



**STATE OF WISCONSIN**  
Department of Safety and Professional Services  
1400 East Washington Avenue  
Madison WI 53703

Mail to:  
PO Box 8368  
Madison WI 53708-8368

E-mail: [dps@wisconsin.gov](mailto:dps@wisconsin.gov)  
Web: <http://dsps.wi.gov>  
Phone: 608-266-2112

**Governor Scott Walker      Secretary Dave Ross**

---

**ELECTRICAL CODE ADVISORY COMMITTEE  
MEETING**

**Room 121C, 1400 East Washington Avenue, Madison  
Contact: Dale Kleven (608) 261-4472  
August 29, 2016**

*The following agenda describes the issues that the Committee plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the resulting meeting minutes for a description of the recommendations of the Committee.*

**AGENDA**

**9:00 A.M.**

**CALL TO ORDER – ROLL CALL**

- A. Adoption of Agenda (1)**
- B. Approval of Minutes of July 28, 2016 (2-4)**
- C. Department Update**
- D. Review and Discussion of Changes to the NEC (5-8)**
  - 1) Division of Industry Services Update Concerning SPS 316.680 Relating to Pools
  - 2) NEC Code Revisions
  - 3) Wisconsin Considerations and Committee Recommendations
    - a. SPS 316.210 (4) – Branch Circuit Extensions or Modifications
    - b. SPS 316.406 – Receptacles, Cord Connectors, and Attachment Plugs
    - c. Selective Coordination of Overcurrent Devices
    - d. Other Considerations and Recommendations
- E. Review and Discussion of SPS 305 and 316 Draft Rule Language (9-22)**
- F. Public Comments**
- G. Adjournment**

**SPS 316 ELECTRICAL CODE ADVISORY COMMITTEE MEETING  
MEETING MINUTES  
July 28, 2016**

**PRESENT** Steven Bacalzo, Brad Gruenewald, Paul Gruettner, David Helgeson, Gene Jacobson (*arrived at 9:04 a.m.*); Bill Neitzel, John Nikolai (*arrived at 9:10 a.m.*);

**EXCUSED** Shannon Clark, Charles Johansen, Cory Schmoll

**STAFF** Dale Kleven, Rules Coordinator; Jeff Grothman, Policy Advisor; Anthony Tadsak, DIS Engineering Consultant; Nifty Lynn Dio, Bureau Assistant; and other Department staff

**CALL TO ORDER**

Bill Neitzel, called the meeting to order at 9:01 a.m. A quorum of five (5) members was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Steven Bacalzo moved, seconded by Brad Gruenewald, to adopt the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES**

**MOTION:** David Helgeson moved, seconded by Paul Gruettner, to approve the minutes of June 8, 2016 as published. Motion carried unanimously.

*(Gene Jacobson joined the meeting at 9:04 a.m.)*

**REVIEW AND DISCUSSION OF CHANGES TO THE NEC**

*(John Nikolai joined the meeting at 9:10 a.m.)*

**DIS Recommendations**

**MOTION:** David Helgeson moved, seconded by Joseph Bembnister, to delete the first note after SPS 316.230 (1) (a) and SPS 316.230 (1) (c) as recommended by the Division of Industry Services. Motion carried unanimously.

**MOTION:** Steven Bacalzo moved, seconded by Brad Gruenewald, to revise SPS 316.230 (4) (a) as recommended by the Division of Industry Services. Motion carried unanimously.

- MOTION:** Steven Bacalzo moved, seconded by Gene Jacobson, to delete SPS 316.230 (4) (b) as recommended by the Division of Industry Services. Motion carried unanimously.
- MOTION:** Steven Bacalzo moved, seconded by David Helgeson, to request DSPS staff restore COM 16.275 to SPS 316.250.118. Motion carried unanimously.
- MOTION:** Joseph Bembnister moved, seconded by Paul Gruettner, to substitute the current language of SPS 316.300 (2) with the language for a new exception recommended by the Division of Industry Services. Motion carried.
- MOTION:** David Helgeson moved, seconded by John Nikolai, to modify SPS 316.310 to specify the derating factors shown in NEC Table 310.15(B)(3)(a) do not apply to branch circuits supplying an individual dwelling unit. Motion carried unanimously.
- MOTION:** Joseph Bembnister moved, seconded by David Helgeson, to delete SPS 316.314 (2) as recommended by the Division of Industry Services. Motion carried unanimously.
- MOTION:** John Nikolai moved, seconded by Steven Bacalzo, to table discussion of SPS 316.406 until the next meeting. Motion carried unanimously.
- MOTION:** Steven Bacalzo moved, seconded by Paul Gruettner, to request DSPS staff draft language relating to ventilating requirements for NEC 511(3)(c) for the Committee's review at the next meeting. Motion carried unanimously.
- MOTION:** David Helgeson moved, seconded by Gene Jacobson, to delete SPS 316.620 (2) as recommended by the Division of Industry Services. Motion carried unanimously.
- MOTION:** David Helgeson moved, seconded by John Nikolai, to create a new SPS 316.680 (1) and (2) with the language recommended by the Division of Industry Services, with the removal of the reference to 1.0 m (42 in) maximum depth. Motion carried unanimously.
- MOTION:** Gene Jacobson moved, seconded by Brad Gruenewald, to discuss SPS 316.210(4) at the next meeting. Motion carried unanimously.
- MOTION:** Brad Gruenewald moved, seconded by David Helgeson, to to table discussion concerning selective coordination changes until the next meeting. Motion carried unanimously.

**MOTION:** Steven Bacalzo moved, seconded by Brad Gruenewald, to affirm that the Committee has reviewed the second draft of the 2017 NEC with four tabled items, and NFPA Certified Amending Motions 70-1 through 70-43. Motion carried unanimously.

### **ADJOURNMENT**

**MOTION:** Steven Bacalzo moved, seconded by David Helgeson, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:28 p.m.

DRAFT

## Summary of Changes to Chapter SPS 316 – Electrical

**Notes:** The numbering and titles below are shown as they will appear after the changes in the proposed rules have been made. SECTION numbers refer to the corresponding SECTION numbers in the proposed rules.

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

- SPS 316.001** **Purpose.** [No changes]
- SPS 316.002** **Scope.** [Revised – SECTION 8]
- SPS 316.003** **Application.** [Revised – SECTION 9]
- SPS 316.004** **Department authority.** [Revised – SECTION 10]
- SPS 316.005** **Petition for variance.** [No changes]
- SPS 316.006** **Definitions.** [Old SPS 316.006 renumbered 316.014 by SECTION 13; New SPS 316.006 created by SECTION 14]
- SPS 316.007** **Adoption of standards by reference.** [Old SPS 316.007 repealed by SECTION 11; New SPS 316.007 is old SPS 316.014 renumbered and revised by SECTION 12]

### Subchapter II – Administration and Enforcement

- SPS 316.011** **Administration** [Old SPS 316.011 repealed by SECTION 19; New SPS 316.011 created by SECTION 23]
- SPS 316.012** **Permits.** [Old SPS 316.012 renumbered SPS 316.022 and revised by SECTION 20; New SPS 316.012 created by SECTION 23]
- SPS 316.013** **Inspections.** [Old SPS 316.013 renumbered SPS 316.023 by SECTION 21; New SPS 316.013 created by SECTION 23]
- SPS 316.014** **Penalties.** [SPS 316.006 renumbered 316.014 by SECTION 13]
- SPS 316.015** **Appeals.** [Old SPS 316.015 renumbered SPS 316.080 by SECTION 22; New SPS 316.015 is SPS 316.008 renumbered by SECTION 15]

### Subchapter III – General Requirements

- SPS 316.020** **Construction and operation.** [SPS 316.009 renumbered SPS 316.020 by SECTION 17]
- SPS 316.021** **Maintenance.** [SPS 316.010 renumbered SPS 316.021 and revised by SECTION 18]
- SPS 316.022** **Use of approved materials and construction methods.** [SPS 316.012 renumbered SPS 316.022 and revised by SECTION 20]
- SPS 316.023** **Electric fences.** [SPS 316.013 renumbered SPS 316.023 by SECTION 21; SPS 316.023 as renumbered revised by SECTION 25]

### Subchapter IV – Changes, Additions or Omissions to the NEC

- SPS 316.080** **Changes, additions or omissions to NEC®.** [SPS 316.015 renumbered SPS 316.080 by SECTION 22]
- SPS 316.090** **Introduction.** [No changes]

- SPS 316.100**    **Definitions.** [Revised – SECTION 27]
- SPS 316.110**    **Examination, identification, installation, use, and listing of equipment.** [Revised – SECTION 28]
- SPS 316.210**    **Branch circuits.** [Revised – SECTIONS 29 to 33]
- SPS 316.220**    **Branch-circuit, feeder and service calculations.** [Revised – SECTIONS 34 and 35]
- SPS 316.225**    **Outside branch circuits and feeders.** [Revised – SECTIONS 36 and 37]
- SPS 316.230**    **Services.** [Revised – SECTIONS 38 to 40]
- SPS 316.250**    **Grounding and bonding.** [Revised – SECTION 41]
- SPS 316.300**    **Wiring methods.** [Revised – SECTION 42]
- SPS 316.310**    **Conductors for general wiring.** [Revised – SECTIONS 43 and 44]
- SPS 316.312**    **Cabinets, cutout boxes and meter socket enclosures.** [No changes]
- SPS 316.314**    **Outlet, device, pull and junction boxes; conduit bodies; fittings; and handhole enclosures.** [Revised – SECTIONS 45 and 46]
- SPS 316.334**    **Nonmetallic-sheathed cable: Types NM, NMC and NMS.** [No changes]
- SPS 316.358**    **Uses permitted.** [No changes]
- SPS 316.400**    **Flexible cords and cables.** [No changes]
- SPS 316.406**    **Receptacles, cord connectors and attachment plugs (caps).** [No changes]
- SPS 316.450**    **Transformers and transformer vaults (including secondary ties).** [No changes]
- SPS 316.511**    **Commercial garages, repair and storage.** [Revised – SECTION 47]
- SPS 316.547**    **Agricultural buildings.** [No changes]
- SPS 316.620**    **Elevators, dumbwaiters, escalators, moving walks, platform lifts and stairway chairlifts.** [Revised – SECTIONS 48 and 49]
- SPS 316.675**    **Electrically driven or controlled irrigation machines.** [No changes]
- SPS 316.680**    **Swimming pools, fountains, and similar installations.** [Revised – SECTION 50]
- SPS 316.700**    **Emergency systems.** [No changes]
- SPS 316.701**    **Legally required standby systems.** [No changes]

[SECTION 51 repeals SPS 316.900 to 316.960]

Existing SPS 316	SPS 316 as Revised
<b>Subchapter I — Administration and Enforcement</b>	<b>Subchapter I – Purpose, Scope, and Application</b>
SPS 316.001 Purpose.	SPS 316.001 Purpose.
SPS 316.002 Scope.	SPS 316.002 Scope.
SPS 316.003 Application.	SPS 316.003 Application.
SPS 316.004 Authority.	<b>SPS 316.004 Department authority.</b>
SPS 316.005 Petition for variance.	SPS 316.005 Petition for variance.
SPS 316.006 Penalties.	<b>SPS 316.006 Definitions.</b>
SPS 316.007 Fees.	<b>SPS 316.007 Adoption of standards by reference.</b>
SPS 316.008 Appeals.	<b>N/A (See SPS 316.015 as revised)</b>
<b>Subchapter II — General Requirements</b>	<b>Subchapter II – Administration and Enforcement</b>
SPS 316.009 Construction and operation.	<b>N/A (See SPS 316.020 as revised)</b>
SPS 316.010 Inspection and maintenance.	<b>N/A (See SPS 316.021 as revised)</b>
SPS 316.011 Electrical inspection of public buildings and places of employment.	<b>SPS 316.011 Administration</b>
SPS 316.012 Use of approved materials and construction methods.	<b>SPS 316.012 Permits.</b>
SPS 316.013 Electric fences.	<b>SPS 316.013 Inspections.</b>
SPS 316.014 Adoption of standards by reference	<b>SPS 316.014 Penalties.</b>
	<b>SPS 316.015 Appeals.</b>
<b>Subchapter III — Changes, Additions or Omissions to the NEC</b>	<b>Subchapter III – General Requirements</b>
SPS 316.015 Changes, additions or omissions to NEC	<b>See SPS 316.015 above</b>
	<b>SPS 316.020 Construction and operation</b>
	<b>SPS 316.021 Maintenance.</b>
	<b>SPS 316.022 Use of approved materials and construction methods.</b>
	<b>SPS 316.023 Electric fences</b>
	<b>Subchapter IV – Changes, Additions or Omissions to the NEC</b>
	<b>SPS 316.080 Changes, additions or omissions to NEC®</b>
SPS 316.090 Introduction.	SPS 316.090 Introduction.
SPS 316.100 Definitions.	SPS 316.100 Definitions.
SPS 316.110 Requirements for electrical installation.	<b>SPS 316.110 Examination, identification, installation, use, and listing of equipment</b>
SPS 316.210 Branch circuits	SPS 316.210 Branch circuits
SPS 316.220 Branch–circuit, feeder and service calculations	SPS 316.220 Branch–circuit, feeder and service calculations
SPS 316.225 Outside branch circuits and feeders	SPS 316.225 Outside branch circuits and feeders
SPS 316.230 Services	SPS 316.230 Services
SPS 316.250 Grounding and bonding	SPS 316.250 Grounding and bonding

SPS 316.300 Wiring methods	SPS 316.300 Wiring methods
SPS 316.310 Conductors for general wiring.	SPS 316.310 Conductors for general wiring.
SPS 316.312 Cabinets, cutout boxes and meter socket enclosures.	SPS 316.312 Cabinets, cutout boxes and meter socket enclosures.
SPS 316.314 Outlet, device, pull and junction boxes; conduit bodies; fittings; and handhole enclosures	SPS 316.314 Outlet, device, pull and junction boxes; conduit bodies; fittings; and handhole enclosures
SPS 316.334 Nonmetallic–sheathed cable: Types NM, NMC and NMS	SPS 316.334 Nonmetallic–sheathed cable: Types NM, NMC and NMS
SPS 316.358 Uses permitted	SPS 316.358 Uses permitted
SPS 316.400 Flexible cords and cables	SPS 316.400 Flexible cords and cables
SPS 316.406 Receptacles, cord connectors and attachment plugs (caps)	SPS 316.406 Receptacles, cord connectors and attachment plugs (caps)
SPS 316.450 Transformers and transformer vaults (including secondary ties)	SPS 316.450 Transformers and transformer vaults (including secondary ties)
SPS 316.511 Commercial garages, repair and storage.	SPS 316.511 Commercial garages, repair and storage.
SPS 316.547 Agricultural buildings.	SPS 316.547 Agricultural buildings.
SPS 316.620 Elevators, dumbwaiters, escalators, moving walks, platform lifts and stairway chairlifts.	SPS 316.620 Elevators, dumbwaiters, escalators, moving walks, platform lifts and stairway chairlifts.
SPS 316.675 Electrically driven or controlled irrigation machines.	SPS 316.675 Electrically driven or controlled irrigation machines.
SPS 316.680 Swimming pools, fountains and similar installations.	SPS 316.680 Swimming pools, fountains and similar installations.
SPS 316.700 Emergency systems.	SPS 316.700 Emergency systems.
SPS 316.701 Legally required standby systems	SPS 316.701 Legally required standby systems
Subchapter IV — Electrical Inspection	<b>N/A (Entire subchapter repealed)</b>
SPS 316.900 Purpose.	
SPS 316.905 Scope.	
SPS 316.910 Application.	
SPS 316.915 Definitions.	
SPS 316.920 Authority.	
SPS 316.930 Electrical plan review	
SPS 316.940 Inspections	
SPS 316.950 Connection of electric service	
SPS 316.960 Technical assistance.	

-----  
TEXT OF RULE

SECTION 1. SPS 305.01 (4) (j) is created to read:

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

SECTION 2. SPS Table 305.02, line 37s., is created to read:

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

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

SECTION 3. SPS Table 305.06, line 32s., is created to read:

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

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

SECTION 4. 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 5. 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 ch. 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 ch. 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 6. 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 7. Chapter SPS 316 Subchapter I (title) 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 8. 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 9. SPS 316.003 (6) is created to read:

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

SECTION 10. 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 subsection 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 11. SPS 316.007 is repealed.

SECTION 12. SPS 316.014 is renumbered SPS 316.007 and amended as renumbered to read:

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

(a) National Fire Protection Association (NFPA), One Batterymarch Park, Quincy, MA 02169 -7471, telephone (NEC) – ~~2011~~ 2017.

**Note:** Copies of the standard 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 adopted in par. (a) contains 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 adopted in sub. (1) (a) 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 13. SPS 316.006 is renumbered SPS 316.014.

SECTION 14. 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 dwelling” means any building that contains one or 2 dwelling units that 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), 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), or, except for the purposes of s. 101.11, a previously constructed building used as a community-based residential facility, as defined in s. 50.01 (1g), 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) 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).

SECTION 15. SPS 316.008 is renumbered SPS 316.015.

SECTION 16. Chapter SPS 316 Subchapter II (title) is repealed and recreated to read:

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

[Note to LRB: Subchapter II includes ss. SPS 316.011 through 316.015.]

SECTION 17. SPS 316.009 is renumbered SPS 316.020.

SECTION 18. SPS 316.010 is renumbered SPS 316.021 and amended to read:

**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 19. SPS 316.011 is repealed.

SECTION 20. SPS 316.012 is renumbered SPS 316.022 and amended to read:

**SPS 316.022 (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 a petition for variance issued by the department. 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 by a petition for variance issued by the department.

(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 21. SPS 316.013 is renumbered SPS 316.023.

SECTION 22. SPS 316.015 is renumbered SPS 316.080.

SECTION 23. SPS 316.011 to 316.013 are created to read:

**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 ch. SPS 305.627.

**SPS 316.012 Permits.** (1) (a) Except 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.
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 or residential master electrician responsible for the installation on or after April 1, 2014, 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)** 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 ch. 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 concealing or energizing 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 24. Chapter SPS 316 Subchapter III (title) is repealed and recreated to read:

### **Subchapter III – General Requirements**

[Note to LRB: Subchapter III includes ss. SPS 316.020 to 316.023.]

SECTION 25. 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 26. Chapter SPS 316 Subchapter IV (title) is repealed and recreated to read:

### **Subchapter IV – Changes, Additions or Omissions to the NEC**

[Note to LRB: Subchapter IV includes ss. SPS 316.080 to 316.701.]

SECTION 27. SPS 316.100 (1) (a) and (2) (a) are repealed.

SECTION 28. SPS 316.110 is repealed and recreated to read:

**SPS 316.110 Examination, identification, installation, use, and listing of equipment.**  
This is a department exception to the requirements of 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 29. SPS 316.210 (1) is repealed.

SECTION 30. SPS 316.210 (2) is amended to read:

**SPS 316.210 (2) GROUND-FAULT CIRCUIT-INTERRUPTER PROTECTION FOR PERSONNEL.** This is a department exception to the requirements in NEC 210.8 (A) and (B).

Exception: Ground-fault circuit-interrupter protection shall not be required for a single receptacle providing power for sump ~~or~~ 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.

SECTION 31. SPS 316.210 (3) is repealed.

SECTION 32. SPS 316.210 (4) is amended to read:

**SPS 316.210 (4) BRANCH CIRCUIT EXTENSIONS OR MODIFICATIONS — DWELLING UNITS.** The requirements in NEC 210.12 ~~(B)~~ (D) are not included as part of this chapter.

SECTION 33. SPS 316.210 (7) and (8) are created to read:

**SPS 316.210 (7) PENINSULAR COUNTERTOP SPACES.** Substitute the following wording for NEC 210.52 (C) (3): At least one receptacle outlet must be installed at each peninsular countertop long dimension space with a long dimension of 2 feet or greater, and a short dimension of one foot or more, measured from the connected peninsular wall. A wall countertop space receptacle can serve as the receptacle for a peninsular countertop space where the spaces are contiguous and the receptacle is within 6 feet of the outside edge of the peninsular countertop.

**(8) MEETING ROOMS.** The requirements in NEC 210.71 do not apply to existing buildings.

SECTION 34. SPS 316.220 (1) and (2) (title) are repealed.

SECTION 35. SPS 316.220 (2) is renumbered SPS 316.220.

SECTION 36. SPS 316.225 (1) and (2) (intro.) are repealed.

SECTION 37. SPS 316.225 (2) (a) and (b) are amended to read:

**SPS 316.225 (2) (a)** Substitute the following wording for NEC 225.30 (F): For the ~~purpose~~ purposes of this section, multiple feeders that are supplied from the same distribution point, having a total rating of 300 amperes or more, and that supply not more than 6 disconnecting means grouped at the same location shall be considered as one supply.

**(b)** The following is a department rule in addition to the requirements in NEC 225.30: Multi-occupancy buildings or structures may have one set of branch circuit conductors installed from a dwelling unit to the second building or structure's respective occupied space.

SECTION 38. SPS 316.230 (1) (a) (Note 1) and (c) are repealed.

SECTION 39. SPS 316.230 (4) (a) is amended to read:

**SPS 316.230 (4) (a) Two- or multi-family dwellings.** ~~Except as provided in par. (b), for~~ 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. ~~Where the combined rating of all service disconnecting means is 150 amperes or larger, the service or feeder equipment rating for each dwelling unit shall have a rating of not less than 60 amperes.~~

SECTION 40. SPS 316.230 (4) (b) is repealed.

SECTION 41. 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 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 42. SPS 316.300 (2) is repealed and recreated to read:

**SPS 316.300 (2) PROTECTION AGAINST PHYSICAL DAMAGE.** This is a department exception in addition to the exceptions under 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 43. SPS 316.310 (intro.) is renumbered SPS 316.310 and amended to read:

**SPS 316.310 Conductors for general wiring.** This is a department rule in addition to the requirements in 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 44. SPS 316.310 (1) and (2) are repealed.

SECTION 45. SPS 316.314 (1) (title) and (2) are repealed.

SECTION 46. SPS 316.314 (1) is renumbered SPS 316.314.

SECTION 47. SPS 316.511 is repealed and recreated to read:

**SPS 316.511 Commercial garages, repair and storage. (1)** Substitute the following wording for the exception under “Extent of Classified Location” in 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.

**(2)** Substitute the following wording for the exception under “Extent of Classified Location” in 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 48. SPS 316.620 (1) is renumbered SPS 316.620.

SECTION 49. SPS 316.620 (2) is repealed.

SECTION 50. SPS 316.680 is repealed and recreated to read:

**SPS 316.680 Swimming pools, fountains, and similar installations.** Substitute the following definition for the definition in NEC 680.2: “Storable swimming, wading, or immersion pools; or storable/portable spas and hot tubs” means those that are constructed on or above the ground; or a pool, spa, or hot tub with nonmetallic liner or inflatable fabric walls regardless of dimensions.

SECTION 51. SPS 316.900 to 316.960 are repealed.

SECTION 52. Pursuant to s. 227.22 (2) (intro.) and (b), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, except ss. SPS 316.012 and 316.013 (1), which shall take effect on April 1, 2014.

**END**