

**STATE OF WISCONSIN  
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

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**IN THE MATTER OF RULEMAKING : REPORT TO THE LEGISLATURE  
PROCEEDINGS BEFORE THE : CR 26-016  
DEPARTMENT OF SAFETY AND :  
PROFESSIONAL SERVICES :**

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**I. THE PROPOSED RULE:**

The proposed rule, including the analysis and text, is attached.

**II. REFERENCE TO APPLICABLE FORMS:**

N/A

**III. FISCAL ESTIMATE AND EIA:**

The Fiscal Estimate and EIA are attached.

**IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:**

The objective of the rule is to update Wisconsin’s Electrical Code, ch. SPS 316, to reflect current national standards, to update administrative and enforcement aspects of the program, and to update and clarify outdated regulations and provisions. The primary purpose of this rulemaking project is to modernize the state’s electrical code, protect public health, safety, and welfare, and minimize economic impact. The rule adopts by reference the 2023 edition of the National Electrical Code (NFPA 70 National Electrical Code, 2023) standard. It contains certain specified changes, additions, and omissions to the requirements of the NEC to ensure the rules conform to current statutes and to update provisions for consistency among code chapters and Department procedure.

The majority of the proposed rule implements the Wisconsin Electrical Code’s adoption by reference of the 2023 NEC. It updates changed references, adds additional provisions, and eliminates certain provisions that have been rendered redundant due to updates to the NEC. Currently, ch. SPS 316 adopts by reference the 2017 edition of the NEC.

The rule clarifies that installations not under the jurisdiction of the state are not subject to the chapter’s rules. The rule clarifies that when hazards are created by an installation, the authority having jurisdiction may require it to be updated to the current code. The rule clarifies that a permit is required to install electrical wiring on vacant land or in any structure, unless exempted. A new requirement is created for municipal recordkeeping of inspections. For electric fences, the Department’s additional requirements beyond those of the NEC are simplified to say that the electric fence must be used in accordance with the exact manner and purpose of the manufacturer’s instructions. For requirements for GFCI and AFCI protection, the rule maintains similar exceptions to the NEC language

that were previously in place. It creates some new language substitutions and exceptions to the NEC requirements regarding dwelling unit receptacle outlets on islands and peninsulas, with location requirements for receptacle outlets. The rule recreates regulations around outside branch circuits and feeders, now requiring only a few additions to the NEC requirements. Feeder or branch circuit cables may not extend more than 8 feet into a building. Where the disconnecting means is installed outside of a structure, it shall be not more than 30 feet from and within sight of the structure that it serves. The rule creates exceptions to emergency disconnect requirements in NEC 225.41 and NEC 230.85.

**V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD’S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:**

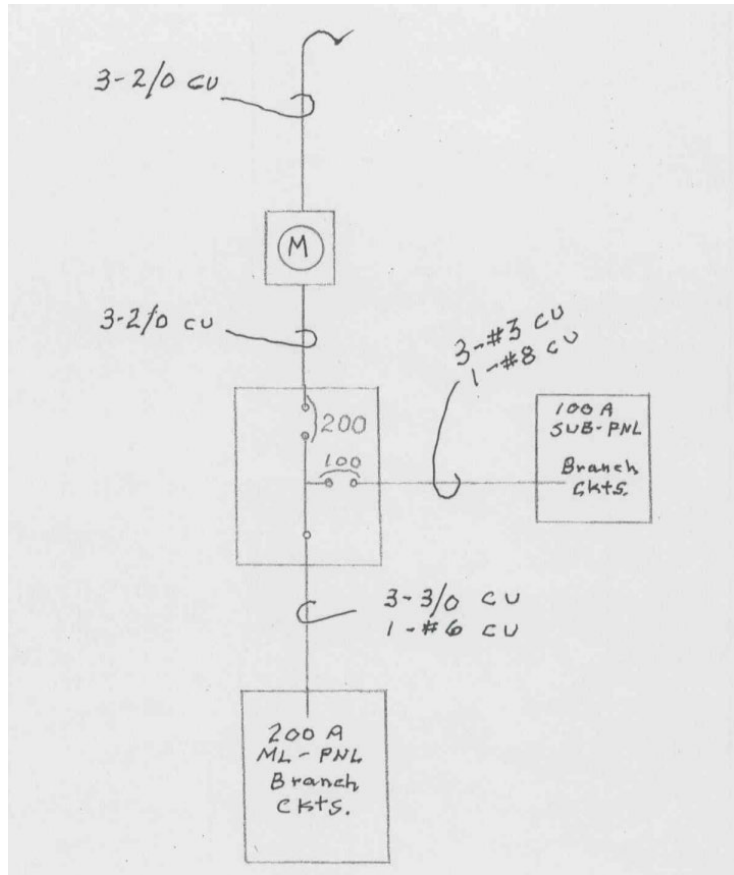
The Department of Safety and Professional Services held a public hearing on March 2, 2026. The department received the following comments:

**Name:** Neil Matthes

**Organization:** Duck Creek Engineering

“310.15(B)(7)(1). The attached one-line diagram is of a system designed according to the above 2017 NEC rules. Over the past several years I have installed three systems according to this NEC provision. It has always bothered me that we had to run a larger conductor for the smaller part of the total load. The total current load on the 3/0 conductors will never be greater than the total load on the 2/0 conductors. In my installations the 100 amp sub-panel always had some load on it, so the current on the 3/0 conductors is always less than the current on the 2/0 conductors. I am looking for a sensible reason for this code rule, (the service conductors supplying the entire load, the 2/0 conductors can be sized not less than 83% of the service rating). The conductors from the feed thru lugs of the 200 amp main breaker service panel do not supply the entire load, therefore, they have to be sized at 100% which is 3/0.

I can understand the situation with a 200 amp service panel and a 100 amp feeder off of this panel, that one should size the feeder conductors at 100%. I would propose adding an exception that any branch circuit or feeder conductors would never have to be larger than the main service conductors. I am proposing that SPS 316.310 (3) read: This is a department rule in addition to the requirements in 2017 NEC 310.15(8)(7)(1) through (4): In no case shall branch circuit and/or feeder conductors be required to be larger than the service conductors.”



**Response:** The department appreciates the input but decided not to make any changes in response to the comment. The proposed code wording is vague and would also apply to situations other than what the commenter describes. This situation does not happen often and the department believes this would be unnecessary and would require more descriptive language.

**Name:** Brian Baughman

**Organization:** National Electrical Manufacturers Association

“I am submitting this letter of support on behalf of the National Electrical Manufacturers Association (NEMA) regarding our support of Clearinghouse Rule 26-016, SPS 316 Electrical Code. NEMA is the leading trade organization representing America’s electroindustry. Our more than 300 manufacturing companies include producers of reliable, connected, and secure products which are used throughout critical infrastructure sectors and other key markets, such as building infrastructure; building systems; lighting systems; industrial products and systems; utility products and systems; and transportation systems. NEMA members manufacture many of the products necessary to provide electricity to Wisconsin consumers and businesses, equipment that powers electric vehicles, and products that make buildings and homes more energy efficient. In Wisconsin, the electroindustry supports more than 111,000 jobs and creates more than \$16B in GDP contributions.

Importance of Timely Adoption of Model Codes

NEMA strongly supports consistent adoption of 2023 NEC® in the State of Wisconsin. National model building codes provide the blueprint for constructing the places we live and work. They guide the minimum safety and performance standards which allow occupants to live and operate in a safe and optimally performing environment. Model building codes also allow for the latest advancements in safety, efficiency, and resiliency in building. The codes are developed through an open stakeholder process regularly to reflect subject matter expert perspectives and incorporate advances in safety and technology in homes and buildings.

NEMA strongly opposes the proposed amendment to SPS 316.210 Branch Circuits. Removing Ground-Fault Circuit Interrupter (GFCI) protections in SPS 316.210 Branch Circuits reduces the minimum electrical safety requirements in dwelling units. GFCI devices protect the residents of the State of Wisconsin from electrical shock.

GFCIs have a long history of saving lives. The NEC® introduced the use of GFCIs as a requirement in bathrooms in 1975, and over the years, these requirements have expanded. With the publication of the 2023 NEC®, GFCI protection is now required in 12 locations throughout the home. The Electrical Safety Foundation (ESFI) asked the question, “What if GFCIs did not exist?” to investigate the number of electrocutions that would have likely occurred without the expansion of GFCI requirements throughout the years. ESFI found that GFCIs have contributed to an 80% drop in electrocutions, with a 93% drop in consumer product electrocutions between 1975 and 2020. Without this expanding protection of GFCIs, there would have been an estimated 603% increase in electrocutions, with an estimated 1,118% increase in consumer product electrocutions. The U.S. Energy Information Administration has stated that U.S. energy usage increased 114% between 1978 and 2020, highlighting the increased potential of in-home contact with water and electricity. This historic data highlights the need for NEC® expansion of GFCI usage throughout the home, and how this expansion has saved lives.

NEMA strongly opposes the proposed amendment to SPS 316.230 (4) Emergency Disconnects. The requirement for an emergency disconnect for first responders was introduced in the 2020 NEC® and supported by the National Home Builders Association (NHBA) so firefighters can have a readily accessible means to remove power from a dwelling unit in an emergency. The concerns about supply chain issues with service rated disconnects that were brought up when the 2023 NEC® was reviewed by the Electrical Advisory Committee simply do not exist. The neighboring states of Michigan, Minnesota, and Iowa which have enacted the 2023 NEC® have not amended this safety requirement out of the code.

## Conclusion

NEMA supports safe, efficient, and affordable homeownership. We strongly support this legislation because it will significantly improve electrical installations. Additionally, approving the rules package supports Wisconsin manufacturers and their employees. We thank you and your colleagues for your consideration of our concerns and request that you vote to support Clearinghouse Rule 26-016, SPS 316 Electrical Code. We are happy to speak further with the committee regarding any questions, concerns, or comments. We look forward to working with the legislature further on building code issues.

Best regards,  
Brian Baughman  
Midwest Technical Field Representative  
Wisconsin Certified Commercial Electrical Inspector  
Wisconsin Certified UDC Electrical Inspector  
Wisconsin Licensed Master Electrician  
National Electrical Manufacturers Association”

**Response:** The department appreciates the support for the rule and looks forward to working together in the future. The department echoes the importance of the timely adoption of the 2023 NEC to modernize Wisconsin’s electrical code.

In the proposed rule, the department proposes to remove the GFCI requirements on specific appliances and certain areas. 240 volt appliances on GFCI circuits have not been evaluated for compatibility issues with circuits and appliances at this voltage. According to the NAHB, similar amendments have been adopted in Iowa, Oregon, South Dakota and Utah. The department decided not to make any changes in response to this comment.

The 2023 NEC Section 230.85 requires one-and-two family dwellings have an emergency disconnect *installed in a readily accessible outdoor location within sight of the dwelling unit*. With an emergency disconnect, there could possibly be other sources of power that are supplying the dwelling, such as a generator, PV system, etc., and the dwelling may still be energized leaving anyone with a false sense of security. Some municipality fire department SOPs do not allow them to disconnect power until the utility supplying the power are onsite. The department believes that this is a redundant item, since a disconnect is required outside or inside nearest to the point of entrance and not to exceed 8 feet per NEC 230.70 and SPS 316.230 (3). Requiring an outdoor disconnect would have a significant impact on new homes’ construction and service change for upgrades due to cost and a long lead time for materials. These costs would be passed on to the consumer. This item would affect the economic impact analysis of the rule by significantly increasing costs of a new home. The National Association of Home Builders supports this exception to the NEC requirement. They feel that the cost would be a burden to homeowners. For these reasons, the department decided not to make any changes in response to this comment.

**Name:** Bob Fahey

**Organization:** Evansville Community Fire District

“As the fire chief of a paid on-call fire district in Rock County, I do not support the removal of the National Electrical Code (NEC) requirement in the 2023 NEC Sections 225.31 and 230.85 for exterior disconnects to be located on one- and two-family dwellings. I have the responsibility to keep our firefighters safe thru many different mechanisms, such as SOP’s, SOG’s, training and to be compliant with SPS 330 for Firefighter Health & Safety. We support the removal of proposed SPS 316.225(3) and SPS 316.230(4), thereby requiring the 2023 NEC sections 225.41 and 230.85 requirement for the exterior electrical disconnect for one- and two-family dwellings to create a safer condition for firefighters. I would request the Department of Safety & Professional

Services (DSPS) remove the following proposed SPS 316 Code Sections: - - - SPS 316.225(3) EMERGENCY DISCONNECTS. The requirements of NEC 225.41 are not included as part of this chapter. - SPS 316.230(4) EMERGENCY DISCONNECTS. The requirements of NEC 230.85 are not included as part of this chapter. I am not only the fire chief of the Evansville Fire District in Evansville Wisconsin, but I am also an electrical inspector and a master electrician and have been employed in the electrical industry since 1979. Based on my experiences wearing all three hats, I would encourage DSPS to adopt these NEC Code sections as written in 2023 NEC and not eliminate these NEC requirements as proposed by SPS 316.225(3) and SPS 316.230(4). Section 225.41 and 230.85 add needed safety to these electrical systems and provide a much safer method of disconnecting power to a home. Fire departments do not have the ability to turn power off to most homes in a safe manner if they cannot access the interior of the home, these above NEC Code requirements would allow us to create that safer work condition for our firefighters during fires, natural disasters and other emergencies.

These requirements were inserted into the 2020 NEC and were submitted with public inputs to NFPA 70 (NEC) by firefighters and others interested in 1st responder safety. These requirements were not opposed by the National Association of Home Builders (NAHB) during the adoption of this requirement in the 2020 NEC Code process. This requirement is intended on providing an exterior disconnect for our firefighters and others in emergency situations to have the ability to shut off electricity on the exterior of a home, in which has a fire is occurring, as many times we cannot gain access to the electrical disconnect inside the home. This proposed emergency disconnect would be essential with other emergencies also, such as a gas leak inside the home, by having this exterior electrical disconnect provides a safe method of disconnecting the power from the home without having to enter a home full of gas. After reviewing the 2020, the 2023 and the 2026 NEC public inputs and public comments for NFPA 70 (NEC), this requirement was not opposed by the NAHB at the national level, in fact based on comments within the NEC Code proposal comments, a gentleman from the NAHB suggested a wording change to better reflect the reason for the emergency disconnect, but this gentleman did not have any negative comments from reading thru the NFPA documents. I am hopeful the Wisconsin Builders Association would also be in support of this very important requirement to protect our firefighters when there is the need to turn off power, this eliminates one of the more dangerous hazards we encounter when responding to emergencies. Another reason this requirement is important in emergencies is that many electric utilities take up to over an hour in rural areas of Wisconsin to arrive on the scene of a fire or gas leak to turn power off if the firefighters cannot access the electrical service disconnect inside the home. There has been exterior shut off valves for gas supply systems, natural gas and LP gas, supplying home for many years in which allow the firefighters to shut off the gas supply without having to enter the home, this requirement in the NEC accomplishes the same safety measure for electricity within the home. The other improvement this NEC requirement unintentionally brings into the wiring of the home is the unprotected service conductors are no longer located within the home and therefore all conductors within the home are protected by an overcurrent device, such as a circuit breaker or set of fuses. Presently, service conductors are allowed to enter a home or any building up to eight feet, these service conductors do not have any overcurrent protection and can create a fire hazard due to the absence of overcurrent protection. As a firefighter, I have seen service conductors within a home literally start on fire due to no overcurrent protection during a storm where higher voltage utility conductors came in

contact with lower voltage overhead 120/240-volt wires supplying a home. Installing the exterior disconnect consisting of a circuit breaker or fuses would eliminate that hazard due to a breaker being installed to protect those conductors in the home and would stop that flow of current.

There were at one time concerns from some in the home building industry regarding the inability to obtain service equipment with disconnects in a timely fashion, that is no longer the case, as this equipment is readily available from distributors throughout Wisconsin. Speaking as a paid-on call firefighter and fire chief, this is a very important step to increase the safety of the electrical wiring of the home, increase the safety of our firefighters and other first responders throughout the State of Wisconsin. This new requirement is intended to save firefighters from receiving electrical shocks or worse, being electrocuted, this is a small cost to protect those who protect others during these emergencies. After speaking with firefighters, electrical installers & inspectors and others from other areas of the United States, this requirement has been adopted without any problems. Many other states have had this requirement for more than four years and report no issues. In summary, this code requirement for an exterior emergency disconnect adds safety protection for our firefighters and other first responders in Wisconsin that our neighboring States such as Michigan, Minnesota and Iowa presently provide for their first responders. This emergency disconnect also adds safety to the electrical wiring. I would respectfully request DSPS staff and others within the industry to think about the safety of firefighters, many of whom volunteer their time to serve their communities, during emergency responses as noted above and require this most important safety mechanism to be installed on homes in Wisconsin. Thank you for taking the time to consider my comments and to listen to my concerns. I would be very appreciative for your support in implementing these NEC requirements in Wisconsin.

Bob Fahey  
Fire Chief  
Evansville Fire District  
425 Water St Evansville WI 53536  
Cell: 608-289-488”

**Response:** The department appreciates the input but decided not to make any changes in response to the comment. The 2023 NEC Section 225.41 requires an emergency disconnect for one-and-two family dwellings supplied by a feeder. The proposed rule creates an exception to this requirement. The National Association of Home Builders supports this exception to the NEC requirement. They feel that the cost would be a burden to homeowners.

The 2023 NEC Section 230.85 requires one-and-two family dwellings have an emergency disconnect *installed in a readily accessible outdoor location within sight of the dwelling unit*. With an emergency disconnect, there could possibly be other sources of power that are supplying the dwelling, such as a generator, PV system, etc., and the dwelling may still be energized leaving anyone with a false sense of security. Some municipality fire department SOPs do not allow them to disconnect power until the utility supplying the power are onsite. The department believes that this is a redundant item, since a disconnect is required outside or inside nearest to the point of entrance and not to exceed 8 feet per NEC 230.70

and SPS 316.230 (3). Requiring an outdoor disconnect would have a significant impact on new homes' construction and service change for upgrades due to cost and a long lead time for materials. These costs would be passed on to the consumer. This item would affect the economic impact analysis of the rule by significantly increasing costs of a new home. The National Association of Home Builders supports this exception to the NEC requirement. They feel that the cost would be a burden to homeowners. For these reasons, the department decided not to make any changes in response to this comment.

**Name:** Bob Fahey

**Organization:** Self

“I would encourage the state Department of Safety & Professional Services (DSPS) to continue to prohibit the use of electric metallic tubing (EMT) in direct contact with earth and in floors and walls in contact with earth. SPS 316.358 is proposed to be eliminated and allow the use of EMT in the earth and other locations previously prohibited by the state of Wisconsin. Experience of EMT being installed in the soils in Wisconsin and not standing up is why this requirement was inserted into SPS 316 many years ago. While there has been EMT with a different galvanizing process developed, this EMT from my understanding has not seen the test of time in these soils or moisture conditions to see if the galvanized coated EMT will withstand being installed in earth. For many years, rigid metal conduit (RMC) and intermediate metal conduit (IMC) has been coated with galvanizing and time and time again, we have dug up RMC and IMC and have no or very little metal left in the earth, all we see is the wires or conductors with the RMC and IMC gone due to the earth conditions. RMC and IMC also have a much thicker steel wall than EMT, therefore the EMT would, from my over 47 years of experience, still disintegrate much quicker due to the thinner wall of the EMT. SPS 316.250(3) has required a wire type equipment grounding conductor to be installed within metal conduits buried in the earth and certain other locations, in the past this only applied to RMC and IMC type raceways, due to the fact SPS 316.358 prohibited the use of EMT in these areas. The wire type equipment grounding conductor has been required my understanding, due to the history of these thicker wall conduits (RMC & IMC) deteriorating over time and losing the ability to safely pass fault currents if a ground fault was to occur. Based on past performance issues with RMC and IMC, it surprises me that EMT would be proposed to be allowed to be installed in these same corrosive soils and other areas. Wisconsin has been very cautious in adopting new codes for other electrical equipment and technologies (GFCI's and AFCI's) in the past and have adopted a wait and see attitude on many other items, this is one where it would be very prudent to do the same thing. Again, I would ask DSPS to reinstate the present SPS 316.358 as written. Please wait and see on the allowance of installing thin wall EMT conduit in areas where it has not proven to be a long-lasting wiring method for our customers and citizens of Wisconsin. Thank you for taking the time to review my comments on this matter.

Bob Fahey

15535 W Francis Rd

Evansville WI 5353”

**Response:** The department appreciates the input but decided not to make any changes in response to the comment. The department believes that the NEC has

addressed concerns with EMT. In the NEC, it states: “(1) Galvanized Steel and Stainless Steel EMT, Elbows, and Fittings. Galvanized steel and stainless steel EMT, elbows, and fittings shall be permitted to be installed in concrete, in direct contact with the earth, or in areas subject to severe corrosive influences where protected by corrosion protection and approved as suitable for the condition.” Regular EMT is not rated for underground or under concrete and therefore may not be used in contact with earth.

**Name:** Bob Fahey

**Organization:** Self

“At today’s hearing, it was suggested by a public comment that the implementation of SPS 316 be delayed for up to one year from when it was approved by the legislature. I believe it is presently 30 days from the date the final approval to when codes are implemented in Wisconsin. The 2023 NEC has been going through the process for at least two years and is yet to be adopted. During the past three years since this code was made available by the NFPA, the electrical industry in Wisconsin through many publications have been made aware of the major items to be changed.

Based on review of the 2023 NEC, I do not believe there are not enough major changes which would affect the electrical contractors and their bids. With the 2023 NEC, there are changes where it will reduce the costs of installation, that fact is rarely brought up in these discussions, and obviously there are changes which will increase the costs of installation. It seems like some people only review the changes that will increase costs and do not review the changes as related to cost savings and safety of the installations. Of the code changes I am aware of, the costs in some occupancies may be offset. I agree there will be some cases where there will be a cost increase, but I believe the electrical contractors are aware of these and can take them into consideration if the Department of Safety & Professional Services keeps all stakeholders aware of the progress and timeline.

The 2023 National Electrical Code has already been delayed for at least 24 to 36 months, therefore all interested parties will have had plenty of time to review the major changes and make adjustments as needed. The 2026 NEC is presently available, so we are presently three code cycles behind in safety of our electrical wiring in our facilities. For many years, the state of Wisconsin was in the forefront of promoting electrical safety and adopted codes in a timely fashion to provide safer electrical installations. We are presently one of the later states to adopt the 2023 NEC, due our delayed and prolonged code adoption process, please do not delay this adoption any longer, adopt ASAP. I urge the state of Wisconsin to adopt SPS 316 as is presently required, within 30 days of approval. Thank you for taking the time to review my comments on this matter.

Bob Fahey

15535 W Francis Rd

Evansville WI 53536”

**Response:** The department echoes the importance of the timely adoption of the 2023 NEC to modernize Wisconsin’s electrical code. The department also confirms that the SPS 316 rule contains many provisions that provide a cost savings to the cost of a new home built.

**Name:** Ron Janikowski

**Organization:** Badger State Consulting, LLC

“As a current member of the advisory panel after lengthy code panel discussions we left the dwelling external disconnect as stated in NEC 230.85 Emergency Disconnects part of SPS 316. This final version for public hearings that section was removed in SPS 316.230 1(a)(4). This code section protects our firefighter community. It should remain as part of the code.”

**Response:** The department appreciates the input but decided not to make any changes in response to the comment. The 2023 NEC Section 230.85 requires one-and-two family dwellings have an emergency disconnect *installed in a readily accessible outdoor location within sight of the dwelling unit*. With an emergency disconnect, there could possibly be other sources of power that are supplying the dwelling, such as a generator, PV system, etc., and the dwelling may still be energized leaving anyone with a false sense of security. Some municipality fire department SOPs do not allow them to disconnect power until the utility supplying the power are onsite. The department believes that this is a redundant item, since a disconnect is required outside or inside nearest to the point of entrance and not to exceed 8 feet per NEC 230.70 and SPS 316.230 (3). Requiring an outdoor disconnect would have a significant impact on new homes’ construction and service change for upgrades due to cost and a long lead time for materials. These costs would be passed on to the consumer. This item would affect the economic impact analysis of the rule by significantly increasing costs of a new home. The National Association of Home Builders supports this exception to the NEC requirement. They feel that the cost would be a burden to homeowners. For these reasons, the department decided not to make any changes in response to this comment.

**Name:** Brad Boycks

**Organization:** Wisconsin Builders Association

“Thank you for the opportunity to provide additional information to the department prior to the release of the updated code package SPS 302, 305, 316, 324, relating to updating the Wisconsin Electrical Code. Our comments below mirror the comments that we submitted during the Economic Impact Analysis because those issues were not addressed in the current code package. WBA would ask that DSPS continue to carefully consider how any changes to the electrical code would affect the cost of a single-family home or an apartment home. It appears that DSPS and the Electrical Code Advisory Committee accepted several suggestions that were previously offered by WBA and the National Association of Home Builders (NAHB) which is very much appreciated.

Two provisions in SPS 317.210 Branch Circuits:

- Item (3) removed kitchens from the list of areas where AFCIs were required in the 2017 edition. Cost impact if this amendment is not retained: \$123 increase (and potential for callbacks due to unwanted tripping).
- Item (7) reduces the number of receptacles (outlets) in garages to one per garage instead of one per vehicle bay. Cost impact if this amendment is not

retained: \$125 increase for a 3-car garage for the additional 2 receptacles and wiring.

We support an exception to remove the surge protection requirements in NEC 230.67 that were added in the 2020 and 2023 editions. Cost impact without an amendment: \$276 increase per home.

The provision in SPS 316.230 (3)(c) (“Disconnecting means shall be no more than 30 feet and within sight from the building or structure it serves”) is more restrictive than the 2023 or 2026 editions of the NEC. The model code simply requires the disconnecting means to be located “on the building or within sight of the building.” This proposed change could increase the cost of a home. We could be interested in learning more about this change and why it was determined necessary.

The total annual cost increase for home buyers if the suggested amendments above are not adopted would be approximately \$7,700,000. This is based on an expected construction of 12,266 one- and two-family homes and 10,346 apartment homes.

We would recommend a 6 to 12 month delayed effective date to better educate effected parties of the changes to the electrical code.

We commend each member of the Electrical Code Advisory Committee and DSPS officials for taking the time to review and update the current electrical code in Wisconsin and we thank you for your consideration of the enclosed follow up comments.

Sincerely,

Brad Boycks  
Executive Director  
Wisconsin Builders Association”

**Response:** The department appreciates the support for the rule and looks forward to working together in the future. The department appreciates the detailed input on costs and cost savings and welcomes the input of stakeholders on this aspect of the rule. As part of the department’s economic impact analysis of the rule, the department estimated the costs of the 3 rule provisions cited above, as they apply to an average home. 1) AFCI protections in kitchens: the department estimates that on average, this will result in a cost increase of \$90 per home built for minimum code compliance. 2) Outlets in garages: the department estimates that for a 2 car garage, this is an increase of \$35, and for a 3 car garage, this is an increase of \$70, for minimum code compliance. Homes built with a 1 car garage or no garage will not have a cost increase. 3) Surge protection - The department estimates the cost of a whole-house surge protection device to range between \$50 and \$250. For the purpose of these calculations, the department has taken the average to estimate it will cost \$150 per home built for minimum code compliance. These rule provisions do increase the cost of a home built; however, many other rule provisions also provide for cost savings. As part of the department’s economic impact analysis, the department has estimated that the cost savings outweigh the increased costs of the proposed rule if the builder opts

for minimum code compliance. The proposed rule is estimated have a net cost savings on the price of a new home built.

The comment also states “The provision in SPS 316.230 (3)(c) (“Disconnecting means shall be no more than 30 feet and within sight from the building or structure it serves”) is more restrictive than the 2023 or 2026 editions of the NEC.” The department believes it is important that the proposed rule establishes a maximum distance for consistency of practice in the industry. Overall, the department greatly appreciates the detailed input on the rule. The department decided not to make changes in response to the comment.

**Name:** Chris Klahn

**Organization:** Wisconsin State Firefighters Association

“The Wisconsin State Firefighters Association (WSFA) would like to register our comments on WI Administrative Code SPS 316. The WSFA represents 10,000 volunteer firefighters across the state of Wisconsin concerned with emergency response. In fact, these volunteers serve on 93% of all the fire departments in Wisconsin.

The WSFA does not support the proposed SPS 316 – Wisconsin Electrical Code as it is presently written, specifically 316.225(3) and 316.230(4) which exempts National Electrical Code provisions NEC 225.41 and 230.85. NEC 225.41 and 230.85 require exterior disconnects for one- and two-family homes for the main service electrical conductors or main power feeder conductors supplying power to the home.

These NEC requirements are intended on providing an exterior disconnect for the Fire Service personnel and others in emergency situations to have the ability to shut off electricity on the exterior of a home. This exterior electrical shut off is needed in emergency incidents which pose a risk to first responders. Such incidents include fires, gas leaks, carbon monoxide emergencies. In such emergency incidents, the conditions present significant safety challenges. Including many times they cannot gain access to the service disconnect inside the home.

In summary, the proposed SPS 316 as written excludes the requirement for exterior electrical shut offs on one and two family homes. Including the NEC provisions will increase and improve the safety of firefighters responding to emergencies where uncontrolled electricity poses a significant risk. Controlling the electricity from the exterior will vastly improve safety for first responses entering residences. Please assist the first responders protecting our WI communities.

Thank you for your consideration.

Chris Klahn

President, WI State FF Association”

**Response:** The department appreciates the input but decided not to make any changes in response to the comment. The 2023 NEC Section 225.41 requires an emergency disconnect for one-and-two family dwellings supplied by a feeder. The proposed rule creates an exception to this requirement. The National

Association of Home Builders supports this exception to the NEC requirement. They feel that the cost would be a burden to homeowners.

The 2023 NEC Section 230.85 requires one-and-two family dwellings have an emergency disconnect *installed in a readily accessible outdoor location within sight of the dwelling unit*. With an emergency disconnect, there could possibly be other sources of power that are supplying the dwelling, such as a generator, PV system, etc., and the dwelling may still be energized leaving anyone with a false sense of security. Some municipality fire department SOPs do not allow them to disconnect power until the utility supplying the power are onsite. The department believes that this is a redundant item, since a disconnect is required outside or inside nearest to the point of entrance and not to exceed 8 feet per NEC 230.70 and SPS 316.230 (3). Requiring an outdoor disconnect would have a significant impact on new homes' construction and service change for upgrades due to cost and a long lead time for materials. These costs would be passed on to the consumer. This item would affect the economic impact analysis of the rule by significantly increasing costs of a new home. The National Association of Home Builders supports this exception to the NEC requirement. They feel that the cost would be a burden to homeowners. For these reasons, the department decided not to make any changes in response to this comment.

**Name:** Robert Kessenich

**Organization:** Wisconsin State Fire Inspectors Association

“Proposed SPS 316.225(3) and SPS 316.230(4) – Exterior Electrical Disconnect Requirements. The Wisconsin State Fire Inspectors Association (WSFIA) is in agreement with the Wisconsin Chapter of the International Association of Electrical Inspectors (IAEI) regarding the proposed modifications to SPS 316. WSFIA does not support the removal of the 2023 National Electrical Code (NEC) requirements contained in Sections 225.41 and 230.85 requiring exterior emergency disconnects for one- and two-family dwellings.

Specifically, WSFIA supports the removal of the proposed language in:

SPS 316.225(3) – Emergency Disconnects, which would exclude NEC 225.41

SPS 316.230(4) – Emergency Disconnects, which would exclude NEC 230.85

WSFIA urges the Department of Safety & Professional Services to adopt these NEC sections as written in the 2023 NEC and not eliminate these life-safety requirements.

Firefighter and First Responder Safety

NEC Sections 225.41 and 230.85 were introduced in the 2020 NEC through public input from the fire service and were retained without opposition during both the 2020 and 2023 NEC code cycles. Their intent is straightforward: Provide firefighters and other emergency responders the ability to disconnect electrical power from outside the dwelling when interior access is unsafe or impossible. In many fire, gas leak, or hazardous atmosphere incidents, responders cannot safely enter a structure to access the service disconnect. An exterior disconnect provides immediate control of electrical hazards without exposing personnel to interior dangers. Electric utilities may require 20 minutes to over an hour—particularly in rural areas of Wisconsin—to respond and de-

energize a service. That delay increases risk to responders and occupants. An exterior disconnect eliminates that gap. This requirement parallels longstanding exterior gas shutoff valves that allow responders to control fuel supply without entering a structure. Electrical systems deserve the same level of safety consideration.

### Improved Electrical System Protection

An additional benefit of these NEC sections is that service conductors are no longer extended unprotected into the dwelling. Currently, service conductors may enter a building for up to eight feet without overcurrent protection. These conductors present a documented fire hazard, particularly during storm events or utility faults. By relocating the disconnect to the exterior, all conductors within the home are protected by overcurrent devices such as circuit breakers or fuses, significantly reducing fire risk.

### Availability and Construction Practicality

Earlier concerns about availability of exterior disconnect equipment are no longer valid. Approved equipment is widely available throughout Wisconsin. Additionally, outdoor meter enclosures with integrated disconnects can often serve as temporary construction power, potentially eliminating the need for separate temporary services. This can provide efficiency benefits to builders and contractors.

### Regional Consistency

Neighboring states including Michigan, Minnesota, and Iowa have adopted this exterior disconnect requirement statewide. Wisconsin would be stepping away from a recognized and adopted life-safety standard if these provisions are excluded.

### Summary

The exterior emergency disconnect requirement:

- Increases firefighter and first responder safety
- Reduces electrical fire hazards within dwellings
- Aligns Wisconsin with surrounding states
- Comes at minimal additional cost relative to its life-safety benefit

For these reasons, the Wisconsin State Fire Inspectors Association respectfully urges the Department of Safety & Professional Services to reject the proposed exclusions in SPS 316.225(3) and SPS 316.230(4) and adopt NEC Sections 225.41 and 230.85 as written in the 2023 NEC.

Thank you for your consideration of this important safety matter.

Respectfully submitted,

Jason Knecht, President  
Robert Kessenich, 1st Vice President  
Ronnie Mason, 2nd Vice President  
Wisconsin State Fire Inspectors Association”

**Response:** The department appreciates the input but decided not to make any changes in response to the comment. The 2023 NEC Section 225.41 requires an emergency disconnect for one-and-two family dwellings supplied by a feeder. The proposed rule creates an exception to this requirement. The National Association of Home Builders supports this exception to the NEC requirement. They feel that the cost would be a burden to homeowners.

The 2023 NEC Section 230.85 requires one-and-two family dwellings have an emergency disconnect *installed in a readily accessible outdoor location within sight of the dwelling unit*. With an emergency disconnect, there could possibly be other sources of power that are supplying the dwelling, such as a generator, PV system, etc., and the dwelling may still be energized leaving anyone with a false sense of security. Some municipality fire department SOPs do not allow them to disconnect power until the utility supplying the power are onsite. The department believes that this is a redundant item, since a disconnect is required outside or inside nearest to the point of entrance and not to exceed 8 feet per NEC 230.70 and SPS 316.230 (3). Requiring an outdoor disconnect would have a significant impact on new homes' construction and service change for upgrades due to cost and a long lead time for materials. These costs would be passed on to the consumer. This item would affect the economic impact analysis of the rule by significantly increasing costs of a new home. The National Association of Home Builders supports this exception to the NEC requirement. They feel that the cost would be a burden to homeowners. For these reasons, the department decided not to make any changes in response to this comment.

**Name:** Christopher Jarosch

**Organization:** Self

Christopher Jarosch is a member of the Electrical Code Advisory Council and made a verbal public comment in support keeping the emergency disconnect requirements from the 2023 NEC.

**Response:** The department appreciates the input but decided not to make any changes in response to the comment. The 2023 NEC Section 225.41 requires an emergency disconnect for one-and-two family dwellings supplied by a feeder. The proposed rule creates an exception to this requirement. The National Association of Home Builders supports this exception to the NEC requirement. They feel that the cost would be a burden to homeowners.

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**Name:** Steve Froemming  
**Organization:** Self

Steve Froemming is a member of the Electrical Code Advisory Council. Steve made a verbal public comment in support of the expeditious adoption of the 2023 NEC to modernize Wisconsin's code, and in support of keeping the emergency disconnect requirements from the 2023 NEC.

**Response:** The department appreciates the input but decided not to make any changes in response to the comment. The 2023 NEC Section 225.41 requires an emergency disconnect for one-and-two family dwellings supplied by a feeder. The proposed rule creates an exception to this requirement. The National Association of Home Builders supports this exception to the NEC requirement. They feel that the cost would be a burden to homeowners.

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**Name:** Joseph Hertel  
**Organization:** Self

“Please consider this as a submittal in reference to the public hearing on SPS 316. Page 1 of the 2023 National Electrical Code, (NEC) has a statement that the Code is purely advisory as far as NFPA is concerned. “It is made available for a wide variety of both public and private uses in the interest of life and property (bolded for emphasis)

protection.” Keeping both in mind we can look at some of the proposed changes and deletions in SPS 316.

On page 2 of the document is a statement to the effect: Section 227.11 (2) (a), Stats. provides “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute...” It would be very helpful if the department provided justification in the draft for many of the changes that were made, some of which seem arbitrary. The electrical administrative rules have traditionally had language that was proactive and prescriptive in dealing with code items. Wisconsin has a long history of being ahead of the NEC and history can show numerous changes that originated in SPS 316 and the administrative rules that preceded it.

Page 5 of the proposed order has a statement indicating: “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.” While I did attend one of the meetings virtually as there is no other way, the makeup of the committee did not appear to represent the many stakeholders involved in the electrical industry. Department staff no longer includes the engineers and designers that constituted staff in earlier adoptions of the NEC. Previous codes were adopted with committees comprised of as many as 17 individuals representing various interests and when finished, public hearings were exactly that, (Covid is no longer an issue) submittal and approval was a straightforward process.

Section 4 and 6 add the language: When a hazard to life, health, or property exists or is created by an existing installation the authority having jurisdiction may, in the authority’s sole discretion, require that the installation be brought into compliance with the current code’s requirements within a time period determined by the authority. While deleting: A repair may be required to be brought into compliance with the current code's requirements by the department and within the time period determined by the department when a hazard to life, health or property exists or is created by the repair.

Section 11 goes on to define authority having jurisdiction and provides a note(see below) for further explanation. The current language in SPS 316, defines the Department as the authority having jurisdiction and that language should be maintained. The current proposal is in keeping with the NEC language, definition and style. Wisconsin has 1,883 municipalities as of January 1, 2021. This provides for up to 1883 different opinions from “authorities having jurisdiction”. Previous and current administrative rules define the department as the authority having jurisdiction to avoid the many possible opinions of municipalities. This definition is in keeping with the state statutes that provide a uniform electrical code and prohibit municipalities from enacting any electrical rules beyond those promulgated by the department.

"Authority having jurisdiction" means an organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure. Note: An authority having jurisdiction may be a municipality operating under s. SPS 316.011 (1) or the department operating under s. SPS 316.011 (2), however s. SPS 316.004 provides that "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."

ss. 101.86 Municipal authority. (1) Municipalities may: (a) Enact 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 14 provides amendments for SPS 316.007(1)(b) and (2) but (3) (shown below) could really use some clarification. The statement seems to indicate that written department approval would be required if someone decided to go beyond the current requirements of SPS 316 and the currently adopted standard. We are always free to exceed the current requirements but cannot do less since they are a minimum standard. As an example, I can use new products and methods that exceed the current requirements and would certainly not require department approval to use the 2026 NEC as long as the provision(s) I am using were not less than the current requirement.

316.007(3) (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 24 repeals and recreates SPS 316.210. This change will make criminals of electricians or homeowners, whomever changes the circuitry or installs and removes the now required GFCI protection for various items. The current exception provides relief against nuisance trips.:

316.210(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. This exception has been in SPS 316 and previous administrative rules since adoption of the 2008 NEC. It was adopted to insure against nuisance trips. Less someone says "all these appliances, pumps, or motors are compatible with GFCI protection, I will agree. It is the GFCI itself that is subject to a nuisance trip and then going back to my opening statement, the NEC is designed to protect life and property. The GFCI is excellent insurance and is clearly designed to protect life. When it fails for whatever reason, nearby lightning strike, surge or any interference great enough to cause it to trip, the circuit is deenergized. This in itself is not an issue with many of the appliances that we use in everyday life. If the GFCI trips on my microwave, hair dryer, dishwasher or disposal it is inconvenient and will require me to reset it before I can use that appliance again. If it trips on my sewage pump, I may have a basement full of (expletive). If it trips on my sump or condensate pump, I am subjected to a wet basement. If I am not home for these

outages it could lead to significant damage and loss. This is property damage that can easily be avoided with the exception that is currently in 316.210.

I teach electrical classes around the state and have many, Iowa, Minnesota and Michigan contractors and electricians attend. When we ask what they do about GFCI protection, they snicker, chortle and laugh. The answer, we take care of it after the inspector leaves, or tell the homeowner how to do it. Kind of like providing instructions to commit a crime, or rob a bank?

Manufacturers and testing agencies say they are compatible, yet, the NEC has had an exemption for a single receptacle for a security or fire alarm system since the 2002 edition. When I queried the reason for this exception it was very clear they were concerned about nuisance trips. If a GFCI on this circuit failed I would not be subjected to property damage unless I was being vandalized or robbed at that time. We do not have to turn electricians and homeowners into criminals. We can maintain the exception which still provides the protection for life by having the GFCI protected receptacle within 3 feet. This goes beyond the NEC exception for security systems which requires only a receptacle.

Section 26 deletes and recreates 316.225. 316.225 (2)(a) should be retained. The NEC clearly allows a service, feeder, or branch circuit to a building or structure. You could have one of each and be in compliance. It is when you have more than one, separate requirements come in. It is common to have a 320 to 400 ampere service and have two 200 ampere feeders to small agricultural installations. The equipment is less costly and safety is still provided. I may be missing something in the code but this relief was needed and things have not changed that I am aware.

NEC Article 250.50 Exception: "Concrete-encased electrodes of existing buildings or structures shall not be required to be part of the grounding electrode system if the rebar is not accessible for use without disturbing the concrete." The definition of existing needs to be added to inform persons that "existing" means in existence or operation at the time under consideration. Department staff are of the opinion and have ordered electricians to chip concrete to expose rebar or install the alternative allowed by NEC 250.52(A)(3) when they arrived after the concrete was poured. Chipping concrete footings or foundations may create a structural issue. SPS 316 applies to new electrical installations and has never provided specifications for concrete footings or foundations. The alternative staff indicated they would accept, bare copper conductor 20 feet in length not smaller than 4 AWG encased in 2 inches of concrete poured near the footing of the building. The NEC would require this conductor to be in the concrete wall or footing and not some separate installation and gives the electrician an option of creating a concrete encased electrode if they are present when the concrete is poured. Department staff has indicated this is a department interpretation of the rules found in the National Electrical Code (NEC) 2017 Edition as adopted by SPS 316.

Safety and Professional Services (SPS)316.002 (5) Differing Rules; states "Where any department rule in this chapter differs from a requirement within a standard referenced in this chapter, the department rule shall govern." SPS 316.004 Department Authority; reserves the right for the department to interpret the requirements in this chapter and in all adopted codes and standards. This requirement by staff is not a department rule but

rather something akin to a directive by staff. The NEC as adopted is quite clear on requirements for grounding electrodes and their installation.

NEC Section 250.50 Grounding Electrode System. states “All grounding electrodes as described in 250.52(A)(1) through (A)(7) that are present at each building or structure served shall be bonded together to form the grounding electrode system. Where none of these grounding electrodes exist, one or more of the grounding electrodes specified in 250.52(A)(4) through (A)(8) shall be installed and used.” The exception to the requirement of the concrete-encased electrode was added to the 2005 Edition of the NEC to alleviate the issue of whether the concrete encased electrode is accessible. If Wisconsin had wanted otherwise than to accept the NEC requirement there have been ample code changes and updates to both Comm 16 and SPS 316 to add staff’s directive as a rule. Staff has indicated that on new construction is where their directive requires exposing the reinforcing rod or bar. Typically, an electrician is not present when the concrete is poured and the reinforcing no longer exposed. If the mason leaves an end of reinforcing out for the electrician, he/she can certainly use it as part of the grounding electrode system. If the electrician is not present and the mason does not leave exposed reinforcing rod or bar it would create an existing building or structure. The NEC specifies other electrodes that can be used.

SPS 316.002 Scope. Indicates that this chapter (316) applies to electrical wiring installations. SPS 316.003 Application. States: “The provisions of this chapter apply to all new installations, reconstructions, alterations and extensions.” With these statements it is evident that SPS 316 applies to new electrical wiring as noted in SPS 316.006 Definitions. and does not include concrete reinforcing rod or bar installation as a grounding electrode. It is not a safety issue where the concrete encased electrode is not used since the NEC requires that one or more of the following electrodes be installed and used. The list includes the ground ring, rod or pipe, other listed electrodes, plate or other local metal underground systems or structures. This arbitrary requirement without code support can add significant cost to the construction without a practical purpose. While the department has the right to interpret the code and adopted standards, it does not confer the right to create rules or that of papal infallibility. Section 37 deletes the provision for a single non GFCI protected receptacle for the pump. I live in the city and do not rely on a pump for my sewage but if I did, I would not want it on a GFCI protected circuit. If the NEC feels a security system is subject to nuisance trips it is trivial compared to the issues I may have with a nuisance trip on my effluent pump. There is no need to create this possibility of property loss. Yes, the pump is compatible with a GFCI but so is a security system until its not and is subject to a nuisance trip for whatever reason. Section 45 repeals 316.358 which prohibits the use of Electrical Metallic Tubing (EMT) in certain conditions. This prohibition was in SPS 316 to support the fact that EMT does not survive in concrete on or below grade or in direct contact with the earth. The prohibition should be rewritten to take into account the language that was added to NEC 358.10. It should say 358.10(A)(1) is not part of this rule. Other jurisdictions place this same restriction on its use.

(Current 358 prohibition)

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 49 repeals necessary provisions for receptacles in bathrooms. It strikes me as throwing out the baby with the bath water while keeping an exception for a sole source product I would never recommend or purchase. Section 51 is extensive in deleting requirements in SPS 316. While most of these are innocuous, several have implications. 316.547 currently allows an electric fencer on a non GFCI circuit provided a GFCI protected receptacle is within three feet for use. I have been told by some that their fencer works on a GFCI and others say it is subject to nuisance trips. Compare a herd of cattle on a county road to failure of a security system. A GFCI is a lifesaver but can also have detrimental effects on property. 316.675 was included to prevent service conductors being installed in unlimited length for irrigation pumps and motors. The provision required a disconnect at the source and should remain for safety. 316.700(1)(a) required emergency wiring to be installed in listed raceways or Type MC or Type AC cable. This requirement was designed to provide additional protection for the emergency wiring. If the repeal stands emergency wiring could be installed using any of the methods recognized in the NEC. This section along with (b) should be retained. It places our Wisconsin code ahead of the NEC and provides a more robust and safer installation for emergency circuit wiring. 316.700(2) along with 316.701(1) provide prescriptive requirements for the installation of emergency and legally required alternate power sources, ie. generators. NFPA 110 is the generator code and is adopted by SPS 361-366 the SPS building code. NFPA 110 is lacking in prescriptive location requirements in that it says the location should consider fire, flood, vandalism and other hazards. These requirements were placed in 316 after installations were made that clearly lacked the foresight of possible damage and failure of the emergency source. The preemptive and prescriptive language clearly provides a safer installation. Hindsight is generally 20/20. Ask the people of New Orleans if they want their emergency generators mounted on the ground. Hurricane Katrina changed their view. Ask the citizens of New York City if their generators are acceptable in the basement of hi-rise buildings. Tropical storm Sandy rewrote the code for them. A little foresight can provide a safer more resilient installation.

If you need additional information, I would be happy to meet and discuss any of the issues.

Thank you for your consideration.

Sincerely

Joseph A. Hertel,

Professional Engineer, Master Electrician, Commercial Electrical Inspector

Retired Chief Electrical Engineer,

Department of Industry, labor and Human Relations,

Department of Commerce,

Department of Safety and Professional Services”

**Response:** The department has developed this rule draft in consultation with the Electrical Code Advisory Council and many other subject matter experts and industry stakeholders. The primary purpose of this rulemaking project is to modernize the state’s electrical code, protect public health, safety, and welfare, and minimize economic impact. The department believes it achieves this purpose by adopting the 2023 National Electrical code with state-specific additions, exceptions, and amendments. Under state law, the department has the authority and the responsibility to promulgate a state electrical code that reflects national

standards. Through the rulemaking process, with many steps that involve public input, the department has arrived at this rule draft and believes this version of the rule draft best accomplishes the purpose of protecting public health, safety, and welfare.

The public comment covers almost all of the proposed rule with few specific rule change recommendations. Of the specific code changes suggested in the public comment, many have been considered as part of this rulemaking process, discussed, and decided not to be included in the rule. Many others have also been answered in the department's responses to other public comments in this report. Many other suggestions conflict with other areas of code or conflict with the purposes of modernizing the code, protecting, public health, safety, and welfare, and minimizing economic impact. The department decided not to make any changes in response to this comment.

## **VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

All Legislative Council comments except comments 5a. and 5b. have been accepted and incorporated into the proposed rules.

**Comment: 5a.** Proposed s. SPS 316.002 (2) (h) 1. could be revised to clarify the application of the clause that begins with "if". One option to improve clarity might be to add a phrase such as "that would be" after "steps" and replace the phrase "is converted" with the phrase "were converted".

**Response:** The department rejects this comment mainly to keep consistency with parallel language in the Commercial Building Code SPS 361.02 (3) (d) 1. The department acknowledges that this sentence may be improved by rewriting it in active voice, but believes that the regulation is still clear, and that it is more important to keep consistency with parallel CBC language saying the same thing. Also, to the portion of the comment suggesting a change from "is converted" to "were converted", the department believes this would be inappropriate in this case. In the department's opinion, "is" is proper for something that is possible or probable in the future while "were" is proper when referring to an unlikely, impossible, or purely hypothetical scenario.

**Comment: 5b.** In proposed s. SPS 316.002 (2) (h) 2., would the meaning of the phrase "to be determined" be clarified by replacing the word "determined" with "identified"?

**Response:** The department rejects this comment to keep consistency with parallel language in the Commercial Building Code SPS 361.02 (3) (d) 2. The department believes that the regulation is still clear and that it is more important to keep consistency with parallel CBC language saying the same thing.

## **VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:**

N/A

STATE OF WISCONSIN  
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	DEPARTMENT
DEPARTMENT OF SAFETY AND	:	ADOPTING RULES
PROFESSIONAL SERVICES	:	(CLEARINGHOUSE RULE 26-016)

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PROPOSED ORDER

An order of the Department of Safety and Professional Services to **repeal** SPS 316.003 (2), 316.007 (1) (am), 316.230 (1) (c), (2), (3) (a), and (5), 316.240, 316.300 (2) (a), 316.310 (1), 316.314 (2), 316.358, 316.404, and 316.511 to 316.701; to **renumber** SPS 316.006 (1); to **amend** SPS 316.002 (2) (b) and (c), 316.003 (3) and (4), 316.005 (Note 1), 316.007 (1) (intro.), (a), (Note), (b), and (2), 316.022 (1) (Note), 316.090, 316.100 (2), 316.110 (1) and (2), 316.230 (1) (a) and (3) (b), 316.250 (1) and (2) and (3), 316.300 (1) (intro.), (b) and (2) (b), 316.310 (2), 316.312 (1) and (2) and (3), 316.314 (1), 316.334 (title) and (1) and (2), and 316.406 (1), to **repeal and recreate** SPS 316.005 (Note 2), 316.023, 316.210, 316.220, 316.225, 316.230 (4), 316.400, 316.406 (2), and 316.450, and to **create** SPS 316.002 (2) (g) and (h) and (i) and (j), 316.003 (3) (Note), 316.005 (Note 3), 316.006 (1e) and (1m), 316.007 (3) (Note), 316.012 (1) (a) 8. and 9., 316.013 (4), 316.020 (1) (Note 2), and 316.230 (3) (c) relating to the Electrical Code.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:**

Section 101.82 (1), Stats.

**Statutory authority:**

Sections 101.02 (1), 101.82 (1), 101.84 (3) and (5), and 227.11 (2) (a), Stats.

**Explanation of agency authority:**

Section 101.02 (1), Stats., provides that "[t]he department shall adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings."

Section 101.82 (1), Stats., provides that "[t]he department shall promulgate by rule a state electrical wiring code that establishes standards for installing, repairing, and maintaining electrical wiring. The rules shall include separate standards, established in consultation with the uniform dwelling code council, that apply only to electrical wiring in camping units that are set in a fixed location in a campground for which a permit is issued under s. 97.67, that contain a sleeping place, and that are used for seasonal overnight camping. The rules do not apply to

electrical wiring in primitive rural hunting cabins, as defined in s. 101.61 (3). The standards established in the rules shall also take into account the uses, including seasonal use, that are unique to recreational and educational camps, as defined in s. 101.053 (1). Where feasible, the rules shall reflect nationally recognized standards.”

Section 101.84 (3) and (5) provides that “[t]he department may 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 under sub. (5).” and

“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) and that establish criteria and procedures for enrolling, registering, or licensing these electricians.”

Section 227.11 (2) (a), Stats. provides “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute...”

**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 objective of the rule is to update Wisconsin’s Electrical Code, ch. SPS 316, to reflect current national standards, to update administrative and enforcement aspects of the program, and to update and clarify outdated regulations and provisions. The primary purpose of this rulemaking project is to modernize the state’s electrical code, protect public health, safety, and welfare, and minimize economic impact. The rule adopts by reference the 2023 edition of the National Electrical Code (NFPA 70 National Electrical Code, 2023) standard. It contains certain specified changes, additions, and omissions to the requirements of the NEC to ensure the rules conform to current statutes and to update provisions for consistency among code chapters and Department procedure.

The majority of the proposed rule implements the Wisconsin Electrical Code’s adoption by reference of the 2023 NEC. It updates changed references, adds additional provisions, and eliminates certain provisions that have been rendered redundant due to updates to the NEC. Currently, ch. SPS 316 adopts by reference the 2017 edition of the NEC.

The rule clarifies that installations not under the jurisdiction of the state are not subject to the chapter’s rules. The rule clarifies that when hazards are created by an installation, the authority having jurisdiction may require it to be updated to the current code. The rule clarifies that a permit is required to install electrical wiring on vacant land or in any structure, unless exempted. A new requirement is created for municipal recordkeeping of

inspections. For electric fences, the Department's additional requirements beyond those of the NEC are simplified to say that the electric fence must be used in accordance with the exact manner and purpose of the manufacturer's instructions. For requirements for GFCI and AFCI protection, the rule maintains similar exceptions to the NEC language that were previously in place. It creates some new language substitutions and exceptions to the NEC requirements regarding dwelling unit receptacle outlets on islands and peninsulas, with location requirements for receptacle outlets. The rule recreates regulations around outside branch circuits and feeders, now requiring only a few additions to the NEC requirements. Feeder or branch circuit cables may not extend more than 8 feet into a building. Where the disconnecting means is installed outside of a structure, it shall be not more than 30 feet from and within sight of the structure that it serves. The rule creates exceptions to emergency disconnect requirements in NEC 225.41 and NEC 230.85.

### **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 NEC. A search of the Code of Federal Regulations (CFR) found the following regulations pertaining to activities that may be covered by this rule.

- Title 7 CFR, Part 1755 – Telecommunications Policies on Specifications, Acceptable Materials, and Standard Contract Forms. This regulation in the Department of Agriculture applies to telecommunications wiring and equipment and requires compliance with the NEC.
- Title 24 CFR, Part 3280 – Manufactured Home Construction and Safety Standards. Subpart I of this regulation in the Department of Housing and Urban Development covers electrical systems in manufactured homes and requires compliance with the 2005 NEC.
- 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 in the Department of Labor 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 in the Department of Labor contains installation safety requirements, safety requirements and environmental considerations for special equipment necessary to safeguard employees working in special industries.
- Title 30 CFR, Part 57 – Safety and Health Standards – Underground Metal and Nonmetal Mines. Subpart K of this regulation in the Department of Labor contains specific electrical safety requirements for the protection of employees working in underground metal and nonmetal mines.
- 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 metal and nonmetal mines.

## Summary of public comments received on statement of scope:

A preliminary public hearing on Statement of Scope SS 019-24 was held on February 26, 2024. Two comments were received in support of the scope statement. Bill Neitzel, member of the Electrical Code Advisory Council and the Wisconsin Chapter of the International Association of Electrical Inspectors, and Brad Boycks, representing the Wisconsin Builders Association, submitted the following comments:

Name: Bill Neitzel

Organization: Wisconsin Chapter IAEI

“Please approve Scope Statement SS 019-24 for rule SPS 316 and allow the Electrical Code Advisory Council to review and recommend for adoption an updated version of SPS 316 and the 2023 National Electrical Code. Delaying any of the construction codes (building, heating, plumbing, electrical, fire and more) is detrimental to the citizens of the Great State of Wisconsin. Each delay can cause added costs by requiring variances for new products and methods, increases in insurance rates, confusion by designers and installers, the inability to use newer - cost effective and more efficient technologies and techniques and more. As a taxpayer in the State of Wisconsin my entire life and being in the electrical trade for 56+ years, I humbly request that the legislature allow the electrical code to move forward as our state motto recommends.”

Name: Brad Boycks

Organization: Wisconsin Builders Association

“Thank you for the opportunity to testify at the public hearing today on the scope statement 019-24 for SPS 302, 305, 316, 324, relating to updating the Wisconsin Electrical Code.

As I mentioned during my testimony the WBA would ask that the council to carefully consider how any changes to the electrical code would affect the cost of a single-family home or an apartment home. This past legislative session saw a historic focus to bring more workforce housing units online by making a \$525 million investment in workforce housing with a bipartisan effort. We would hate to see some of those efforts blunted by costly new requirements in any updated building code, including updates to the electrical code. Price increases to a home can have a dramatic effect on a family’s ability to receive a home mortgage. According to a recent study by the National Association of Home Builders (NAHB) a \$1000 increase to the cost of a single-family home will price out 1996 families from being able to purchase a home.

We have heard from several members who are concerned with a provision that was contained in the 2020 code update concerning emergency disconnects (230.85) and the current lack of availability for this device. We have received notice from electrical supplies with vast knowledge on current supply chain challenges in the industry that the current lead time for this device is 85 weeks (just under 2 years).

Finally, we would like to make the Electrical Code Council aware of the list of recommended amendments to the 2023 NEC electrical code that has been prepared by the NAHB for reference during the code updating process. Also for the council’s consideration is a cost analysis of the

2023 NEC code changes for single family and multifamily buildings from the Home Innovation Research Labs.

We commend each member of the electrical code council for taking the time to review and update the current electrical code in Wisconsin and we thank you for your consideration of the enclosed comments and the materials provided by the NAHB and the Home Innovation Research Labs.

Sincerely,

Brad Boycks  
Executive Director  
Wisconsin Builders Association”

**Comparison with rules in adjacent states:**

**Illinois:** Illinois does not administer a statewide electrical code. However, county and municipal governments are free to adopt versions of the NEC.

**Iowa:** The Iowa Department of Public Safety administers a statewide electrical code that adopts the 2020 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 2017 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 2023 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 edition of the national technical standards that serve as the basis for Wisconsin code. Staff compared the 2023 edition of the NEC to the 2017 edition currently adopted under ch. 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.

Standards incorporated by reference in the proposed rule have been approved by the Attorney General pursuant to s. 227.21 (2), Stats.

**Analysis and supporting documents used to determine effect on small business or in**

## **preparation of economic impact analysis:**

The proposed rules were posted for 30 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. The below 3 economic impact comments were received:

Name: Bill Neitzel

Organization: Wisconsin Chapter IAEI

“After reviewing the SPS 316 Draft, it appears that the items discussed during the Electrical Code Advisory Council meetings have been captured as discussed. I would like to add some comments for the Economic Impact Analysis regarding 2 items.

The first item is the "Emergency Disconnect" that has been deleted by SPS 316.225(3) for dwelling unit outbuildings and SPS 316.230(4) for dwelling services. These "Emergency Disconnects" are required in the NEC by a joint effort of the builder's associations and the NFPA for protection of the first responders (firefighters). When the Advisory Council met and discussed these code sections, one of the concerns was the supply chain issues being seen at that time. Looking through current information, this is no longer an issue as the manufacturers have been able to catch up with demand, and the availability appears to no longer be an issue. Also, shopping online for a meter pedestal with a 200 amp main breaker coupled with a 200 amp main lug only panel vs. a meter pedestal with no main and a 200 main breaker panel, the cost difference is less than \$50 with most being less than that. As a former volunteer fireman, this is a small cost to protect those who protect us and are only interested in eliminating the hazard to their fellow responders quickly so they can perform their rescue operations safely.

My other comment is an affirmation of the Advisory Council's decision not to eliminate NEC 230.67 for surge protection of dwelling units. For more than 20 years the CPSC has had statistical data showing the amount of faulty electronic equipment and counterfeit electrical products that has been brought into our homes through various sources and especially from current online shopping trends. Many citizens in the State of Wisconsin are unaware that the electrical products they buy online may not be safe. These products range from \$60 to \$150 and are definitely not cost prohibitive when you weigh the safety vs. the cost. I have one installed in the 30 year old home that I bought 2 years ago and the added peace of mind for someone who understands the hazards were well worth the investment.

Thank you for all you do and for allowing me to provide my feedback. You are a great asset to the work we do.

Bill Neitzel”

Name: Brad Boycks

Organization: Wisconsin Builders Association

“Thank you for the opportunity to provide additional information to the department prior to the release of the Economic Impact Analysis for SPS 302, 305, 316, 324, relating to updating

the Wisconsin Electrical Code. WBA would ask that DSPS continue to carefully consider how any changes to the electrical code would affect the cost of a single-family home or an apartment home.

It appears that DSPS and the Electrical Code Advisory Committee accepted several suggestions that were previously offered by WBA and the National Association of Home Builders (NAHB) which is very much appreciated. We believe there are several proposed changes to the code that will have a negative impact on the cost of a home that we would like to point out today and hope they could be eliminated from the final rule package. Those items are:

- Two provisions in SPS 317.210 Branch Circuits:
  - Item (3) removed kitchens from the list of areas where AFCIs were required in the 2017 edition. Cost impact if this amendment is not retained: \$123 increase (and potential for callbacks due to unwanted tripping).
  - Item (7) reduces the number of receptacles (outlets) in garages to one per garage instead of one per vehicle bay. Cost impact if this amendment is not retained: \$125 increase for a 3-car garage for the additional 2 receptacles and wiring.
- We support an exception to remove the surge protection requirements in NEC 230.67 that were added in the 2020 and 2023 editions. Cost impact without an amendment: \$276 increase per home.
- The provision in SPS 316.230 (3)(c) (“Disconnecting means shall be no more than 30 feet and within sight from the building or structure it serves”) is more restrictive than the 2023 or 2026 editions of the NEC. The model code simply requires the disconnecting means to be located “on the building or within sight of the building.” This proposed change could increase the cost of a home. We could be interested in learning more about this change and why it was determined necessary.

The total annual cost increase for home buyers if the suggested amendments above are not adopted would be approximately \$7,700,000. This is based on an expected construction of 12,266 one- and two-family homes and 10,346 apartment homes.

It appears by the text provided by the DSPS that any changes to the electrical code would “take effect on the first day of the month following publication in the Wisconsin Administrative Register.” We would recommend a 6 to 12 month delayed effective date to better educate effected parties of the changes to the electrical code. We commend each member of the Electrical Code Advisory Committee and DSPS officials for taking the time to review and update the current electrical code in Wisconsin and we thank you for your consideration of the enclosed follow up comments.

Sincerely,

Brad Boycks  
Executive Director  
Wisconsin Builders Association”

Name: George Klaetsch

Organization: Wisconsin Precast Concrete Association

“On behalf of the Wisconsin Precast Concrete Association and other affected POWTS stakeholders, we are submitting brief written comments related to repealing SPS Code Sections related to a proposed order to update Wisconsin's electrical standards in compliance with recent NEC changes. Please see the specific code sections below.

It is our belief that updating/revising this code section will create hardships on POWTS trades and the homeowners that rely on a fully operational POWTS to dispose of their liquid waste.

It appears that in addition to complying with NEC 300 updates the department is proposing to create an exemption to current code that allows an exemption for POWTS professionals to not install GFCI receptacles on POWTS systems. The proposed rule draft release would eliminate this exemption and require GFCI receptacles if the code package is promulgated as drafted.

We believe the exemption to GFCI in current code should be maintained. If not, it will result in a significant increase in widespread septic tank false alarms when the GFCI outlet is tripped. When this occurs, the pump is no longer operational and the result of pump failure could be the contamination of septage/human liquid waste overflowing the tank and affecting ground and drinking water, and/or system backups into the basement or lower level of the residence in which the POWTS is intended to serve.

Thank you for your consideration of our comments.

George Klaetsch  
WI Precast Concrete Association”

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis are attached.

**Effect on small business:**

These proposed rules will not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at [Jennifer.garrett@wisconsin.gov](mailto:Jennifer.garrett@wisconsin.gov), or by calling (608) 266-2112.

**Agency contact person:**

Jake Pelegrin, Administrative Rules Coordinator, Department of Safety and Professional Services, Office of Chief Legal Counsel, email at [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

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TEXT OF RULE

SECTION 1. SPS 316.002 (2) (b) and (c) are amended to read:

**SPS 316.002 (2) (b)** Installations for generation, transformation, or distribution of power used exclusively by railways for signaling and communication purposes, other than conductors and equipment connecting the serving utility to the wiring system of the premises served.

**(c)** Installations of communication equipment under exclusive control of communication utilities, located outdoors or in building spaces used exclusively for such installations, other than conductors and equipment connecting the serving utility to the wiring system of the premises served.

SECTION 2. SPS 316.002 (2) (g) and (h) and (i) and (j) are created to read:

**SPS 316.002 (2) (g)** Installations in properties that are exempted by federal statutes or treaties.

**(h)** Installations in portions of buildings leased to the federal government provided all of the following conditions are met:

1. A statement is recorded with the register of deeds that describes the steps necessary for compliance with this chapter if the space is converted to a nonexempt use.
2. The statement recorded with the register of deeds is recorded in a manner that will permit the existence of the statement to be determined by reference to the property where the building is located.
3. The owner of the building submits a copy of the recorded document to the department or its authorized representative.

**(i)** Installations in buildings or structures located on Indian reservation land that are held either in trust by the United States, or in fee by the tribe or a tribal member.

**(j)** Installations in buildings or structures which are located on off-reservation Indian land that is held in trust by the United States and which are held either in trust by the United States, or in fee by the tribe or a tribal member.

SECTION 3. SPS 316.003 (2) is repealed.

SECTION 4. SPS 316.003 (3) is amended to read:

**SPS 316.003 (3) EXISTING INSTALLATIONS.** Existing electrical installations shall conform to the electrical code that applied when the installations were installed. ~~An existing electrical installation may be required to be brought into compliance with the current code's requirements by the department and within the time period determined by the department when a hazard to life, health~~

~~or property exists or is created by the installation.~~ When a hazard to life, health, or property exists or is created by an existing installation the authority having jurisdiction may, in the authority's sole discretion, require that the installation be brought into compliance with the current code's requirements within a time period determined by the authority.

SECTION 5. SPS 316.003 (3) (Note) is created to read:

**SPS 316.003 (3) Note:** Changes in use or occupancy of a space may require alterations to electrical installations to remain compliant with the provisions of the NEC and this chapter.

SECTION 6. SPS 316.003 (4) is amended to read:

**SPS 316.003 (4) REPAIRS.** Repairs to electrical installations shall conform to the electrical code that applied when the installations were installed. ~~A repair may be required to be brought into compliance with the current code's requirements by the department and within the time period determined by the department when a hazard to life, health or property exists or is created by the repair.~~ When a hazard to life, health, or property exists or is created by an existing installation the authority having jurisdiction may, in the authority's sole discretion, require that the installation be brought into compliance with the current code's requirements within a time period determined by the authority.

SECTION 7. SPS 316.005 (Note 1) is amended to read:

**SPS 316.005 Note:** Chapter SPS 303 requires the submittal of a petition for variance form ~~(SBD-9890)~~ and a fee, and that an equivalency is established in the petition for variance that meets the intent of the rule being petitioned. Chapter SPS 303 also requires the department to process regular petitions within 30 business days and priority petitions within 10 business days.

SECTION 8. SPS 316.005 (Note 2) is repealed and recreated to read:

**SPS 316.005 Note:** The submittal of position statements and municipal recommendations is dependent on the rule being petitioned and is specified in the code under which the variance is requested.

SECTION 9. SPS 316.005 (Note 3) is created to read:

**SPS 316.005 Note:** The department form required in this section is available on the department's website at <https://dsps.wi.gov>.

SECTION 10. SPS 316.006 (1) is renumbered to 316.006 (1s).

SECTION 11. SPS 316.006 (1e) and (1m) are created to read:

**SPS 316.006 (1e)** "Authority having jurisdiction" means an organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.

**Note:** An authority having jurisdiction may be a municipality operating under s. SPS 316.011 (1) or the department operating under s. SPS 316.011 (2), however s. SPS 316.004 provides that "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."

**(1m)** "Campground" means a parcel or tract of land that requires a license to operate under s. ATCP 79.05 (1).

SECTION 12. SPS 316.007 (1) (intro.), (a), and (Note) are amended to read:

**SPS 316.007 (1) PRIMARY STANDARDS.** The following ~~standards are~~ standard is 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](http://www.nfpa.org): NFPA 70 National Electrical Code, (NEC) – ~~2017~~ 2023, including all Temporary Interim Amendments and Errata prior to January 1, 2025.

**Note:** Copies of the standards are on file in the ~~offices~~ office 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 no cost if the person is a registered user for the site.

SECTION 13. SPS 316.007 (1) (am) is repealed.

SECTION 14. SPS 316.007 (1) (b) and (2) are amended to read:

**SPS 316.007 (1) (b)** If a requirement in the ~~standards~~ standard adopted in ~~par. (a) and (am)~~ par. (a) ~~and (am)~~ 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 ~~standards~~ standard adopted in sub. (1) (a) ~~and (am)~~ shall apply to the prescribed extent of each such reference, except as modified by this chapter.

SECTION 15. SPS 316.007 (3) (Note) is created to read:

**SPS 316.007 (3) Note:** See s. SPS 316.005 for petition for variance.

SECTION 16. SPS 316.012 (1) (a) 8. and 9. are created to read:

**SPS 316.012 (1) (a) 8.** Except as specifically exempted by rule or statute, vacant land for which a permit under this chapter or ch. SPS 320 has not already been issued.

9. Except as specifically exempted by rule or statute, any structure for which a permit under this chapter or ch. SPS 320 has not already been issued.

SECTION 17. SPS 316.013 (4) is created to read:

**SPS 316.013 (4)** Records of inspections shall comply with one of the following:

(a) *Municipal enforcement.* Municipalities that have adopted an ordinance to enforce this code shall maintain records in accordance with all of the following:

1. A record shall be made of each visit to a site, each inspection type performed and the pass or fail results of each inspection.
2. Applications, plans, forms, correction orders, correspondence, permits, and inspection records shall be maintained for 7 years after completion.

(b) *State enforcement.* Inspectors working under a state contract shall maintain records in accordance with the provisions of the contract that were in effect at the time the inspections were completed.

SECTION 18. SPS 316.020 (1) (Note 2) is created to read:

**SPS 316.020 (1) Note:** Changes in use or occupancy of a space may require alterations to electrical installations to remain compliant with the provisions of the NEC and this chapter.

SECTION 19. SPS 316.022 (1) (Note) is amended to read:

**SPS 316.022 (1) Note:** Examples of a qualified independent third party include a nationally recognized testing laboratory and a professional engineer registered in the state of Wisconsin.

SECTION 20. SPS 316.023 is repealed and recreated to read:

**SPS 316.023 Electric fences.** The following is a department rule in addition to the requirements of the NEC: Electric fence controllers shall be installed and used in the exact manner and for the exact purpose indicated by the manufacturer's instructions, markings, listings or labels.

**Note:** Under s. 101.18, Stats., the Department is responsible for establishing "...reasonable standards, rules or regulations for the erection, construction, repair and maintenance of electric fences as shall render them safe."

SECTION 21. 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 22. SPS 316.100 (2) is amended to read:

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

SECTION 23. SPS 316.110 (1) and (2) are amended to read:

**SPS 316.110 (1)** Substitute the following wording for the requirements in ~~2011~~ NEC 110.3 (B): ~~Listed Equipment that is listed, or labeled equipment shall be installed or used, or both, or identified for a use shall be installed and used~~ in accordance with any instructions included in the listing, ~~or labeling, or identification~~ provided the instructions, listing, or labeling do not conflict with this chapter.

**(2)** 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 registered in the state of Wisconsin.

SECTION 24. SPS 316.210 is repealed and recreated to read:

**SPS 316.210 Branch circuits.**

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

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

**(b)** Substitute the following wording for NEC 210.8 (A) (5): Unfinished portions or areas of the basement not intended as habitable rooms.

**(c)** The requirements in NEC 210.8 (A) (7) are not included as part of this chapter.

**(d)** The requirements in NEC 210.8 (D) (8), (9), (10), and (11) are not included as part of this chapter.

**(e)** The requirements in NEC 210.8 (F) are not included as part of this chapter.

**(2) ARC-FAULT CIRCUIT-INTERRUPTER PROTECTION.** The requirements in NEC 210.12 (E) are not included as part of this chapter.

**(3) DWELLING UNIT RECEPTACLE OUTLETS.**

**(a)** Substitute the following wording for NEC 210.52 (C) (2): At least one receptacle shall be installed at each island and peninsular countertop space with a long dimension of 600 millimeters

(24 inches) or greater and a short dimension of 300 millimeters (12 inches) or greater. A peninsular countertop is measured from the connected perpendicular wall.

**(b)** The following are department exceptions to the requirements of NEC 210.52 (C) (3):

**1.** In construction for the physically impaired receptacles may be mounted below the countertop or work surface. Receptacles mounted below a countertop or work surface shall be mounted not more than 300 millimeters (12 inches) below the countertop or work surface and may not be located where the countertop or work surface extends more than 150 millimeters (6 inches) beyond its support base.

**2.** On island and peninsular countertops or work surface where the surface is flat across its entire surface (no backsplashes, dividers, etc.) and there are no means to mount a receptacle within 500 millimeters (20 inches) above the countertop or work surface, such as an overhead cabinet receptacles may be mounted below the countertop or work surface. Receptacles mounted below a countertop or work surface shall be mounted not more than 300 millimeters (12 inches) below the countertop or work surface and may not be located where the countertop or work surface extends more than 150 millimeters (6 inches) beyond its support base.

SECTION 25. SPS 316.220 is repealed and recreated to read:

**SPS 316.220 Branch-circuit, feeder and service calculations.** Substitute the following wording for NEC 220.5 (C): The floor area for each floor shall be calculated from the outside dimensions of the building, dwelling unit, or other area involved. For dwelling units, the calculated floor area shall not include open porches, garages, or unfinished areas not adaptable for future use as a habitable room or occupiable space.

SECTION 26. SPS 316.225 is repealed and recreated to read:

**SPS 316.225 Outside branch circuits and feeders.**

**(1) NUMBER OF SUPPLIES.** This 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.

**(2) LOCATION.** The following are department rules in addition to the requirements of NEC 225.31:

**(a)** This is a department rule in addition to the requirements of NEC 225.31 (B): Raceways containing feeder or branch circuit conductors, or feeder or branch circuit cables not contained within a raceway, may not extend longer than 8 feet into a building to the disconnect or the first disconnect of a group of disconnects as permitted by NEC 225.33. The raceways, cables, 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.

**(b)** Where the disconnecting means is installed outside of a building or structure the disconnecting means shall be located not more than 30 feet from and within sight of the building or structure that

the disconnect serves.

**(3) EMERGENCY DISCONNECTS.** The requirements of NEC 225.41 are not included as part of this chapter.

SECTION 27. SPS 316.230 (1) (a) is amended to read:

**SPS 316.230 (1) (a)** This is a department informational note to be used under ~~2011 and 2017~~ NEC 230.2 (intro.): Note: It is recommended that the electric utility or cooperative supplying electric current be contacted prior to service equipment installations for any special requirements.

SECTION 28. SPS 316.230 (1) (c) and (2) are repealed.

SECTION 29. SPS 316.230 (3) (a) is repealed.

SECTION 30. SPS 316.230 (3) (b) is amended to read:

**SPS 316.230 (3) (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.

SECTION 31. SPS 316.230 (3) (c) is created to read:

**SPS 316.230 (3) (c) Outside disconnects.** Where the service disconnecting means is installed outside of a building or structure, the service disconnecting means shall be no more than 30 feet and within sight from the building or structure it serves.

SECTION 32. SPS 316.230 (4) is repealed and recreated to read:

**SPS 316.230 (4) EMERGENCY DISCONNECTS.** The requirements of NEC 230.85 are not included as part of this chapter.

SECTION 33. SPS 316.230 (5) is repealed.

SECTION 34. SPS 316.240 is repealed.

SECTION 35. SPS 316.250 (1), (2), and (3) 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).

**(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 (A) (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 36. SPS 316.300 (1) (intro.) and (b) are amended to read:

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

**(b) *Ground-fault circuit protection.*** A single receptacle located at the pump chamber that has an alarm or pump connected to it does not require ground-fault circuit-interrupter protection unless recommended or required by the alarm or pump manufacturer.

SECTION 37. SPS 316.300 (2) (a) is repealed.

SECTION 38. SPS 316.300 (2) (b) is amended 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 39. SPS 316.310 (1) is repealed.

SECTION 40. SPS 316.310 (2) is amended to read:

**SPS 316.310 (2)** This is a department rule in addition to the requirements in 2017 NEC 310.15 ~~(B) (3) (a) (C) (1)~~: The derating factors shown in NEC Table 310.15 ~~(B) (3) (a) (C) (1)~~ do not apply to branch circuits supplying an individual dwelling unit.

SECTION 41. 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 No. 1 (intro.): Exception No. 1: 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~~ No. 1 sub. (2) are not included as part of this chapter.

(3) FITTING. Substitute the following wording for ~~2011 NEC 312.5 (C) Exception paragraph (e) and 2017 NEC 312.5 (C) Exception number 3~~ No. 1 sub. (3): A fitting is provided on each end of the raceway to protect the cable from abrasion.

SECTION 42. SPS 316.314 (1) is 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 enclosure~~ box enclosure or conduit body where it is installed in accordance with ~~the wiring method specified in s. SPS 316.312.~~

SECTION 43. SPS 316.314 (2) is repealed.

SECTION 44. SPS 316.334 (title), (1), and (2) are amended to read:

**SPS 316.334 Nonmetallic-sheathed cable: Types NM, and NMC ~~and~~ NMS.**

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

SECTION 45. SPS 316.358 is repealed.

SECTION 46. SPS 316.400 is repealed and recreated to read:

**SPS 316.400 Flexible cords and cables.** Substitute the following wording for the exception in NEC 400.12 (4): Exception: Flexible cord and flexible cable may be attached to building surfaces for a use permitted under NEC 400.10 (A) if all of the following apply:

(1) The source is not a busway.

(2) The equipment is adequately supported.

(3) The type of cable and attachment to the building, the equipment, and the support comply with the provisions of NEC 368.56 (B) and 590.4.

SECTION 47. SPS 316.404 is repealed.

SECTION 48. SPS 316.406 (1) is amended to read:

**SPS 316.406 (1) ARC-FAULT CIRCUIT-INTERRUPTER PROTECTION.** The requirements in ~~2011 and 2017 NEC 406.4 (D) (4)~~ are not included as part of this chapter.

SECTION 49. SPS 316.406 (2) is repealed and recreated to read:

**SPS 316.406 (2) BATHTUB AND SHOWER SPACE.** Substitute the following wording for NEC 406.9 (C): Receptacles shall not be installed within or directly over a bathtub or shower stall. Exception: Weight supporting ceiling receptacles (WSCR) shall be permitted to be installed for listed luminaires that employ a weight supporting attachment fitting (WSAF) in damp locations complying with NEC 410.10 (D).

**Note:** See NEC 210.8 (A) (1) for GFCI requirements in a bathroom.

**Note:** See NEC 210.11 (C) for requirements for bathroom branch circuits.

SECTION 50. SPS 316.450 is repealed and recreated to read:

**SPS 316.450 Transformers and transformer vaults (including secondary ties), location.** Substitute the following wording for 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 51. SPS 316.511 to 316.701 are repealed.

SECTION 52. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the third month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)  
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This Proposed Order of the Department of Safety and Professional Services is approved for submission to the Governor and Legislature.

Dated 3/5/2026

Agency   
Secretary  
Department of Safety and Professional Services

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input checked="" type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date March 5, 2026
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) SPS 316	
4. Subject Electrical Code	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b>	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). See narrative below in question number 14. The department's economic impact analysis has estimated a net cost savings for the proposed rule. Estimate of implementation and compliance to businesses, local governmental units and individuals is \$0.	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The objective of the rule is to update Wisconsin's Electrical Code, ch. SPS 316, to reflect current national standards, to update administrative and enforcement aspects of the program, and to update and clarify outdated regulations and provisions. The primary purpose of this rulemaking project is to modernize the state's electrical code, protect public health, safety, and welfare, and minimize economic impact. The rule adopts by reference the 2023 edition of the National Electrical Code (NFPA 70 National Electrical Code, 2023) standard. It contains certain specified changes, additions, and omissions to the requirements of the NEC to ensure the rules conform to current statutes and to update provisions for consistency among code chapters and Department procedure.  The rule clarifies that installations not under the jurisdiction of the state are not subject to the chapter's rules. The rule clarifies that when hazards are created by an installation, the authority having jurisdiction may require it to be updated to the current code. The rule clarifies that a permit is required to install electrical wiring on vacant land or in any structure, unless exempted. A new requirement is created for municipal recordkeeping of inspections. For electric fences, the Department's additional requirements beyond those of the NEC are simplified to say that the electric fence must be used in accordance with the exact manner and purpose of the manufacturer's instructions. For requirements for GFCI and AFCI protection, the rule maintains similar exceptions to the NEC language that were previously in place. It creates some new language substitutions and exceptions to the NEC requirements regarding dwelling unit receptacle outlets on islands and peninsulas, with location requirements for receptacle outlets. The rule recreates regulations around outside branch circuits and feeders, now requiring only a few additions to the NEC requirements. Feeder or branch circuit cables may not extend more than 8 feet into a building. Where the disconnecting means is installed outside of a structure, it shall be not more than 30 feet from and within sight of the structure that it serves. The rule creates exceptions to emergency disconnect requirements in NEC 225.41 and NEC 230.85.	

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.

The rule was posted to the public for Economic Impact Analysis comments as required, and was subject to an official public hearing, along with other steps of the rule process.

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13. Identify the Local Governmental Units that Participated in the Development of this EIA.

N/A

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14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

The department estimates that this rule will have a minimal impact on local governmental units, specific businesses/sectors, and small businesses. Given the variety of electrical installations subject to the provisions of Wisconsin's electrical code, it is impossible to determine the precise economic and fiscal impact of the rule on these entities, but rough calculations are included below.

According to comments submitted by the public the cost would be \$7,700,000, which the department understands to reflect a cost of \$340 dollars per unit over approximately 22,000 new housing units. This equates to about 0.001% of the overall total cost of an individual project. The department's economic impact analysis has estimated increased costs of \$6,250,000.

This figure does not reflect the cost savings the rule will produce through the inclusion in the rule of Wisconsin-specific amendments to the 2023 NEC. Those amendments reflect an estimate of cost savings if the builder opts for minimum code compliance of approximately \$400 per home built plus the emergency disconnect savings of approximately \$900 per 1 or 2 family home built. These figures are based on aggregate review of current costs for products and typical use in a Wisconsin home. Using the same approximate estimate for new housing units this would reflect an overall cost savings of approximately \$20,100,000.

When combined, these three figures result in a net savings in costs to implement the rule of approximately \$13,900,000 for a minimum code compliance. Therefore the rule is expected to have a minimal economic impact to businesses, local governmental units and individuals.

DSPS estimates a total of \$26,700 in one-time staffing costs to implement the rule. The estimated need for 0.6 limited term employee (LTE) is for internal review, training coordination, legal review, promulgation of rules, handling increase in customer service. The one-time estimated costs cannot be absorbed in the currently appropriated agency budget.

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15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefit of the rule is to modernize and increase the safety of electrical installations in the state. This is done by adopting the new national standard and by updating provisions based on feedback from the industry, regulators, and other subject matter experts. Stakeholders will benefit from clearer regulations that will bring Wisconsin's electrical code into alignment with prevailing industry practices and improve alignment with neighboring states and with industry practices.

If the rule is not pursued, an outdated electrical code would perpetuate confusion in the industry, delay adoption of new technologies that benefit consumers, and is a public safety concern.

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16. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is to modernize the industry, promote safe new construction in the state, and promote economic growth in the state.

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17. Compare With Approaches Being Used by Federal Government

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

None.

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18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: Illinois does not administer a statewide electrical code. However, county and municipal governments are free to adopt versions of the NEC.

Iowa: The Iowa Department of Public Safety administers a statewide electrical code that adopts the 2020 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 2017 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 2023 edition of the NEC [Minnesota Rules, Part 1315.0200].

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19. Contact Name

Jake Pelegrin, Administrative Rules Coordinator

20. Contact Phone Number

(608) 267-0989

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This document can be made available in alternate formats to individuals with disabilities upon request.

**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
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