

Chapter ILHR 81

APPRENTICESHIPS, LICENSURES, REGISTRATIONS AND CERTIFICATIONS

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Note: Chapters H 61 and 64 as they existed on April 30, 1983 were repealed and a new chapter ILHR 81 was created effective May 1, 1983.

Subchapter I — Apprenticeships, Licensures and Registrations

ILHR 81.001 Purpose. The purpose of this subchapter is to protect the health of the public by establishing minimum standards as to the qualification, activities and responsibilities of persons engaging or offering to engage in plumbing work or the installation of automatic fire sprinkler systems.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

ILHR 81.002 Scope. The provisions of this subchapter apply to any person engaging or offering to engage in the construction, installation or maintenance of plumbing or automatic fire sprinkler systems.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

ILHR 81.004 Permit processing times. Licenses, permits and registrations issued under this subchapter shall be granted or denied by the department within 30 business days after passage of examination or receipt of the applicable application and fees.

History: Cr. Register, February, 1985, No. 350, eff. 3-1-85.

ILHR 81.01 Definitions. For the purpose of this subchapter, the following terms are defined:

- (1) "Approved" means acceptable to the department.
- (2) "Automatic fire sprinkler contractor" means an individual, firm or corporation as defined in s. 145.01 (1), Stats.
- (3) "Automatic fire sprinkler fitter" means a person as defined in s. 145.01 (6), Stats.
- (4) "Automatic fire sprinkler system" means an installation as defined in s. 145.01 (2), Stats.
- (5) "Automatic fire sprinkler system apprentice" means a person as defined in s. 145.01 (3), Stats.
- (6) "Business establishment" means any industrial or commercial organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.
- (7) "Department" means the bureau of plumbing within the department of industry, labor and human relations.
- (8) "Gross negligence" means a high degree of failure to exercise ordinary care of judgement and failure by omission or commission to discharge the duty required to protect the public health, safety and welfare.
- (9) "Incompetence" means conduct which evidences a lack of competence or ability to discharge the duty required to protect the health, safety and welfare of the public, lack of knowledge of the fundamental principles of plumbing or an inability to apply those principles, or failure to maintain competency in the current practices and methods applicable to plumbing and the state uniform plumbing code.
- (10) "Journeyman plumber" means a person as defined in s. 145.01 (7), Stats.
- (11) "Master plumber" means a person as defined in s. 145.01 (8), Stats.
- (11m) "Master plumber in charge" means a master plumber who assumes the responsibility for the installation of plumbing and training of apprentices and registered learners in accordance with ch. 145, Stats., and chs. ILHR 81 to 86.
- (12) "Misconduct" means an act performed in the discharge of enforcement duties which jeopardizes the interests of the public, including violation of federal or state laws, local ordinances or administrative rules relating to the position; preparation of deficient or falsified reports; failure to submit information or reports required by law or contract when requested by the municipality or the department; conduct which evidences a lack of trustworthiness; misrepresentation of qualifications such

inspector may renew their respective plumbing license without payment of a late renewal fee and without licensure re-examination, if a renewal application is submitted within the licensure year when termination occurs. Failure to do so shall require re-examination to again qualify for licensure. Municipal inspectors who do not renew their respective plumbing licenses annually may not engage in the installation of plumbing in accordance with s. 145.06, Stats.

(b) *Utility contractor licenses.* Whenever a person fails to renew a utility contractor license for a period of 3 years, the department shall require evidence to show that the renewal applicant is competent to perform the work of utility contractor before such license is renewed.

(c) *Automatic sprinkler licenses.* Whenever a person fails to renew a sprinkler fitter or contractor license for a period of 2 years, the department shall require evidence to show that the applicant for renewal is competent to perform the work of either a contractor or journeyman fire sprinkler fitter before such a license is renewed.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; am. (3) (a) 1. and 2., Register, May, 1988, No. 389, eff. 6-1-88.

ILHR 81.135 Continuing education. (1) **IMPLEMENTATION.** Except as provided in sub. (3) (b), this section applies to all master plumbers, master plumbers-restricted, journeyman plumbers and journeyman plumbers-restricted applying for renewal of their 1993 plumber licenses and each subsequent license renewal.

(2) **TYPES OF LICENSES.** (a) *Full-licensed plumbers.* Each master plumber and journeyman plumber at the time of applying for license renewal shall certify to the department that he or she has or will have completed at least 6 hours of acceptable continuing education in the year preceding the license renewal due date, except as provided in sub. (3). Certification of continuing education compliance shall be indicated on the license renewal application specified under s. IHLR 81.13 (2).

(b) *Restricted-licensed plumbers.* Each master plumber-restricted and journeyman plumber-restricted at the time of applying for license renewal shall certify to the department that he or she has or will have completed at least 3 hours of acceptable continuing education relative to their classification in the year preceding the license renewal due date, except as provided in sub. (3). Certification of continuing education compliance shall be indicated on the license renewal application specified under s. ILHR 81.13 (2).

(3) **EXEMPTIONS.** (a) A plumber may apply to the department for waiver of the continuing education requirements for a specific license renewal year on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

(b) A journeyman plumber or journeyman plumber-restricted is not required to complete any hours of continuing education in the year in which the person has obtained their initial license as a journeyman plumber or journeyman plumber-restricted.

(4) **PROGRAM SPECIFICATIONS.** (a) 1. Only courses, programs and seminars approved in writing by the department shall be used for credit to fulfill continuing education requirements.

2. The department shall consult with the plumbers council as to the types or categories of courses, programs and seminars which are to be considered for continuing education credit.

(b) Requests for a course, program or seminar to be recognized for approval shall be submitted in writing to the department at least 30 days prior to the first day the course, program or seminar is to be conducted.

1. Requests for approval shall include sufficient information to determine if the course, program or seminar complies with this subsection.

2. The department shall review and make a determination on a request for approval within 15 business days of receipt of the request and information necessary to complete the review.

(c) Thirty minutes of attendance in an approved course, program or seminar shall be deemed equal to 30 minutes of acceptable continuing education.

(d) Courses, programs and seminars to be considered for approval towards continuing education credit shall relate to:

1. The license classification or classifications;

2. The design, installation, maintenance, inspection, planning or superintending of plumbing; or

3. The plumbing code, chs. ILHR 81 to 86.

(e) 1. The individual or organization providing an approved continuing education course, program or seminar shall maintain an attendance record of those individuals who have attended and completed the course, program or seminar.

2. The attendance record shall include the names of each attendee along with the attendee's plumber license number and social security number.

3. A copy of the attendance record shall be forwarded by the person or party which had obtained the course or program approval to the department within 10 days of the completion of the course, program or seminar.

Note: The mailing address for the attendance records is:

Bureau of Building Water Systems

P.O. Box 7969

Madison, WI 53707

(f) 1. The department may impose specific conditions in approving a course, program or seminar for continuing education credit.

2. The department may revoke the approval of a course, program or seminar for continuing education credit for any false statements, misrepresentation of facts or violation of the conditions on which the approval was based. The department may not revoke the approval of course, program or seminar less than 30 days prior to the course, program or seminar being held.

(5) EVIDENCE OF COMPLIANCE. Each plumber shall retain evidence of compliance with continuing education requirements throughout the license period for which continuing education credit was required for license renewal.

(a) The department shall accept as evidence of compliance original or copies of documents, certified by the individual or organization providing the course, program or seminar, indicating attendance at and completion of the continuing education credit.

(b) The department may require a license holder to submit evidence of compliance for the continuing education credit which has required to renew the current license.

(6) REEXAMINATION. (a) *Full licensed plumbers.* Failure to obtain at least 12 hours of continuing education credit over 2 consecutive years may result in an individual having to take and pass the appropriate licensure examination in accordance with s. ILHR 81.05 in order to renew a master plumber license or journeyman plumber license.

(b) *Restricted-licensed plumbers.* Failure to obtain at least 6 hours of continuing education credit over 2 consecutive years may result in an individual having to take and pass the appropriate licensure examination in accordance with s. ILHR 81.05 in order to renew a master plumber-restricted license or journeyman plumber-restricted license or journeyman plumber-restricted license.

History: Cr. Register, August, 1991, No. 428, eff. 1-1-92.

ILHR 81.14 Suspension and revocation of licenses. Pursuant to ss. 145.10 and 145.17, Stats., the department may suspend or revoke the license of any master plumber, journeyman plumber, master plumber-restricted, journeyman plumber-restricted, utility contractor, automatic fire sprinkler contractor, or journeyman automatic fire sprinkler fitter.

(1) **GENERAL.** The department may suspend or revoke a license for any of the following reasons:

(a) The practice of fraud or deceit in obtaining a license;

(b) Gross negligence, incompetence or misconduct in the practice or work allowed by the license;

(c) Failure to correct an installation for which the licensee is responsible within the time prescribed by the department; and

Note: Section 145.10 (1) (b), Stats., indicates that the correction of an installation must take place within 30 days following notification by the department of a violation.

(d) Falsified information on an inspection form under s. 144.24 (10) (c), Stats.

(2) **INVESTIGATIONS.** The department may conduct an investigation of any alleged violations of this chapter or chs. ILHR 82 and 83. If it is determined that no further action is warranted, the department shall notify the persons affected. If the department determines that there is probable cause, it shall order a hearing and notify the persons affected.

(3) **SUMMARY SUSPENSION.** In accordance with s. 145.10 (1), Stats., the department may summarily suspend any license after providing not less than 10 days notice to the licensee, if it has reason to believe that the allegations in the complaints are justified. The summary suspension shall remain in effect until after a hearing finding is reached.

(4) **HEARINGS.** Hearings for the suspension or revocation of licenses shall be conducted as contested case hearings in accordance with ch. 227, Stats., and s. 145.10, Stats.

(5) **FINDINGS.** The department may make findings and enter its order on the basis of the facts revealed by its investigation. Any findings as a result of petition or hearing shall be in writing and shall be binding unless appealed to the secretary.

(a) *Suspension.* The period for suspension shall be determined by the hearing examiner or the department. The period for suspension may not exceed one year. A person whose license has been suspended may have the license reinstated by filing a new application for licensure and payment of the appropriate fee specified in s. ILHR 81.16.

(b) *Revocation.* The period for revocation shall be determined by the hearing examiner or the department. The period for revocation shall not exceed one year. A person whose license has been revoked shall be eligible for licensure only after the time set for revocation by department order has passed. A person whose license has been revoked may have the license reinstated only after submitting a completed application for licensure examination, payment of the examination fee, passing of the examination and payment of the license fee specified in s. ILHR 81.16.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

ILHR 81.15 Suspension and cancellation of registrations. The department may suspend or cancel the registration of any plumbing apprentice, registered learner, pipe layer, automatic fire sprinkler system apprentice, automatic fire sprinkler maintenance registration certificate or automatic fire sprinkler fitter maintenance registration certificate.

(1) **GENERAL.** The department may suspend or cancel a registration for any of the following reasons:

- (a) The practice of fraud or deceit in obtaining registration;
- (b) Failure to complete the apprenticeship or learner educational requirements of this subchapter;
- (c) Gross negligence, incompetence or misconduct in the practice or work allowed by the registration; and
- (d) Willful noncompliance with the apprenticeship or learner shop requirements needed to obtain registration.

(2) **COMPLAINTS TO APPRENTICESHIP AND TRAINING DIVISION.** The department may file a complaint with the apprenticeship and training division of the department of industry, labor and human relations regarding violations of this chapter or chs. ILHR 82 and 83 and request that action be taken to terminate or reassign the apprenticeship contract or agreement.

(3) **NOTICE OF SUSPENSION OR CANCELLATION.** Upon suspension or cancellation of any registration, the department shall notify the affected persons in writing stating the reasons for suspension or cancellation. The notice shall be made by affidavit of mailing or certified mail sent to the address filed with the application for registration.

Register, August, 1991, No. 428

(4) **HEARINGS.** Upon receipt of notice of registration, suspension or cancellation, the registrant may submit a written request for a contested case hearing in accordance with ch. 227, Stats. The right to hearing shall be considered waived, if the registrant fails to submit the request within 30 days after notice of registration, suspension or cancellation. Hearings shall be conducted by the department.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

ILHR 81.16 Examination, licensure & registration fees. (1) **MASTER PLUMBER.** The fees shall be as follows for master plumber:

(a) *Examination fee.* Master plumber examination, \$50. Each subsequent examination, \$30.

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