2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-SB516)

Received: **03/02/2006**

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Suder (608) 267-0280**

By/Representing: **Anne Emerson**

This file may be shown to any legislator: **NO**

Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - misc.**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Suder@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Certification education requirements for building contractors and inspectors

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Instructions:

Same as s0563 to AB 980

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
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FE Sent For:

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/?	mglass	/1 lmk 3/2	3/6				

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S0620/1 RM NOT R

2005 – 2006 LEGISLATURE

LRBs0563/1
RNK:cjs&wlj:rs

NOW

ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ~~ASSEMBLY~~ SENATE BILL ~~980~~ 516

February 21, 2006 – Offered by Representative SUDER.

RegEn

AN ACT ***to repeal*** 15.157 (4); ***to renumber and amend*** 101.625; ***to amend*** 101.63 (2), 101.64 (3), 101.65 (1m), 101.65 (1r) (intro.), 101.654 (title) and 101.654 (1) (a); and ***to create*** 15.157 (5), 101.625 (2), 101.625 (3), 101.654 (1) (c), 101.654 (1m) and 101.654 (5) of the statutes; **relating to:** continuing education and certification requirements for building contractors and certification of building inspectors and granting rule–making authority.

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

SECTION 1. 15.157 (4) of the statutes is repealed.

SECTION 2. 15.157 (5) of the statutes is created to read:

15.157 **(5)** CONTRACTOR CERTIFICATION COUNCIL. There is created in the department of commerce a contractor certification council consisting of 3 members who are building contractors holding certificates of financial responsibility under s. 101.654 and who are involved in, or who have demonstrated an interest in,

continuing education for building contractors. The members shall be appointed by the secretary of commerce for 3–year terms.

SECTION 3. 101.625 of the statutes is renumbered 101.625 (intro.) and amended to read:

101.625 Contractor ~~financial responsibility~~ certification council; duties. (intro.) The contractor ~~financial responsibility~~ certification council shall ~~recommend~~ do all of the following:

(1) Recommend for promulgation by the department rules for certifying the financial responsibility of contractors under s. 101.654. These rules shall include rules providing for the assessment of fees upon applicants for certification of financial responsibility under s. 101.654 and for the suspension and revocation of that certification. The amount of the fees recommended under this ~~section~~ subsection may not exceed an amount that is sufficient to defray the costs incurred in certifying the financial responsibility of applicants under s. 101.654.

SECTION 4. 101.625 (2) of the statutes is created to read:

101.625 **(2)** Recommend to the department for approval under s. 101.654 (1m) (b) 1. courses that meet continuing education requirements.

SECTION 5. 101.625 (3) of the statutes is created to read:

101.625 **(3)** Advise the department on the development of course examinations for those persons who are required to pass an examination under s. 101.654 (1m) (b).

SECTION 6. 101.63 (2) of the statutes is amended to read:

101.63 **(2)** Adopt rules for the certification, including provisions for suspension and revocation thereof, of inspectors for the purpose of inspecting building construction, electrical wiring, heating, ventilating, air conditioning and other systems, including plumbing, as defined in s. 145.01 (10), of one– and 2–family

dwellings under sub. (1). The rules shall specify that the department may suspend or revoke the certification of an inspector under this subsection for knowingly authorizing the issuance of a building permit to a contractor who is not in compliance with s. 101.654. Persons certified as inspectors may be employees of the department, a city, village, town, county or an independent inspection agency. The department may not adopt any rule which prohibits any city, village, town or county from licensing persons for performing work on a dwelling in which the licensed person has no legal or equitable interest.

SECTION 7. 101.64 (3) of the statutes is amended to read:

101.64 **(3)** Revise the rules under this subchapter after consultation with the dwelling code council or with the contractor ~~financial responsibility~~ certification council, as appropriate.

SECTION 8. 101.65 (1m) of the statutes is amended to read:

101.65 **(1m)** May not issue a building permit to a person who is required to be certified under s. 101.654 unless that person, on applying for a building permit, produces a certificate ~~of financial responsibility~~ issued by the department or other evidence satisfactory to the department showing that the person is in compliance with s. 101.654.

SECTION 9. 101.65 (1r) (intro.) of the statutes is amended to read:

101.65 **(1r)** (intro.) Shall ~~provide~~ require an owner who applies for a building permit ~~with~~ to sign a statement advising the owner that if the owner hires a contractor to perform work under the building permit and the contractor is not bonded or insured as required under s. 101.654 (2) (a), the following consequences might occur:

SECTION 10. 101.654 (title) of the statutes is amended to read:

101.654 (title) **Contractor ~~financial responsibility~~ certification; education.**

SECTION 11. 101.654 (1) (a) of the statutes is amended to read:

101.654 **(1)** (a) Subject to par. (b), no person may obtain a building permit unless the person annually obtains from the department a certificate of financial responsibility showing that the person is in compliance with sub. (2), completes the continuing education requirements described under sub. (1m), and furnishes to the issuer of the permit proof of completion of those continuing education requirements.

SECTION 12. 101.654 (1) (c) of the statutes is created to read:

101.654 **(1)** (c) 1. In this paragraph, "license" has the meaning given in s. 101.02 (21) (a).

2. The continuing education requirements under par. (a) and the rules promulgated by the department under sub. (1m) do not apply to any person who holds a current license issued by the department at the time that the person obtains a building permit if the work the person does under the permit is work for which the person is licensed.

SECTION 13. 101.654 (1m) of the statutes is created to read:

101.654 **(1m)** (a) The department shall promulgate rules establishing continuing education requirements for persons seeking to obtain a building permit under sub. (1) (a).

(b) The rules promulgated under this subsection shall require all of the following:

1. Annual completion of at least 6 hours of continuing education relevant to the professional area of expertise of the person seeking to obtain a building permit, approved by the department.

2. Attendance at one or more professional meetings or educational seminars designed for both building contractors and building inspectors.

3. For a person who does not hold a certificate of financial responsibility on the effective date of this subdivision .... [revisor inserts date], successful completion of an examination developed by the department on the continuing education courses required under this subsection.

(c) The rules promulgated under this subsection may not require a person who holds a certificate of financial responsibility on the effective date of this paragraph .... [revisor inserts date], to take an examination on the continuing education courses required under this subsection.

(cm) The rules promulgated under this subsection may not require a person to take continuing education courses, or to take an examination on continuing education courses, that are not relevant to that person's professional area of expertise.

(d) Subject to the continuing education requirements under pars. (b) and (c), the rules promulgated under par. (a) may specify different continuing education course requirements for persons who hold a certificate of financial responsibility on the effective date of this paragraph .... [revisor inserts date], and for persons who do not hold a certificate of financial responsibility on the effective date of this paragraph .... [revisor inserts date].

(e) The continuing education approved by the department under par. (b) 1. shall include courses offered by private organizations with whom the department contracts under s. 101.657. The department may approve courses that are offered by other states.

SECTION 14. 101.654 (5) of the statutes is created to read:

1 101.654 **(5)** The department may revoke or suspend a certificate of financial
2 responsibility if any of the following apply:
3 (a) The holder fails to comply with the continuing education requirements
4 specified under subs. (1) and (1m).
5 (b) The holder engages in the construction of a dwelling without a permit
6 required under this chapter.
7 (c) The holder is convicted of a crime related to the construction of a dwelling.
8 (d) The holder has been adjudged bankrupt on 2 or more occasions.
9 **SECTION 15. Effective dates.** This act takes effect on the day after publication,
10 except as follows:
11 (1) The treatment of sections 101.65 (1m) and 101.654 (1) (a) of the statutes
12 takes effect on January 1, 2008.
13 **(END)**