

# State of Wisconsin



2017 Assembly Bill 641

Date of enactment: April 3, 2018  
Date of publication\*: April 4, 2018

## 2017 WISCONSIN ACT 198

AN ACT *to amend* 101.12 (3) (b) and 101.12 (3) (br); and *to create* 101.01 (1g), 101.12 (3) (bg), 101.12 (3) (bw), 101.12 (3g), 101.12 (3o) and 145.02 (5) of the statutes; **relating to:** building and plumbing plan review and variances by cities, villages, towns, and counties for public buildings and places of employment and affecting related rules of the Department of Safety and Professional Services.

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

**SECTION 1.** 101.01 (1g) of the statutes is created to read:

101.01 (1g) "Commercial building code" means the code adopted by the department under this subchapter for the design, construction, maintenance, and inspection of public buildings and places of employment.

**SECTION 1m.** 101.12 (3) (b) of the statutes is amended to read:

101.12 (3) (b) Accept the examination of essential drawings, calculations, and specifications in accordance with sub. (1) for buildings containing less than 50,000 cubic feet of volume and alterations ~~to buildings containing of spaces involving~~ less than 100,000 cubic feet of volume performed by cities, villages, towns, or counties, provided the same are examined in a manner approved by the department. The department shall determine and certify the competency of all such examiners.

**SECTION 2.** 101.12 (3) (bg) of the statutes is created to read:

101.12 (3) (bg) Accept the examination of essential drawings, calculations, and specifications in accordance with sub. (1) for buildings and alterations not specified in par. (b) if all of the following are satisfied:

1. The department appoints the city, village, town, or county as an agent of the department under sub. (3g).
2. The drawings, calculations, and specifications are examined in a manner approved by the department.
3. The department determines and certifies the competency of all such examiners.

**SECTION 3.** 101.12 (3) (br) of the statutes is amended to read:

101.12 (3) (br) Accept the review and determination on variances for buildings containing less than 50,000 cubic feet of volume and alterations ~~to buildings containing of spaces involving~~ less than 100,000 cubic feet of volume performed by certified municipalities cities, villages, towns, and counties certified under par. (b) if the department has certified the competency of ~~a municipality the city, village, town, or county~~ to issue variances and if the variances are reviewed in a manner approved by the department. Owners may submit variances to the ~~municipality city, village, town, or county~~ or to the department.

**SECTION 4.** 101.12 (3) (bw) of the statutes is created to read:

101.12 (3) (bw) Accept the review and determination on variances for buildings and alterations not specified in par. (br) performed by cities, villages, towns, or counties certified under par. (b) that the department has appointed

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

as agents under sub. (3g), if the department has certified the competency of the city, village, town, or county to issue variances and if the variances are reviewed in a manner approved by the department. Owners may submit variances to the city, village, town, or county or to the department.

**SECTION 5.** 101.12 (3g) of the statutes is created to read:

101.12 (3g) (a) This subsection establishes the manner under which a city, village, town, or county may examine plans and make inspections for buildings and alterations not specified under sub. (3) (b) as an appointed agent of the department.

(b) Before assuming any of the department's plan examination or inspection responsibilities for buildings and alterations not specified in sub. (3) (b), a city, village, town, or county shall comply with all of the following:

1. Submit a written request to the department at least 30 days prior to the date upon which the city, village, town, or county desires to assume agent responsibilities for plan examination or building inspection.

2. Include a description of the desired responsibilities in the request under subd. 1.

3. Include in the request under subd. 1. a description of the qualifications and ability the city, village, town, or county has for assuming the desired responsibilities.

4. Adopt the commercial building code in its entirety by ordinance.

5. Forward to the department a copy of the ordinance specified in subd. 4. and any subsequent revisions to that ordinance.

6. Receive from the department a written statement prescribing the responsibilities that are to be assumed.

(c) The department shall review and make a determination on a request submitted under par. (b) 1. within 20 business days of receipt.

(d) While appointed as an agent, a city, village, town, or county is subject to s. SPS 361.60 (5) (d) to (h) and (6), Wis. Adm. Code, and shall comply with all of the following:

1. Submit to the department the fees specified in s. SPS 302.31 (1) (h), Wis. Adm. Code.

2. Provide a monthly report to the department of all projects completed under this subsection, in an electronic-based format prescribed by the department.

3. Forward to the department any revisions to the ordinance specified in par. (b) 4.

4. Notify the department, in writing, at least 30 days prior to the date upon which the city, village, town, or county intends to relinquish the responsibilities assumed under this subsection.

(d) The department may revoke the appointment of an agent if the plan examiners or inspectors of the agent do not meet the standards specified by the department or if other requirements of this subchapter are not met.

**SECTION 6.** 101.12 (3o) of the statutes is created to read:

101.12 (3o) (a) In this subsection:

1. "Agent appointment" means appointment as an agent of the department under sub. (3g) or s. SPS 361.61, Wis. Adm. Code, in effect on the day before the effective date of this subdivision .... [LRB inserts date].

2. "Certification" means certification under sub. (3) (b) or (3m).

(b) The department shall establish requirements for cities, villages, towns, and counties to electronically renew their agent appointments and certifications every 5 years. The process shall allow cities, villages, towns, and counties with agent appointments and certifications made 5 years or more before the effective date of this paragraph .... [LRB inserts date], to renew those agent appointments and certifications within deadlines specified by the department.

**SECTION 7.** 145.02 (5) of the statutes is created to read:

145.02 (5) (a) The department may appoint a city, village, town, or county as an agent of the department that is authorized to review and approve plumbing plans and specifications for plumbing installations specified by the department for public buildings, as defined in s. 101.01 (12), and places of employment, as defined in s. 101.01 (11).

(b) 1. In this paragraph, "agent appointment" means an appointment under par (a) or s. SPS 382.20 (2), Wis. Adm. Code.

2. The department shall establish requirements for cities, villages, towns, and counties to electronically renew agent appointments every 5 years. The process shall allow cities, villages, towns, and counties with agent appointments made 5 years or more before the effective date of this subdivision .... [LRB inserts date], to renew those agent appointments within deadlines specified by the department.

**SECTION 8.** SPS 302.31 (1) (h) of the administrative code is amended to read:

SPS 302.31 (1) (h) *Appointed agent.* An agent that is appointed by the department under s. ~~SPS 361.61 101.12 (3g), stats.~~ to perform plan examinations shall submit to the department the fees specified in Table 302.31-3 for each building or structure reviewed under s. ~~SPS 361.61 101.12 (3g), stats.~~

**SECTION 9.** SPS 361.04 (1) of the administrative code is amended to read:

SPS 361.04 (1) "Authorized representative" means any certified municipality or county as specified in s. SPS 361.60, and any appointed agent ~~as specified in s. SPS 361.61 under s. 101.12 (3g), stats.~~

**SECTION 10.** SPS 361.60 (5) (e) 1. b. of the administrative code is amended to read:

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SPS 361.60 (5) (e) 1. b. Plans for a building or structure that exceeds the limits specified in par. (c) which are submitted either to a second class city under par. (b) or to an appointed agent under s. ~~SPS 361.61~~ 101.12 (3g), stats., shall include the department's plan approval appli-

cation form specified in s. SPS 361.31, unless a municipally supplied form is submitted.

**SECTION 11.** SPS 361.61 of the administrative code is repealed.

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