



State of Wisconsin \ Department of Industry, Labor and Human Relations

# HEARING DRAFT of PROPOSED RULES

**Rule:** Chapter ILHR 17, Subchapter II  
**Relating to:** Electrical Inspection  
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SECTION 1. Chapter ILHR 17 Subchapter II is created to read:

Subchapter II  
Electrical Inspection of Public Buildings  
and Places of Employment

ILHR 17.10 PURPOSE. Pursuant to s. 101.82, Stats., the purpose of this subchapter is to establish rules for the inspection of electrical construction of public buildings and places of employment.

ILHR 17.11 SCOPE. The rules contained in this subchapter specify the electrical construction to be inspected, the inspection procedures to be followed and the procedures for connection of electric service.

ILHR 17.12 APPLICATION. The rules contained in this subchapter shall apply to all persons, independent inspection agencies, municipalities and state governmental agencies engaged in the inspection of electrical work for the purposes of administering and enforcing the Electrical Code, Volume 2, ch. ILHR 16 in public buildings and places of employment, and to companies or utilities providing connection of electric service.

ILHR 17.13 AUTHORITY. (1) DEPARTMENTAL AUTHORITY. Pursuant to ch. 101, subch. IV, Stats., the department has been granted the authority and jurisdiction over the inspection of electrical construction of public buildings and places of employment.

(2) MUNICIPAL AUTHORITY. (a) Jurisdiction conditions. Pursuant to s. 101.86 (1), Stats., municipalities may exercise jurisdiction over inspection of electrical construction in public buildings and places of employment by passage of ordinances, providing:

1. The ordinances meet the minimum requirements of this subchapter;
2. The municipality notifies the department on Form SBD \_\_\_\_\_ at least 30 days prior to the date upon which the municipality intends to assume the jurisdiction;
3. The municipality provides the department with a copy of their electrical ordinances and subsequent revisions to the ordinances;
4. The municipality ordinance adopts the Electrical Code, Volume 2, ch. ILHR 16 in its entirety;
5. The municipality employs or contracts with certified inspectors or independent inspection agencies to perform electrical inspection functions;
6. The municipality provides the department with the names of their certified inspectors or independent inspection agencies, and new inspectors or agencies employed or contracted by the municipality;
7. The municipality provides the department with any information requested by the department relative to the electrical inspection of public buildings and places of employment; and

8. The municipality notifies the department, in writing, at least 30 days prior to the date upon which the municipality intends to relinquish jurisdiction responsibilities.

(b) Joint jurisdiction. Municipalities may jointly exercise the jurisdiction granted in par. (a).

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

(d) County. 1. Ordinances enacted by a county under this subsection establishing electrical inspection functions shall apply to all municipalities within that county which have not assumed jurisdiction.

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

ILHR 17.14 INSPECTIONS. (1) PERSONS AUTHORIZED TO PERFORM INSPECTIONS. (a) General. All inspections performed for a municipality, independent inspection agency or the department for the purpose of administering and enforcing the Electrical Code, Volume 2, ch. ILHR 16 shall be performed by a certified inspector.

(b) Right of entry. Any certified inspector required to be certified under par. (a) may, during reasonable hours, enter any building or premises in the discharge of their official duties for the purpose of making inspection, reinspections or testing of electrical wiring.

(2) MUNICIPAL INSPECTIONS. (a) Electrical wiring requiring inspection. Municipalities exercising jurisdiction under s. ILHR 17.13 (2) shall provide for inspection of all electrical wiring in:

1. New construction, additions, alterations and change of use of public buildings and places of employment requiring submittal of building plans under ss. ILHR 50.03 and 50.12 for the classes of occupancies required to be inspected by the department under sub. (4) (a); and

2. Such other installations as required by the municipality.

(b) Inspection types. Inspections required to be performed shall be of the following types for the purpose of determining if the work complies with the Electrical Code, Volume 2, ch. ILHR 16:

1. An inspection before the work is concealed;

2. Reinspections, as necessary, to confirm compliance and satisfactory completion of all electrical work; and

3. A final inspection.

(c) Permit required. 1. Except as provided in subd. 2., no electrical wiring specified in par. (a) may be installed unless an application for permit and the required fees have been submitted to the municipality exercising jurisdiction under s. ILHR 17.13 (2).

2. Under emergency conditions, the necessary electrical work may be commenced without submitting an application; however, the person performing such work shall report the work to the municipality no later than the next business day. The emergency installation shall conform to the Electrical Code, Volume 2, ch. ILHR 16.

(d) Inspection. 1. Upon completion of the electrical wiring required to be inspected under par. (a) or before any electrical wiring is to be hidden from view, the person, firm or corporation installing the electrical wiring shall notify the municipality that the installation is ready for inspection.

2. The certified inspector responsible for the inspection shall perform the requested inspection within 2 business days after receiving notification.

3. If upon inspection, it is found that the installation is fully in compliance with the Electrical Code, Volume 2, ch. ILHR 16 and the municipal ordinances, the certified inspector shall approve the installation and authorize concealment of the electrical wiring or connection of electrical service.

4. If the installation is incomplete or not in compliance as noted in subd. 3., orders to correct shall be issued in accordance with the municipal ordinances.

(3) INDEPENDENT AGENCY INSPECTIONS. (a) Municipalities. Independent inspection agencies performing inspections for municipalities exercising jurisdiction under s. ILHR 17.13 (2) shall provide inspections in accordance with the requirements of sub. (2) for municipalities.

(b) Department. Independent inspection agencies performing inspections for the department shall provide inspections as required by the department.

(4) DEPARTMENT INSPECTION PROGRAM. (a) Required inspections. The department shall inspect all electrical wiring in new construction, additions, alterations and change of use of public buildings and places of employment requiring submittal of building plans under ss. ILHR 50.03 and 50.12 in the following occupancies that are not within the boundaries of municipalities exercising jurisdiction:

1. Nursing homes, old age homes;
2. Hotels, motels, YMCA and YWCA buildings;

3. Day Care centers;
4. Community-based residential facilities;
5. Restaurants having a capacity of 100 or more occupants; and
6. All indoor theaters.

(b) Random inspections. The department may perform random inspections of electrical wiring in any new public building or place of employment, including additions and alterations, that are not within the boundaries of municipalities exercising jurisdiction.

(c) Requested or complaint inspections. The department may perform inspection of electrical wiring in public buildings or places of employment in any municipality upon request or complaint.

(d) Municipality monitoring program. The department shall monitor the electrical inspection program of all municipalities exercising jurisdiction under s. ILHR 17.13 (2) in accordance with the following procedures:

1. A monitoring review of the municipality program shall be conducted at least once annually;

2. A municipality monitoring summary shall be completed for each monitoring review on Form SBD \_\_\_\_\_. A copy of the completed summary shall be provided to the municipality; and

3. The monitoring review shall include the following:

a. Verification that the department's copy of the municipality's electrical ordinances is current.

b. Verification that all electrical inspections are being performed by certified inspectors or independent inspection agencies.

c. Verification that the department's record of certified inspectors for that municipality is current.

d. Review of municipal inspection records to verify compliance with sub. (2).

e. Verification that electrical wiring required to be inspected under sub. (2) (a) has not been connected for use without a certificate furnished by the certified inspector authorized to perform the inspection as required by s. ILHR 17.15 (1).

f. On-site verification that municipality inspections enforce the Electrical Code, Volume 2, ch. ILHR 16.

(e) Technical assistance. The department shall provide technical assistance to the extent possible with the available resources to any person, upon request, regarding interpretation and application of the Electrical Code, Volume 2, ch. ILHR 16. The technical assistance may consist of telephone, written, in-office or on-site review of specific problems.

ILHR 17.15 CONNECTION OF ELECTRICAL SERVICE. Pursuant to s. 101.865, Stats., the company or utility furnishing electric current shall obtain proof that electrical wiring complies with the Electrical Code, Volume 2, ch. ILHR 16 before furnishing such service.

(1) CERTIFICATE REQUIRED. The electrical wiring required to be inspected under s. ILHR 17.14 (2) (a) and (3) shall not be connected for use until a certificate is filed with the company or utility furnishing electric current. The certificate shall be furnished by the certified inspector authorized to perform the inspection.

(2) AFFIDAVIT REQUIRED. The electrical wiring required to be inspected under s. ILHR 17.14 (4) shall not be connected for use until an affidavit is filed with the company or utility furnishing electric current indicating that the electrical wiring complies with the Electrical Code, Volume 2, ch. ILHR 16. The affidavit shall be furnished by the electrical contractor or other person doing the wiring.

(END)

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

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