

"It's Electric!": Recent Legislation Amplifies Licensure Requirements for Electricians and Provides Exemptions for Routine Maintenance Work

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Recent changes to Wisconsin's electrical wiring code establish new licensure requirements for electricians, including, a supervisory requirement for registered electricians, and provide exemptions for certain routine maintenance work on electrical components. These changes modify aspects of a 2008 law that was previously discussed in a legal update entitled *New Electrical Statute Creates Lighting Maintenance Challenge for Facility and Property Management Industry* published on January 16, 2013. These new changes went into effect **on or before April 1, 2014** after legislation delayed implementation because building owners, property managers, and sign companies were unprepared for the law's initial April 1, 2013 implementation date. The delayed effective date was largely the result of the lobbying efforts by those parties designed to avoid costs associated with hiring licensed electricians to perform tasks historically done by unlicensed maintenance staff.

The new amendments provide that the Wisconsin Department of Safety and Professional Services (DSPS) will regulate all master electricians, all journeyman electricians, all electrical apprentices, registered electricians (formerly, "beginning electricians"), and any additional types and subtypes of electricians recognized by DSPS. Registered electricians must now be supervised by licensed journeyman or master electricians. The new amendments also add specific licensure requirements for journeyman and master electricians, and permit DSPS to enter into reciprocity agreements with other states to recognize the licensing of an out-of-state electrician who has met comparable qualification requirements imposed by Wisconsin.

The 2008 changes to Wisconsin's electrical wiring code broadly applied to even the most routine of electrical work, including the replacement of fluorescent ballasts and lighting transformers. The biggest fear of many building owners, property managers, and sign companies was that the cost of doing business was going to increase because a licensed electrician would need to be hired to perform routine maintenance work that could previously be performed by general maintenance workers, *i.e.*, changing a fluorescent light fixture ballast. Thus, a key focus of these most recent revisions to Wisconsin's electrical wiring code was to exempt certain routine maintenance work.

These new statutory exemptions include electrical wiring work performed by an employee of an existing industrial or manufacturing facility (Wis. Stat. § 101.862(4)(am)), or to support telecommunications service that is provided by a telecommunications provider (Wis. Stat. § 101.862(4)(f)). Moreover, exemptions were added for the installation of a replacement for an existing switch or outlet with a rating of no more than 20 amperes (Wis. Stat. § 101.862(4)(n)), and electrical wiring work performed on a volunteer basis for a qualified nonprofit corporation engaged in building homes (Wis. Stat. § 101.862(6)(a)). A narrow (and thus far, infrequently used) exemption now exists for persons born on or before January 1, 1956 with at least 15 years of experience as an electrician, provided that such person satisfies any additional requirements in any applicable DSPS administrative rules (Wis. Stat. § 101.862(5)(a)). Finally, the amendments expand the scope of an existing exemption for work on equipment and systems that do not have a primarily electrical function to include the installation, repair or maintenance of "ballasts, electric signs and luminaires" (Wis. Stat. § 101.862(4)(g)), thereby permitting sign companies, building owners and property managers to continue their past electrical maintenance practices.

The new changes grant considerable authority to DSPS to create rules that establish procedures, criteria and other requirements for the licensing and registration of electricians. Many of the details of these amendments will be provided in the administrative rules promulgated by DSPS. Whether you are a business that hires electricians or the electrician performing the work, it will be crucial to understand your obligations under these administration rules to avoid any monetary penalties. The idiom "the devil is in the detail" is particularly applicable here.

As this law continues to be implemented through the promulgation of administrative rules or otherwise, we will publish future legal updates on new or modified exemptions and licensure requirements that will affect electrical contractors, property managers and building owners.

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