



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2017 Wisconsin Act 330 [2017 Assembly Bill 904]	Various Changes in the Department of Safety and Professional Services
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2017 Wisconsin Act 330 makes various changes related to the regulation of occupations, buildings, and safety, as administered by the Department of Safety and Professional Services (DSPS) and the professional credentialing boards it houses. This Act Memo provides a general summary of the changes in the Act, which mostly relate to recommendations made by DSPS.

LOCAL BUILDING CODE ADMINISTRATION

Depending on the circumstances, building inspections may be performed by state inspectors or by local inspectors. Local governments (cities, villages, towns, and counties) may enact ordinances or enter into intergovernmental cooperation agreements to exercise jurisdiction with regard to construction and inspection of new one- and two-family dwellings. With regard to commercial buildings, local governments may perform building inspections if inspection authority is delegated by DSPS.

Under prior law, DSPS retained the right to conduct its own investigations or inspections relative to the administration of state law, regardless of whether the local government was delegated inspection authority. The Act provides that if a local government is exercising jurisdiction with regard to construction of new one- and two-family dwellings, DSPS may not inspect a dwelling, dwelling unit, or premises located there, unless the local government has entered into a contract authorizing DSPS to conduct the inspection. Likewise, the Act also states that if DSPS has delegated authority to perform commercial building inspections to a local government, DSPS may not perform building inspection services within the scope of the delegation.

In addition, the Act requires DSPS to promulgate rules establishing uniform procedures that local governments must follow when administering the commercial building code. Administration includes the process an owner must follow when applying for a permit to construct, alter, or add to a public building or a building that is a place of employment. A local government may not enforce an ordinance that does not conform to DSPS's procedures.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

Finally, state law places certain prohibitions on cities, villages, and towns relating to: (1) placement of Christmas trees in the State Capitol or a church; (2) standards for constructing, altering, or making additions to public buildings or places of employment; and (3) property maintenance codes. The Act extends these prohibitions to also apply to counties.

CARBON MONOXIDE DETECTORS

The Act replaces the prior requirements for carbon monoxide detectors in residential buildings with standards which are similar to those in the International Building Code, which has been adopted by the International Code Council.

Under the Act, an owner must generally provide, subject to certain exceptions, a carbon monoxide detector in a unit that: (1) contains a fuel-burning appliance; (2) is serviced by a fuel-burning forced-air furnace; (3) is located in a building that contains a fuel-burning appliance; or (4) is located in a building with an attached private garage. The locations where the carbon monoxide detectors must be placed are specified in the Act.

The Act also allows DSPS and the Department of Agriculture, Trade, and Consumer Protection (DATCP) to inspect buildings for compliance with carbon monoxide detector requirements. If a certified building inspector gives written notice to an owner of a residential building that a carbon monoxide detector in the building is not functional, the owner must make the detector functional within five days after receiving the notice.

In addition, the Act repeals, effective November 1, 2019, an exception to carbon monoxide detector installation and maintenance requirements for residential buildings that do not have an attached garage, if all of the building's fuel-burning appliances have sealed combustion units that are inspected as provided under DSPS' or DATCP's rules. The agencies' authority to promulgate rules governing the exception is also repealed as of the same date.

MARRIAGE AND FAMILY THERAPISTS, PROFESSIONAL COUNSELORS, AND SOCIAL WORKERS

Prior law required individuals applying for a credential from the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board to satisfy certain prerequisite degree requirements to become eligible to take the applicable licensure exam. The Act eliminates those exam eligibility requirements.

The Act also repeals a statute, which had provided that a social worker training certificate would expire on the date on which the certificate holder received his or her examination results. Instead, under the Act, a social worker training certificate is valid for 24 months and may not be renewed.

Effective date: April 18, 2018, except as provided above.

Prepared by: Andrea Brauer, Staff Attorney

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(Revised June 4, 2018)

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