

CHAPTER 551
ELECTRICAL INSPECTION PROGRAM—DEFINITIONS

661—551.1(103) Applicability. The definitions provided in this chapter apply to 661—Chapters 550 through 559, inclusive.

661—551.2(103) Definitions. The following definitions apply to the electrical inspection program:

“Apprentice electrician” means any person who, as such person's principal occupation, is engaged in learning and assisting in the installation, alteration, and repair of electrical wiring, apparatus, and equipment as an employee of a person licensed under this chapter, and who is licensed by the board and is progressing toward completion of an apprenticeship training program registered by the Bureau of Apprenticeship and Training of the United States Department of Labor. For purposes of this chapter, persons who are not engaged in the installation, alteration, or repair of electrical wiring, apparatus, and equipment, either inside or outside buildings, shall not be considered apprentice electricians.

“Board” means the electrical examining board created under Iowa Code Supplement section 103.2.

“Class A journeyman electrician” means a person having the necessary qualifications, training, experience, and technical knowledge to wire for or install electrical wiring, apparatus, and equipment and to supervise apprentice electricians and who is licensed by the board.

“Class A master electrician” means a person having the necessary qualifications, training, experience, and technical knowledge to properly plan, lay out, and supervise the installation of electrical wiring, apparatus, and equipment for light, heat, power, and other purposes and who is licensed by the board.

“Class B journeyman electrician” means a person having the necessary qualifications, training, experience, and technical knowledge to wire for or install electrical wiring, apparatus, and equipment and who meets and is subject to the requirements of Iowa Code Supplement section 103.12.

“Class B master electrician” means a person having the necessary qualifications, training, experience, and technical knowledge to properly plan, lay out, and supervise the installation of electrical wiring, apparatus, and equipment and who meets and is subject to the requirements of Iowa Code Supplement section 103.10.

“Commercial installation” means an installation intended for commerce, but does not include a residential installation. [See Objection at end of chapter]

“Electrical contractor” means a person affiliated with an electrical contracting firm or business who is licensed by the board as either a class A or class B master electrician and who is also registered with the state of Iowa as a contractor.

“Emergency installation” means an electrical installation necessary to restore power to a building or facility when existing equipment has been damaged due to a natural or man-made disaster or other weather-related cause. Emergency installations may be performed by persons properly licensed to perform the work, and may be performed prior to submission of a request for permit or request for inspection. A request for permit and request for inspection, if required by rule 661—552.1(103), shall be made as soon as practicable and, in any event, no more than 72 hours after the installation is completed.

“Farm” means land, buildings and structures used for agricultural purposes including but not limited to the storage, handling, and drying of grain and the care, feeding, and housing of livestock.

“Industrial installation” means an installation intended for use in the manufacture or processing of products involving systematic labor or habitual employment and includes installations in which agricultural or other products are habitually or customarily processed or stored for others, either by buying or reselling on a fee basis.

“Inspector” means a person certified as an electrical inspector upon such reasonable conditions as may be adopted by the board. The board may recognize more than one class of electrical inspectors.

“New electrical installation” means the installation of electrical wiring, apparatus, and equipment for light, heat, power, and other purposes.

“Public use building or facility” means any building or facility designated for public use, including all property owned and occupied or designated for use by the state of Iowa.

“Residential electrical work” means electrical work in a residence in which there are no more than four living units within the same building and includes work to connect and work within accessory structures, which are structures no greater than 3,000 square feet in floor area, not more than two stories in height, the use of which is incidental to the use of the dwelling unit or units, and located on the same lot as the dwelling unit or units.

“Routine maintenance” means the repair or replacement of existing electrical apparatus or equipment of the same size and type for which no changes in wiring are made. Routine maintenance by itself does not require an electrical inspection.

“Special electrician” means a person having the necessary qualifications, training, and experience in wiring or installing special classes of electrical wiring, apparatus, equipment, or installations which shall include irrigation system wiring, disconnecting and reconnecting existing air conditioning and refrigeration, and sign installation and who is licensed by the board.

“Unclassified person” means any person, other than an apprentice electrician or other person licensed under this chapter, who, as such person's principal occupation, is engaged in learning and assisting in the installation, alteration, and repair of electrical wiring, apparatus, and equipment as an employee of a person licensed under this chapter, and who is licensed by the board as an unclassified person. For purposes of this chapter, persons who are not engaged in the installation, alteration, or repair of electrical wiring, apparatus, and equipment, either inside or outside buildings, shall not be considered unclassified persons.

“Volunteer emergency service provider” means a volunteer fire fighter as defined in Iowa Code section 85.61, a volunteer emergency rescue technician as defined in Iowa Code section 147A.1, or a reserve peace officer as defined in Iowa Code section 85.61.

[ARC 8396B, IAB 12/16/09, effective 2/1/10; ARC 9626B, IAB 7/27/11, effective 9/1/11]

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

[Filed ARC 9626B (Notice ARC 9515B, IAB 5/18/11), IAB 7/27/11, effective 9/1/11]

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

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