



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0565/1
KP&ZDW:skw

2023 ASSEMBLY BILL 197

April 20, 2023 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Housing and Real Estate.

- 1 **AN ACT** *to create* 101.12 (1m) and 145.02 (6) of the statutes; **relating to:**
2 procedures for reviewing commercial building plans.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

Because this bill may increase or decrease, directly or indirectly, the cost of the development, construction, financing, purchasing, sale, ownership, or availability of housing in this state, the Department of Administration, as required by law, will prepare a report to be printed as an appendix to this bill.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council Study Committee on the Commercial Building Permitting Process.

To create more certainty for building owners in the timeline for examination of commercial building plans and plumbing plans by the Department of Safety and Professional Services (DSPS), the bill: (1) allows an owner to schedule a future date for examination of plans, in addition to the option of receiving the next available appointment; (2) allows an owner, when submitting plans for examination, to identify for DSPS any previously approved plans that are substantially similar; and (3) creates an exemption from the examination requirement for certain plumbing plans.

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Under current law, DSPS examines essential drawings, calculations, and specifications (“plans”) for public buildings, public structures, and places of employment (“commercial buildings”) before construction on those buildings may begin. DSPS also examines plumbing plans and specifications (“plumbing plans”) before the installation, addition, or alteration of certain types of plumbing and plumbing systems.

Testimony before the committee indicated that DSPS currently schedules appointments for plan examination in the order in which finalized plans are received, but previously had allowed an owner to schedule a future appointment for examination of plans that would be finalized and submitted at some point before the appointment. This bill allows an owner either to submit finalized plans to DSPS and schedule the next available appointment for examination of those plans, or to schedule a future appointment and submit the finalized plans for that appointment no later than three business days before the appointment. In either event, the full examination fee is due when an appointment is scheduled. The bill requires DSPS to refund an examination fee if an owner cancels an appointment at least 20 business days before the appointment. If an owner cancels an appointment within 20 business days of the appointment, DSPS must refund only that part of a plan examination fee above \$5,000.

The bill also requires DSPS to allow an owner, when submitting plans for examination, to identify for DSPS any previously approved plans that are substantially similar to those plans.

Finally, the bill creates an exemption from DSPS plumbing plan examination requirements. The exemption is based on the number of fixtures involved, but is subject to certain design requirements and does not apply to certain plumbing plans.

DSPS’s current administrative rules generally do not require examination of plumbing plans for a new installation, addition, or alteration involving less than 16 plumbing fixtures. However, those rules require examination of certain categories of plumbing plans, such as grease interceptors, garage catch basins, and mixed wastewater holding devices, regardless of number.

The bill prohibits DSPS from requiring the examination of plumbing plans for an installation, addition, or alteration involving not more than 20 plumbing fixtures, if the plumbing plans are prepared by a person holding one of five specified credentials. However, the bill allows DSPS to require the examination of plumbing plans for certain types of plumbing for which DSPS’s administrative rules currently require plan submission regardless of number. The bill also enables DSPS to require by rule the examination of any other type of plumbing installation, addition, or alteration that DSPS determines to pose a unique risk to the waters of the state or to public health or safety. The bill does not alter the authority of a unit of local government to require the examination of plumbing plans.

- 1 **SECTION 1.** 101.12 (1m) of the statutes is created to read:
- 2 101.12 (**1m**) (a) For an examination of essential drawings, calculations, and
- 3 specifications by the department under this section, an owner may select to have the
- 4 examination appointment scheduled at one of the following times:
- 5 1. If the owner submits complete essential drawings, calculations, and
- 6 specifications and pays all plan examination fees at the time of scheduling, the next
- 7 available appointment.

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1 2. If the owner pays all plan examination fees at the time of scheduling, a single
2 date in the future.

3 (b) The department shall schedule an examination appointment for the time
4 selected by an owner under par. (a).

5 (c) 1. If an owner selects a single date in the future for an examination
6 appointment under par. (a) 2., the owner shall submit complete essential drawings,
7 calculations, and specifications to the department at least 3 business days before the
8 date of the examination appointment.

9 2. a. If an owner cancels an examination appointment at least 20 business days
10 before the appointment, the department shall refund to the owner all of the
11 examination fees paid.

12 b. Except as provided in subd. 2. c., the department may not refund
13 examination fees paid by an owner if the owner cancels the examination
14 appointment within 20 days of the appointment.

15 c. If an owner pays more than \$5,000 for an examination fee and cancels the
16 examination appointment within 20 business days of the appointment, the
17 department shall refund to the owner the difference between the examination fee
18 paid by the owner and \$5,000.

19 (d) The department shall provide on the form for submitting to the department
20 essential drawings, calculations, and specifications under this section a place for an
21 owner to identify any previously approved essential drawings, calculations, and
22 specifications that are substantially similar to those submitted by the owner.

23 **SECTION 2.** 145.02 (6) of the statutes is created to read:

24 145.02 (6) (a) Except as provided in par. (b), the department may not require
25 examination by the department of plumbing plans and specifications for a plumbing

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1 installation, addition, or alteration if the plans and specifications include not more
2 than 20 plumbing fixtures and the plans and specifications were prepared by any of
3 the following:

4 1. A person who is registered as an architect or professional engineer under ch.
5 443.

6 2. A person who holds a designer permit under s. 443.07 in the field of plumbing
7 systems.

8 3. A licensed master plumber.

9 4. A licensed master plumber (restricted).

10 5. A utility contractor.

11 (b) Paragraph (a) does not apply to plumbing plans and specifications that
12 include any of the following:

13 1. An alternate or experimental plumbing system.

14 2. A reduced pressure backflow preventer or vacuum breaker.

15 3. A stormwater or clearwater infiltration system or a stormwater system that
16 serves a drainage area of at least one acre.

17 4. A grease or oil interceptor or garage catch basin.

18 5. A sanitary dump station.

19 6. Piping designed to serve as a private water main.

20 7. A chemical waste system.

21 8. A wastewater holding device.

22 9. A supply and drain system for a manufactured home community or
23 campground.

24 10. Piping designed to serve as a private interceptor main sewer.

25 11. Plumbing serving a hospital, nursing home, or ambulatory surgery center.

