



Legislation Text

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Fiscal Note

The State preemption of municipal electrician licensing will result in the loss of an estimated \$50,000 in General Fund revenues, starting in 2014.

Title

SUBSTITUTE Repealing and recreating Section 19.09 of the Madison General Ordinances relating to license requirements for electricians and electrical contractors.

Body

DRAFTER'S ANALYSIS: This proposal is introduced at the request of the Building Inspection Division. Changes in state law have eliminated the City's ability to register or license electricians. Instead, under the new state law, adopted as 2000 Wisconsin Act 63, no person may work as an electrician or as an electrical contractor, unless the person is licensed by or registered with the State of Wisconsin. This proposal also adopts the exclusions from licensing that are contained in the new Wis. Stat. § 101.862. This proposal also preserves the City's ability to permit the owner of a single family residence to perform electrical wiring in the person's residence, provided that the person demonstrates that they are competent to do such work and the person pays the same fee as required of electrical contractors (this is the same as existing city ordinances). The state law changes are currently scheduled to take effect April 1, 2014, and the effective date of this proposal is delayed to that date.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 19.09 entitled "License Requirements" of the Madison General Ordinances is repealed and recreated to read as follows:

"19.09 LICENSE REQUIRED.

- (1) No person may work as an electrician or as an electrical contractor unless the person is licensed by or registered with the State of Wisconsin. No person may engage in the business of installing, repairing, or maintaining electrical wiring unless the person is licensed or registered as an electrical contractor by the State of Wisconsin.
- (2) No person may install, repair, or maintain electrical wiring unless the person is licensed as an electrician by the State of Wisconsin or unless the person is registered as a beginning electrician by the State of Wisconsin
- (3) No person who is not a master electrician may install, repair, or maintain electrical wiring unless a master electrician is at all times responsible for the person's work.
- (4) Subsections (1) to (3) do not apply to any of 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 single-family residence, provided that the Division may issue a permit to the residential property owner only if the person desiring such permit shows that the person is competent to do such work in conformity with all rules and regulations governing installation of electrical wiring in residences, and such person pays the same fee as required of electrical contractors under Section 19.14 of this chapter.
 - (b) A person engaged in maintaining or repairing electrical wiring within a facility or on premises owned or leased by the person or by an entity for which the person is an agent.
 - (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 one hundred (100) volts or less.
- (e) A person engaged in installing, repairing, or maintaining an electronic system designed to monitor a premise 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, as defined in Wis. Stat. § 196.01 (12).
- (g) A person engaged in installing, repairing, or maintaining manufactured equipment or a 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 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.
- (h) A person engaged in installing electrical wiring for components of a manufactured home, as defined in Wis. Stat. § 101.91 (2), or a manufactured building, as defined in Wis. Stat. § 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 six hundred (600) volts.
- (m) A person employed by an electricity provider, or a subcontractor of an electricity provider, who restores service during an emergency."

2. This ordinance shall be effective April 1, 2014.

EDITOR'S NOTE:

Section 19.09 currently reads as follows:

"19.09 LICENSE REQUIREMENTS.

- (1) Contractors. No person, either individually, as a member of a firm, or as an officer or employee of a corporation, shall conduct the business of electrical wiring, maintenance, construction, (either inside or outside) contracting, either as a master electrician, elevator specialist, or maintenance electrician, unless such person shall have a valid license as required by this chapter, and no electrical work except minor repair work as defined in Section 19.10(2), shall be done by a person not having such license unless as prescribed in the following description of the three (3) classes of electrical work. The Division may, however, issue a permit to the owner only for a single-family residence, which he and his immediate family solely occupy, if the person desiring such permit can prove that he is competent to do such work in conformity with all rules and regulations governing installation of electrical wiring in residences, and such person shall pay the same fee as required of electrical contractors under Section 19.14 of this chapter. Nothing herein provided shall apply to servicing of electrical appliances by the manufacturer.
- (2) Bonds. Every person licensed as an active Class A, AA, or B electrician shall pay an additional seventy-five dollars (\$75) for which the City will guarantee in the amount of one thousand dollars (\$1,000) that such person shall comply with the Ordinances and laws relating to electrical wiring, and will pay costs and expenses that may be caused by the negligence of such person or her/his servants occasioned by her/his or their failure to comply with said laws and

- Ordinances up to the \$1,000 limit or give a bond to the City of Madison in the sum of one thousand dollars (\$1,000) at the time of license renewal with such sureties as the City Attorney shall approve. Provided further that the person who holds the license for the corporation, the license shall indicate both the name of the licensee and the corporation.
- (3) Renewal. Every license shall expire on the thirtieth (30th) day of June following the date of its issue, and may be renewed upon payment to the City Treasurer of the renewal fee appertaining to that class of license not later than the first (1st) day of July of the year in which said license expires. After July 1, the license cannot be renewed and the licensee will be required to make application for and take the examination for a new license in the same manner as a new applicant before a new license will be issued. Temporary license shall not be issued.
- (4) Classes of Licenses. There shall be three (3) classes of licenses issued to do electrical work in the City of Madison.
- (a) Class A - Master Electrician's Licenses shall be issued to persons for the business of electrical contracting, wiring, and construction.
 - (b) Class AA - Master Electrician's Restricted Licenses shall be issued to persons employed in public buildings or industrial plants as construction and maintenance electricians.
 - (c) Class B - Maintenance Electrician's Licenses shall be issued to persons employed in or performing maintenance work in public buildings or industrial plants as maintenance electricians.
 - (d) Licenses in force at the time of the adoption hereof shall remain in force until their expiration. There being no other ground of disqualification, such licenses shall be renewable without examination.
 - (e) It shall be the responsibility of every licensee to keep the Building Inspection Division of the Department of Planning and Community and Economic Development informed of any change in mailing address and/or place of employment.
- (5) Scope.
- (a) A Class A licensee may engage in any type of electrical work except such work as requires a separate license, (sign erection, radio and television sales and servicing, electronic sound devices, and electrical space heating). A Class A license is required for external electrical work on signs and for connection of signs to commercial power source.
 - (b) A Class AA licensee may engage in any type of electrical work except such work as requires a separate license, and only within the building or plant in where the licensee is regularly employed. The licensee shall not contract for or perform any electrical work elsewhere.
 - (c) A Class B licensee may make only necessary repairs or operate equipment within the building or plant where regularly employed in the capacity of maintenance electrician. Class B licensees shall not install new work.
- (6) Qualifications.
- (a) Any person making application for Class A or AA licenses must have had at least six (6) years of practical experience in executing or supervising electrical lighting and power installations within buildings, and shall give references or affidavits of proof of same.
 - (b) Any person making application for Class B license shall show proof of at least three (3) years of practical experience in operating or maintaining electrical equipment within public buildings or industrial plants.
 - (c) The Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals shall determine whether such experience has been sufficiently practical.
- (7) How Obtained.
- (a) Applicants will be examined for the Class A, AA, and B licenses by the Director of the Building Inspection Division of the Department of Planning and Community and Economic Development, or designee, on the second Monday of January, April, July and October, and at any other time upon a finding by the Director that there be a hardship

- involved and that a delay in writing the exam will result in an injustice to the applicant. Any person desiring such license shall make application therefor to the said Director at least thirty (30) days prior to the date on which the examination is to be held.
- (b) An application fee of one hundred twenty-five dollars (\$125) shall accompany such application for a Class A license.
 - (c) An application fee of seventy-five dollars (\$75) shall accompany such application for a Class AA license.
 - (d) An application fee of seventy-five dollars (\$75) shall accompany such application for a Class B license.
 - (e) Application forms may be obtained from the Building Inspection Division of the Department of Planning and Community and Economic Development, City of Madison, Municipal Building, Madison, Wisconsin.
 - (f) The Director of the Building Inspection Division of the Department of Planning and Community and Economic Development, or designee, shall, upon being satisfied as to the competency of the applicant and upon payment by the applicant to the City Treasurer of the license fee as above stipulated, issue to such applicant a license authorizing him to conduct the business of electrical wiring and construction for that branch of electrical industry for which he is qualified. The examination application fee shall constitute payment for the balance of the license year.
 - (g) If the applicant for a license fails in his examination, he may write the examination the next time it is given, but if he fails to pass again, he must wait one (1) year before he may again make application to take the examination and reapply as a new applicant.
 - (h) If the applicant has not applied to rewrite after one (1) year, he must submit both a new application and a new fee.
 - (i) The Director of the Building Inspection Division of the Department of Planning and Community and Economic Development, or designee, may issue licenses to any person holding a comparable license issued by a state, city or village having similar requirements for testing and qualifications upon presenting evidence that such license is in force and effect, or on presenting other evidence of competency, and upon filing a bond as provided for in Section 19.09(2).
- (8) Restrictions.
- (a) It shall be unlawful for any person with an A or AA license to allow the use of her/his license, directly or indirectly, for the purposes of obtaining local permits for others, except that a person with an A license may lawfully obtain permits for corporations or firms who are actively engaged in the electrical contracting business with a recognized business location, provided that such person be permanently employed by such firm or corporation on a full-time basis and in a supervisory position.
 - (b) It is further provided that in the event that any person holding a Class A license shall sever his connection with an electrical wiring and construction firm, association, or corporation which has been in continuous operation within the City of Madison for a period of one (1) year or more and there shall be no other person in such firm, association or corporation, or employed full-time by it, who is licensed under the provisions of this chapter to conduct the business of electrical wiring and contracting, the Building Inspection Division of the Department of Planning and Community and Economic Development shall, upon application continue to issue electrical permits to that firm, association or corporation until the next regular examination period. At that time, some other member or full-time employee of the firm, association or corporation must apply for a license to conduct the business of electrical wiring and contracting, according to the provisions of this chapter. In the event that such applicant fails to obtain such license, then said firm, association or corporation shall employ an electrician licensed to conduct the business of electrical wiring and contracting within the period of thirty (30) days after said applicant for license has been notified of his failure to meet the

license requirements. If any work done by such firm, association or corporation pursuant to permits issued by the Building Inspection Division of the Department of Planning and Community and Economic Development shall fail to meet all requirements of the City ordinances and the regulations of the state of Wisconsin or any of its departments, the Building Inspection Division of the Department of Planning and Community and Economic Development shall cease to issue permits to such firm, association or corporation until some member or full-time permanent employee of such firm, association or corporation shall have obtained a license to conduct the business of electrical wiring and contracting in accordance with the provisions of this chapter.

- (9) A person either individually, as a member of a firm, or as an officer of a firm, or as an officer or employee holding a license may apply for an inactive status if the following conditions are satisfied:
- (a) Qualify by examination and pay the required fee for one (1) year on the basis of an active license.
 - (b) After one (1) year, the licensee may establish an inactive status if he is not actively engaged in the business of electrical contracting, wiring, installing, or repairing electrical equipment, or where more than one (1) person holds an active license for the firm.
 - (c) The inactive status shall not be maintained for more than four (4) continuous years.
 - (d) An inactive licensee may activate his license at any time by depositing the required bond and paying to the Treasurer of the City of Madison the difference of the annual renewal fee for the class of license held.

(10) Suspension or Revocation. The Director of the Building Inspection Division of the Department of Planning and Community and Economic Development, or designee, may suspend or revoke any electrical license in accordance with the procedures of Section 29.18(3)(c), Madison General Ordinances, should any licensee violate this Code or any other ordinance or law relating to electrical installation, work, or wiring.”