

CHAPTER 552
ELECTRICAL INSPECTION PROGRAM—PERMITS AND INSPECTIONS

661—552.1(103) Required permits and inspections.

552.1(1) Permits and inspections are required for any of the following electrical installations that are initiated on or after February 1, 2009:

a. All new electrical installations for commercial or industrial applications, including installations both inside and outside buildings, and for public-use buildings and facilities and any installation at the request of the owner.

b. All new electrical installations for residential applications in excess of single-family residential applications.

c. All new electrical installations for single-family residential applications requiring new electrical service equipment.

d. Any existing electrical installation observed during inspection which constitutes an electrical hazard. Existing installations shall not be deemed to constitute electrical hazards if the wiring was originally installed in accordance with the electrical code in force at the time of installation and has been maintained in that condition.

e. Inspections of alarm system installations, rules for which are intended to be adopted as new 661—Chapter 560.

EXCEPTION 1:[See Objection at end of chapter] Installations in political subdivisions which perform electrical inspections and which are inspected by the political subdivision are not required to be inspected by the state electrical inspection program. Any installation which is subject to inspection and is on property owned by the state or an agency of the state shall be inspected by the state electrical inspection program. An electrical installation on a farm which is located outside the corporate limits of any municipal corporation (city) shall not be inspected by a political subdivision, shall require a state electrical permit, and may be subject to a state electrical inspection, unless the installation is subject to Exception 2 or Exception 3.

EXCEPTION 2: Any electrical work which is limited to routine maintenance shall not require an inspection.

EXCEPTION 3: Neither a permit nor an inspection is required for an electrical installation which meets all of the following criteria:

1. The installation is legally performed by a master electrician, journeyman electrician, or apprentice electrician working under the direct supervision of a master or journeyman electrician.

2. The installation to be performed does not in any way involve work within an existing or new switchboard or panel board.

3. The installation to be performed does not involve over-current protection of more than 30 amperes.

4. The installation to be performed does not involve any electrical line-to-ground circuit of more than 277 volts, single phase.

552.1(2) The owner of a property on which multiple electrical installations may be performed during a 12-month period may apply for an annual permit to cover all such installations. The holder of an annual permit shall maintain a log of all installations performed pursuant to the annual permit. The owner shall cause the electrical inspection program to be notified of any such installation requiring an inspection and shall be subject to fees for such inspections as though an individual permit had been issued for each installation requiring an inspection. The fee for an annual permit shall be \$100. The log shall be available to an electrical inspector on the request of the inspector.

[ARC 8396B, IAB 12/16/09, effective 2/1/10]

661—552.2(103) Request for inspection. Prior to commencement of any electrical installation requiring an inspection, the person making such installation shall notify the electrical inspection program of the installation by applying for a permit, unless the installation is covered by an annual

permit issued pursuant to subrule 552.1(2), and shall request an inspection of the installation through one of the following methods:

552.2(1) An inspection may be requested by completing and electronically submitting a Request for Permit form, available on the Web site of the electrical inspection program. Payment of the permit and inspection fees shall be submitted with the form in accordance with the instructions on the electrical inspection section Web site.

NOTE: The Web site to obtain, complete, and submit a Request for Permit form is, as of October 29, 2008: www.dps.state.ia.us/fm/electrical/inspection/.

552.2(2) An inspection may be requested by completing a Request for Inspection form and mailing it to the electrical inspection section as provided in rule 661—550.2(103). The Request for Inspection form may be obtained upon request to the electrical inspection section or from the Web site of the electrical inspection program. If a Request for Inspection form is submitted by mail, it shall be postmarked no less than seven days prior to the commencement of the installation.

552.2(3) An inspection may be requested by completing a Request for Inspection form and submitting it by fax transmission to the electrical inspection section at (515)725-6151. The Request for Inspection form may be obtained upon request to the electrical inspection section or from the Web site of the electrical inspection program.

552.2(4) Modification of permits and failure to pay inspection fees. Inspection fees will normally be paid at the time a permit is obtained. However, additional fees may apply if a permit is modified by an inspector, based upon inspection of the electrical installation. The person who obtained the original permit shall be notified immediately by the inspector of the modification and of the amount of any additional fees which are due. Any additional fees shall be due at the time the person responsible for payment receives notification of modification of the permit.

a. If an additional fee or portion of the fee is more than 60 days past due, the staff of the board shall notify the person responsible for payment of the fee of the necessity of promptly making the payment.

b. If an additional fee or portion of the fee is more than 120 days past due, the secretary of the board may suspend the ability of the person responsible for the payment to obtain inspection permits. The secretary shall restore the person's ability to obtain permits when payment of the past due amount has been received. Suspension of a person's ability to obtain permits may be appealed to the board as provided in rule 661—503.4(103).

c. If payment of a fee or portion of a fee is more than 180 days past due, the board may refer the debt for collection to the department of revenue pursuant to Iowa Code chapter 272D.

[ARC 8396B, IAB 12/16/09, effective 2/1/10; ARC 0120C, IAB 5/16/12, effective 7/1/12]

661—552.3(103) Scheduling of inspections. Subject to the availability of electrical inspectors, the electrical inspector whose territory includes the location of a requested inspection shall schedule the requested inspection to be completed within three business days of the receipt of the request. If an inspection for which a timely request has been made is not completed within three business days of the completion of the installation, a licensee who completed the installation may energize any new circuits included in the installation, although the installation remains subject to condemnation and disconnection if found to be out of compliance with any applicable provision of 661—Chapter 504 when inspected.

661—552.4(103) Report of inspection. After the completion of an inspection, the inspector shall issue an inspection report on a form prescribed by the board. The report shall indicate the results of the inspection, which may be any of the following:

552.4(1) Approval. If the inspector finds that the installation is in compliance with applicable requirements, the inspector shall issue a report indicating that the installation is approved.

552.4(2) Order of correction. If the inspector finds that the installation is not in compliance with applicable requirements but does not present an imminent threat to the health or safety of any person, the inspector shall issue an order of correction, prescribing a time frame during which corrective action shall be taken by the licensee responsible for the installation to bring the installation fully into compliance.

552.4(3) Order of disconnection. If the inspector finds that the installation is not in compliance with applicable requirements and presents an imminent threat to the health or safety of any person, the inspector shall issue an order of disconnection, requiring that the installation be disconnected until corrective action has been taken which brings the installation into full compliance with applicable requirements. The installation shall not be reconnected until corrective action has been completed and the corrected installation has been approved by an inspector as in compliance with all applicable requirements. The inspector issuing an order of disconnection shall notify the utility providing electrical service to the location of the order and shall notify the utility when the order of disconnection is no longer effective.

661—552.5(103) Appeals. An order of correction or an order of disconnection may be appealed. However, an order of disconnection shall be complied with immediately, and the installation shall not be reconnected pending the outcome of the appeal.

552.5(1) A person who has received an order of correction or disconnection may request an informal appeal to the chief electrical inspector within 14 days of receiving the order by contacting the electrical inspection section by telephone, fax, E-mail, or mail. The informal appeal may be heard in any manner agreed to by the person filing the appeal and the chief electrical inspector. If the order is upheld by the chief electrical inspector, the person receiving the order may file a formal appeal pursuant to subrule 552.5(2).

552.5(2) A person who has received an order of correction or disconnection may file a request for a formal appeal to the board within 30 days of receiving the order or, if the person has filed a request for an informal appeal, within 30 days of having been notified that the chief electrical inspector has upheld the order. Formal appeals shall be processed as provided in 661—Chapter 10, except that wherever “commissioner” or “department of public safety” appears in those rules, “electrical examining board” shall be substituted.

These rules are intended to implement 2007 Iowa Acts, chapter 197.

[Filed 10/29/08, Notice 9/24/08—published 11/19/08, effective 1/1/09]

[Filed emergency 11/23/08—published 12/17/08, effective 1/1/09]

[Filed ARC 8396B (Notice ARC 8160B, IAB 9/23/09), IAB 12/16/09, effective 2/1/10]

[Editorial change: IAC Supplement 2/8/12]

[Filed ARC 0120C (Notice ARC 0038C, IAB 3/7/12), IAB 5/16/12, effective 7/1/12]

OBJECTION



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

KIM REYNOLDS
LT. GOVERNOR

January 23, 2012

Commissioner Larry Noble
Iowa Department of Public Safety
Department of Public Safety Headquarters Building
215 E. 7th Street
Des Moines, IA 50319

Dear Commissioner Noble:

I object to the portions of Iowa Admin. Code r. 661-551.2 and 661-552.1 which regulate electrical installations on farms as defined in Iowa Code §103.1. These filings were adopted by the Electrical Examining Board and published as part of ARC 7346B in XXXI IAB 11 (11-19-2008) and ARC 8396B in XXXII IAB 13 (12-16-2009), respectively.

The Electrical Examining Board has gone beyond their statutory authority. Iowa Code chapter 103 does not grant authority to the Electrical Examining Board to adopt rules to regulate electrical installations on farms by requiring a request for an inspection, a permit and/or an inspection. I find that the Electrical Examining Board went beyond the authority delegated to the agency when it included farm electrical installations within the definition of a "commercial installation" in Iowa Admin. Code r. 661-551.2. I further object to that portion of the third sentence of EXCEPTION 1 to Iowa Admin. Code r. 661-552.1(1) which requires a state electrical permit and/or an electrical inspection for a farm electrical installation as it is beyond the delegated authority of the agency.

The permit and inspection requirements for electrical installations on farms are unreasonable, arbitrary and capricious for several reasons. These rules increase the regulatory burden on farms and farmers. This power-grab by the Electrical Examining Board hurts hard-working Iowa farmers. It leads to unwanted government intrusion. It imposes the very costs on farmers that the legislature intended to protect them from when it created common-sense exemption for farmers. (2007 Iowa Acts, chapter 197). This rule hurts the opportunity of hard-working Iowa farmers to earn a living, free from undue bureaucratic interference. These over-reaching rules harm economic opportunities in agriculture and job growth in Iowa.

The portions of the Iowa Administrative Code r. 661-551.2 and 661-552.1 as described herein, are deemed to be unreasonable, arbitrary, capricious, or otherwise beyond the authority delegated to the agency. This letter constitutes notification of my objection to the above referenced rules as required by Iowa Code §17A.4(6).

Certified as a true and correct copy of my objection this 23rd day of January 2012, by:



Terry E. Branstad, Governor



cc: Electrical Examining Board
Administrative Code Editor

Objection filed January 23, 2012