following wording for the requirements in 2011 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.

(b) This is a department exception to the requirements of 2017 NEC 110.3 (C):

Exception: As provided under s. SPS 316.022 (1), product testing and evaluation may be conducted by a qualified independent third party, including a nationally recognized testing laboratory or a professional engineer.

SECTION 56. SPS 316.210 (1) to (6) are repealed and recreated to read:

**SPS 316.210 (1) GROUND-FAULT CIRCUIT-INTERRUPTER PROTECTION FOR PERSONNEL.**

(a) The requirements in 2017 NEC 210.8 (A) (7) do not apply to sinks located in kitchens.

(b) The requirements in 2017 NEC 210.8 (A) (9) and (10) are not included as part of this chapter.

(c) Substitute the following wording for 2017 NEC 210.8 (B): All 125-volt, single-phase, 15- and 20-ampere receptacles installed in the following locations shall have ground-fault circuit interrupter protection for personnel.

(d) This is a department exception to the requirements in 2011 NEC 210.8 (A) and 2017 NEC 210.8 (A) and (B):

Exception: Ground-fault circuit-interrupter protection shall not be required for a single receptacle providing power for sump, sewage, or condensate pumps where an accessible ground-fault circuit-interrupter protected receptacle is located within 900 mm (3 ft) of the non-GFCI protected receptacle.

(2) **BRANCH CIRCUITS REQUIRED.** (a) This is a department rule in addition to the requirements of 2011 NEC 210.11: Where an air conditioner sleeve is provided in a building wall, a receptacle outlet shall be located within 4 feet of the sleeve. If a circuit is not run to the outlet, a raceway shall be provided. When the air conditioner is installed in the sleeve, it shall be supplied by an individual branch circuit. A receptacle outlet installed for an air conditioner may not be counted as one of the receptacles required by NEC 210.52 (A).

(b) The requirements in 2017 NEC 210.11 (C) (4) are not included as part of this chapter.

(3) **ARC-FAULT CIRCUIT-INTERRUPTER PROTECTION.** The requirements in 2017 NEC 210.12 (A) do not apply to kitchens.

(4) **BRANCH CIRCUIT EXTENSIONS OR MODIFICATIONS — DWELLING UNITS AND DORMITORY UNITS.** The requirements in 2011 NEC 210.12 (B) and 2017 NEC 210.12 (D) are not included as part of this chapter.

(5) **LIGHTING OUTLETS REQUIRED.** Substitute the following wording for 2011 NEC 210.70 (A) (1): At least one wall switch-controlled lighting outlet shall be installed in every habitable room, kitchen and bathroom.

(6) **COUNTERTOP RECEPTACLES.** The requirements in 2011 NEC 210.52 (A) (4) are not included as part of this chapter.

SECTION 57. SPS 316.210 (7) and (8) are created to read:

**SPS 316.210 (7) GARAGES.** Substitute the following wording for 2017 NEC 210.52 (G) (1): In each attached garage and in each detached garage with electric power.

(8) **MEETING ROOMS.** The requirements in 2017 NEC 210.71 do not apply to this chapter.

SECTION 58. SPS 316.220 (1) and (2) are amended to read:

**SPS 316.220 (1) GENERAL.** This is a department exception to the requirements in 2011 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.

(2) **EXCEPTION.** This is a department exception to the requirements in 2011 and 2017 NEC 220.40:

Exception: Under the supervision of a Wisconsin professional engineer, architect, or designer of electrical systems, the feeder or service size may be computed using diversity factors or historical data of a similar type of building, other than one- and 2-family dwelling units.

SECTION 59. SPS 316.225 (1), (2) (intro.), (3), (4), and (6) are amended to read:

**SPS 316.225 (1)** CLEARANCES FROM BUILDINGS FOR CONDUCTORS NOT OVER 600 VOLTS. Substitute the following wording for 2011 NEC 225.19 (A) Exception No. 4: The requirement for maintaining the vertical clearance 3 feet from the edge of the roof does not apply to the final conductor span to the building.

**(2) (intro.)** NUMBER OF SUPPLIES. The following are department rules in addition to the requirements in 2011 and 2017 NEC 225.30:

**(3)** LOCATION. This is a department rule in addition to the requirements of 2011 and 2017 NEC 225.32: The building disconnect required by NEC 225.31 shall be located in accordance with s. SPS 316.230 (3).

**(4)** CLEARANCES OVER ROADWAYS, WALKWAYS, RAIL, WATER, AND OPEN LAND. Substitute the following wording for the note to 2011 and 2017 NEC 225.60 (C):

**Note:** For clearances of conductors of over 600 volts, see ch. PSC 114.

**(6)** CLEARANCES OVER BUILDINGS AND OTHER STRUCTURES. Substitute the following wording for the note to 2011 and 2017 NEC 225.61 (B):

**Note:** See ch. PSC 114 regarding clearances of conductors of over 600 volts and for prohibition of constructing dwellings under or near overhead lines.

SECTION 60. SPS 316.230 (1) (a) (intro.) is amended to read:

**SPS 316.230 (1) (a) (intro.)** ~~These are~~ This is a department informational ~~notes~~ note to be used under 2011 and 2017 NEC 230.2 (intro.):

SECTION 61. SPS 316.230 (1) (a) (Note 1) is repealed.

SECTION 62. SPS 316.230 (1) (c), (2), (3) (a) and (b), and (4) (intro.) are amended to read:

**SPS 316.230 (1) (c)** This is a department rule in addition to the requirements of 2011 NEC 230.2 (B): For a building which is not more than 3 stories in height and which contains only 3 or more attached, vertically separated, side-by-side, or back-to-back dwelling units, with each dwelling unit served by an individual exterior exit within 6 feet of the exit discharge grade, a separate service drop or lateral shall be permitted for each 2 attached units.

**(2)** NUMBER OF SERVICE-ENTRANCE CONDUCTOR SETS. The requirements specified in 2011 and 2017 NEC 230.40 Exception No. 3 are not included as part of this chapter.

**(3) (a) General.** This is a department rule in addition to the requirements of 2011 and 2017 NEC 230.70: Disconnecting means shall be provided to disconnect the utility wiring from the premises wiring at any point where utility wiring terminates and premises wiring extends overhead or underground to more than one building or structure.

**(b) Location.** This is a department rule in addition to the requirements of 2011 and 2017 NEC 230.70 (A): Raceways containing service conductors or cables, or service entrance cable not contained within a raceway, may not extend longer than 8 feet into a building to the service disconnect or the first service disconnect of a group of disconnects as permitted by NEC 230.71. The raceways or conductors shall be considered to have entered the building at the point where they pass through the outer surface of the building exterior, except as permitted by NEC 230.6.

**(4) (intro.) RATING OF SERVICE DISCONNECTING MEANS – 2011 NEC.** This is a department rule in addition to the requirements of 2011 NEC 230.79:

SECTION 63. SPS 316.230 (5) is created to read:

**SPS 316.230 (5) RATING OF SERVICE DISCONNECTING MEANS – 2017 NEC.** This is a department rule in addition to the requirements of 2017 NEC 230.79: For 2-family or multi-family dwellings, the service equipment shall have a rating of not less than 150 amperes, 3-wire or 4-wire.

SECTION 64. SPS 316.240 is created to read:

**SPS 316.240 Overcurrent protection.** The requirements in 2017 NEC 240.67 do not apply to this chapter.

SECTION 65. SPS 316.250 (1) and (2) are amended to read:

**SPS 316.250 (1) SUPPLEMENTAL ELECTRODE REQUIRED.** The exception in 2011 and 2017 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 2011 and 2017 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 66. SPS 316.250 (3) is created to read:

**SPS 316.250 (3) TYPES OF EQUIPMENT GROUNDING CONDUCTORS.** This is a department rule in addition to the requirements of 2017 NEC 250.118: A metallic raceway installed in direct contact with earth, in concrete slabs or floors poured on earth, or in exterior concrete walls below grade shall be augmented with a supplemental equipment grounding conductor identified in NEC 250.118 (1). This supplemental conductor shall be sized in accordance with NEC 250.122. An aluminum equipment grounding conductor used for this purpose shall be insulated.

SECTION 67. SPS 316.300 (1) (intro.) is amended to read:

**SPS 316.300 (1) (intro.) ELECTRICAL REQUIREMENTS FOR PRIVATE SEWAGE ONSITE WASTEWATER TREATMENT SYSTEMS.** These department rules apply to private sewage onsite wastewater treatment systems and are in addition to the requirements of 2011 and 2017 NEC 300:

SECTION 68. SPS 316.300 (2) is renumbered SPS 316.300 (2) (a) and amended to read:

**SPS 316.300 (2) PROTECTION AGAINST PHYSICAL DAMAGE. (a)** The requirements specified in 2011 NEC 300.4 (D) are not included as part of this chapter.

SECTION 69. SPS 316.300 (2) (b) is created to read:

**SPS 316.300 (2) (b)** This is a department exception in addition to the exceptions under 2017 NEC 300.4 (D):

Exception No. 4: This distance does not need to be maintained within 8 inches of a device, junction box, splice, or termination point.

SECTION 70. SPS 316.310 (intro.) is renumbered SPS 316.310 (1) (intro.) and amended to read:

**SPS 316.310 Conductors for general wiring. (1) (intro.)** This is a department rule in addition to the requirements in 2011 NEC 310.15 (B) (3) (a): The derating factors shown in NEC Table 310.15 (B) (3) (a) do not apply to branch circuits supplying an individual dwelling unit except under the following conditions:

Exception No. 6: The derating factors shown in NEC Table 310.15 (B) (3) (a) do not apply to branch circuits supplying an individual dwelling unit except under the following conditions:

SECTION 71. SPS 316.310 (1) and (2) are renumbered SPS 316.310 (1) (a) and (b).

SECTION 72. SPS 316.310 (2) is created to read:

**SPS 316.310 (2)** This is a department rule in addition to the requirements in 2017 NEC 310.15 (B) (3) (a): The derating factors shown in NEC Table 310.15 (B) (3) (a) do not apply to branch circuits supplying an individual dwelling unit.

SECTION 73. SPS 316.312 (1), (2), and (3) are amended to read:

**SPS 316.312 (1) CABLES.** Substitute the following wording for 2011 and 2017 NEC 312.5 (C) Exception (intro.):

Exception: Cables with entirely nonmetallic sheaths may enter an enclosure through one or more nonflexible raceways of not less than 12 inches and not more than 10 feet in length, provided all of the following conditions are met:

**(2) OMISSION.** The requirements specified in 2011 NEC 312.5 (C) Exception paragraph (b) and 2017 NEC 312.5 (C) Exception number 2 are not included as part of this chapter.

**(3) FITTING.** Substitute the following wording for 2011 NEC 312.5 (C) Exception paragraph (c) and 2017 NEC 312.5 (C) Exception number 3: A fitting is provided on each end of the raceway to protect the cable from abrasion.

SECTION 74. SPS 316.314 (1) and (2) are amended to read:

**SPS 316.314 (1)** CONDUCTORS ENTERING BOXES, CONDUIT BODIES, OR FITTINGS. This is a department exception to the requirements of 2011 and 2017 NEC 314.17 (B) and (C):

Exception: Nonmetallic sheathed cable is not required to be secured to the box or conduit body where it is installed in accordance with the wiring method specified in s. SPS 316.312.

**(2)** OUTLET BOXES. This is a department rule in addition to the requirements of 2011 NEC 314.27 (A): In a dwelling unit, a ceiling outlet box installed for use as a lighting fixture outlet in a habitable room or kitchen and located where a ceiling fan could be installed shall be a type listed for ceiling fan support.

SECTION 75. SPS 316.334 (1) and (2) are amended to read:

**SPS 316.334 (1)** USES PERMITTED. Substitute the following wording for 2011 and 2017 NEC 334.10 (3): Other structures permitted to be of Types III, IV, and V construction except as prohibited in NEC 334.12.

**(2)** TYPES NM, NMC, AND NMS. The requirements specified in 2011 and 2017 NEC 334.12 (A) (2) are not included as part of this chapter.

SECTION 76. SPS 316.358 is amended to read:

**SPS 316.358 Uses permitted.** This is a department rule in addition to the requirements of 2011 and 2017 NEC 358.12: Electrical metallic tubing may not be used in direct contact with earth, in concrete slabs or floors poured on earth, or in exterior concrete walls below grade.

SECTION 77. SPS 316.400 is renumbered SPS 316.400 (1) and amended to read:

**SPS 316.400 Flexible cords and cables. (1)** This is a department exception in addition to the exception in 2011 NEC 400.8 (4):

Exception No. 2: Flexible cords and cables permitted by NEC 400.7 (A) that are connected to sources other than busways may be attached to adequately supported equipment or building surfaces provided the type of cord or cable, the attachment to the building and equipment, and the support comply with the provisions of NEC 368.56 (B).

SECTION 78. SPS 316.400 (2) is created to read:

**SPS 316.400 (2)** This is a department exception in addition to the exception in 2017 NEC 400.12 (4):

Exception No. 2: Flexible cords and cables permitted by NEC 400.10 (A) that are connected to sources other than busways may be attached to adequately supported equipment or building surfaces provided the type of cord or cable, the attachment to the building and equipment, and the support comply with the provisions of NEC 368.56 (B).

SECTION 79. SPS 316.404 is created to read:

**SPS 316.404 Switches controlling lighting loads.** The requirements in 2017 NEC 404.2 (C) do not apply to dwelling units.

SECTION 80. SPS 316.406 is renumbered SPS 316.406 (1) and amended to read:

**SPS 316.406 Receptacles, cord connectors, and attachment plugs (caps).** (1) The requirements in 2011 and 2017 NEC 406.4 (D) (4) are not included as part of this chapter.

SECTION 81. SPS 316.406 (2) is created to read:

**SPS 316.406 (2)** Substitute the following wording for 2017 NEC 406.9 (B) (1): Receptacles of 15 and 20 amperes, 125 and 250 volts installed in a wet location shall have an enclosure that is weatherproof whether or not the attachment plug cap is inserted.

SECTION 82. SPS 316.450 (1) and (2) are amended to read:

**SPS 316.450 (1) OVERCURRENT PROTECTION.** This is a department rule in addition to the requirements in 2011 and 2017 NEC Table 450.3 (A) Note 3: The qualified person shall be either an employee at that location or an employee contracted for this purpose who is readily available.

**(2) LOCATION.** Substitute the following wording for 2011 and 2017 NEC 450.41: Vaults containing oil-insulated transformers shall be located where the vaults can be ventilated to the outside air without using flues or ducts, except where a petition for variance is approved.

SECTION 83. SPS 316.511 (1) and (2) are amended to read:

**SPS 316.511 (1)** The requirements specified in 2011 NEC 511.3 (C) (1) (a) are not included as part of this chapter.

**(2)** Substitute the following wording for 2011 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~~ chs. SPS 361 to 366.

SECTION 84. SPS 316.511 (3) and (4) are created to read:

**SPS 316.511 (3)** Substitute the following wording for “Extent of Classified Location” in 2017 NEC Table 511.3 (C) under which the floor area of a major repair garage is considered unclassified: Up to 450 mm (18 in.) above floor level of the room where the room is provided with ventilation from a point not more than 300 mm (12 in.) from the lowest point of the floor area and the ventilation conforms to chs. SPS 361 to 366.

**(4)** Substitute the following wording for “Extent of Classified Location” in 2017 NEC Table 511.3 (D) under which the ceiling area of a major repair garage is considered unclassified: Within 450 mm (18 in.) of ceiling where ventilation is provided from a point not more than 450 mm (18 in.) from the highest point in the ceiling and the ventilation conforms to chs. SPS 361 to 366.



SECTION 85. SPS 316.547 is amended to read:

**SPS 316.547 Agricultural buildings.** This is a department exception to the requirements in 2011 and 2017 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 86. SPS 316.551 is created to read:

**SPS 316.551 Recreational vehicles and recreational vehicle parks.** Substitute the following wording for 2017 NEC 551.71 (C): A minimum of 20 percent of existing and 40 percent of all new recreational vehicle sites, with electrical supply, shall each be equipped with a 50-ampere, 125/250-volt receptacle conforming to the configuration as identified in Figure 551.46 (C) (1). These electrical supplies shall be permitted to include additional receptacles that have configurations in accordance with 551.81.

SECTION 87. SPS 316.620 (1) is renumbered SPS 316.620 and amended to read:

**SPS 316.620 Elevators, dumbwaiters, escalators, moving walks, platform lifts, and stairway chairlifts.** This is a department exception to the requirements in 2011 and 2017 NEC 620:

Exception: Wherever NEC 620 requires disconnecting means with overcurrent protection to be located in an elevator machine room, control room, machinery space or control space and the elevator does not have such a room or space directly accessible from a building floor level, such devices shall be located instead in lockable cabinets or electrical rooms accessible only to qualified persons.

SECTION 88. SPS 316.620 (2) is repealed.

SECTION 89. SPS 316.675 is renumbered SPS 316.675 (1) and amended to read:

**SPS 316.675 Electrically driven or controlled irrigation machines. (1)** This is a department rule in addition to the requirements in 2011 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 90. SPS 316.675 (2) is created to read:

**SPS 316.675 (2)** This is a department rule in addition to the requirements in 2017 NEC 675.8: A service disconnecting means with overcurrent protection shall be provided at the service point in accordance with NEC 230 Part VI.

SECTION 91. SPS 316.680 (1) and (2) are amended to read:

**SPS 316.680 (1) PERIMETER SURFACES.** This is a department rule in addition to the requirements of 2011 NEC 680.26 (B) (2); The requirements specified in NEC 680.26 (B) (2) ~~does~~ do not apply to a listed self-contained spa or hot tub constructed with nonmetallic walls.

(2) POOL WATER. This is a department rule in addition to the requirements of 2011 NEC 680.26 (C); The requirements specified in NEC 680.26 (C) ~~does~~ do not apply to a listed self-contained spa or hot tub constructed with nonmetallic walls.

SECTION 92. SPS 316.700 (1) (intro.), (2), and (3) are amended to read:

**SPS 316.700 (1) (intro.)** WIRING, EMERGENCY SYSTEM. This is a department rule in addition to the requirements of 2011 and 2017 NEC 700.10 (B):

(2) GENERAL REQUIREMENTS. This is a department rule in addition to the requirements in 2011 and 2017 NEC 700.12 (intro.): The enclosure of the alternate source of power located outdoors for emergency systems shall be located at least 10 feet horizontally from any combustible portion of a Type III, Type IV, or Type V building and at least 20 feet from an outdoor electrical transformer, electrical metering, service equipment, or normal power distribution equipment. These dimensions may be reduced where a noncombustible barrier is installed that extends at least 3 feet beyond each side of the alternate power source and transformer. The height of the barrier shall be at least one foot above the top of the transformer, electrical metering, service equipment, or alternate power source, whichever is higher.

(3) GENERAL REQUIREMENTS, DUAL SUPPLIES. The requirements in 2011 and 2017 NEC 700.12 (B) (3) are not included as part of this chapter.

SECTION 93. SPS 316.701 (1) and (2) are amended to read:

**SPS 316.701 (1)** ADDITION. This is a department rule in addition to the requirements in 2011 and 2017 NEC 701.12 (intro.): The enclosure of the alternate source of power located outdoors for legally required standby systems shall be located at least 10 feet horizontally from any combustible portion of a Type III, Type IV, or Type V building and at least 20 feet from an outdoor electrical transformer, electrical metering, service equipment, or normal power distribution equipment. These dimensions may be reduced where a noncombustible barrier is installed that extends at least 3 feet beyond each side of the alternate power source and transformer. The height of the barrier shall be at least one foot above the top of the transformer, electrical metering, service equipment, or alternate power source, whichever is higher.

(2) DELETION. The requirements specified in 2011 and 2017 NEC 701.12 (B) (3) are not included as part of this chapter.

SECTION 94. Subchapter IV of Chapter SPS 316 is renumbered subch. V of ch. SPS 316.

SECTION 95. SPS 316.915 (3), (6), (7), (8), (10), (12), and (13) are repealed.

SECTION 96. SPS 316.930 is renumbered SPS 316.016.

SECTION 97. SPS 316.960 is renumbered SPS 316.017.

SECTION 98. Subchapter V of ch. SPS 316 is repealed.

SECTION 99. EFFECTIVE DATE. Pursuant to s. 227.22 (2) (intro.) and (b), Stats., these rules shall take effect on the first day of the 2nd month following publication in the Wisconsin Administrative Register, except the treatment of s. SPS 305.629 (1) in SECTION 28 and s. SPS 316.011 (1) (a) 1. in SECTION 47, which shall take effect on the first day of the 9<sup>th</sup> month beginning after publication and the treatment of ss. SPS 316.011 (2), 316.012, and 316.013 in SECTION 47 and subch. V of ch. SPS 316 in SECTION 98, which shall take effect on the first day of the 19<sup>th</sup> month beginning after publication.

-----  
(END OF TEXT OF RULE)  
-----

This Proposed Order of the Department of Safety and Professional Services is approved for submission to the Governor and Legislature.

Dated \_\_\_\_\_

Agency \_\_\_\_\_

Deputy Secretary

Department of Safety and Professional Services