

## Chapter H 61

## APPRENTICESHIP AND LICENSING OF PLUMBERS

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**History:** Chapter H 61 as it existed on October 31, 1970, was repealed and a new chapter H 61 was created effective November 1, 1970.

**H 61.01 Apprenticeship.** (1) **REGISTRATION.** Every plumbing apprentice shall register with the department immediately. Registration forms will be furnished by the department which shall require the applicant to indicate his name, age, preliminary schooling, beginning date of indenture, name and address of employer and such other information as the department may require. Persons beginning an accredited plumbing trade school course may also register.

(2) **QUALIFICATIONS FOR REGISTRATION.** All applicants for registration as apprentices must have reached the age of 16 years and have completed the 12th grade in school or its equivalent. Applicants who have not completed the 12th grade or its equivalent shall be required to attend part-time school 4 hours per week during the entire period of their apprenticeship. In each case where the applicant seeks to establish the equivalency of completion of the 12th grade the matter shall be referred to the department.

(3) **RESPONSIBILITY OF EMPLOYER.** (a) Registration as an apprentice shall not be accepted unless the particular shop in which the apprentice is to work and the employing master plumber are equipped and qualified to have an apprentice and that the requirements as to both shop and school training will be complied with. Master plumbers employing registered apprentices shall report to the department any changes made in relation to the continued employment of such apprentices. Such changes shall be subject to the joint approval of the state departments having jurisdiction.

(b) Employing master plumbers shall be owners or co-owners with a monetary interest in a firm or corporation engaged in the installation of plumbing. Master plumbers in the employ of state agencies are to be considered employing master plumbers for the purpose of this section. Master plumbers shall be licensed by this state.

(4) **SUSPENSION OF REGISTRATION.** (a) Whenever an apprenticeship ceases to exist or whenever a registration has been accepted under such conditions as would not have warranted an acceptance if the facts had been presented, or when there has been willful noncompliance with the shop and school training requirements, the department shall suspend

such registration until the conditions shall have been remedied or cancel such registration if necessary.

(b) A registration which has lapsed either through suspension or cancellation may be renewed in the same manner as new registrations and the department may grant such credit toward completion of the 5-year apprenticeship as it may deem proper in each case.

History: Cr. Register, October, 1970, No. 178, eff. 11-1-70.

**H 61.02 Practical training.** (1) **INSTRUCTION AND EXPERIENCE.** The apprentice shall receive instruction and experience in all branches of plumbing.

(2) **FIRST THREE YEARS.** During the first 3 years the apprentice shall be given opportunity to install plumbing material as his skill will permit under the immediate supervision of a journeyman or master plumber licensed in Wisconsin.

(3) **FOURTH AND FIFTH YEARS.** During the 4th and 5th years any apprentice who is meeting the related instruction requirement may under general supervision of a licensed master plumber make plumbing installations as his acquired skill will permit. A graduate of a plumbing course of an accredited trade school having at least a 2-year course in plumbing may, upon registration as an apprentice perform the same class of work as a 4th and 5th year apprentice.

(4) **SCHOOL CREDITS.** Apprentice applicants who have attended the plumbing course in a recognized trade school in Wisconsin but who are not graduates of such school will be given credit for the work done in the trade school as a part of the required 5 years of experience. Any attendance of less than 3 months shall not receive recognition.

History: Cr. Register, October, 1970, No. 178, eff. 11-1-70.

**H 61.03 Related instruction.** (1) **TRADE SCHOOL ATTENDANCE.** An apprentice who is not a graduate of an accredited trade school shall complete an approved day school course in plumbing of not less than 400 hours. In addition, an apprentice including graduates of a trade school shall complete an approved trade extension course of not less than 120 hours in night school.

(2) **FAILURE TO COMPLETE CONTRACT.** An indentured apprentice who fails to complete his contract or who has not transferred with approval to another shop shall not be entitled to continue his vocational school plumbing course.

History: Cr. Register, October, 1970, No. 178, eff. 11-1-70.

**H 61.04 Engineering training.** Graduates of a college engineering course related to plumbing and those completing not less than one year of such a course who have had in addition plumbing installation experience shall receive such credit up to one year for each year of college as may be determined by the department. Each such applicant shall be considered as a separate case.

History: Cr. Register, October, 1970, No. 178, eff. 11-1-70.

Health  
Register, April, 1980, No. 292

**H 61.05 Journeyman plumber licenses.** Proof of experience, skill and related instruction shall be provided by all applicants for journeyman licenses.

*History: Cr. Register, October, 1970, No. 178, eff. 11-1-70.*

**H 61.06 Examinations.** (1) **LICENSE EXAMINATION.** Not less than 4 examinations for the licensing of journeyman and master plumbers and journeyman restricted and master restricted plumbers will be conducted annually at such time and place as the department may direct. Application forms for examination for licensure and renewal of licenses may be obtained from the department.

(2) **DATE OF FILING APPLICATION.** All applications for examination shall be on file in the office of the section of plumbing at least 4 weeks prior to the date of the examination. Failure to have the application on file within the required time shall necessitate postponement of the applicant's appearance to the next examination. All applications shall expire after a period of one year from the date filing.

(3) **FEES.** Fees for the examinations and licenses are regulated by s. 145.08, Stats. No fees shall be returned after an applicant has appeared for examination.

(4) **NOTICE OF EXAMINATION TO APPLICANTS.** Notice of the time and place of examination shall be sent by first class mail to those who have approved applications on file. Such notice shall be mailed to the address given on the application blank and shall be presented by the applicant to gain admittance to the examination room. Failure to receive the notice due to change in address shall not be the responsibility of the department.

(5) **CHARACTER OF EXAMINATIONS.** (a) The examination shall be conducted by the committee of examiners. They shall consist of written and practical tests, and may be oral in part. The examination will cover the theory and practice of plumbing, the interpretation of charts and blueprints and plans of plumbing installations, and such other tests as the committee may deem necessary to properly pass upon the qualifications of the candidate.

(b) Examinations shall consist of the following:

1. Written work based on code.
2. Chart work based on code.
3. Practical work.

(c) Applicants shall participate in all portions of examination and shall acquire a passing grade in each subject to become eligible for licensure. A passing grade of 75% in each subject is required.

(6) **MATERIALS USED IN EXAMINATION.** Applicants shall furnish the necessary tools and material for the examination as requested by the examiners.

(7) **RE-EXAMINATION.** Applicants failing an initial examination may be re-examined within 3 months. Applicants shall not be eligible for a 2nd re-examination until the expiration of 6 months after the first re-examination, and not for the 3rd and subsequent re-examinations until the

expiration of one year after the last re-examination. Applicants failing an examination will be re-examined only in the subjects in which they were unsuccessful.

**History:** Cr. Register, October, 1970, No. 178, eff. 11-1-70.

**H 61.07 Temporary permits.** Temporary permits to engage in business as a master plumber shall not be issued except in cases of emergency resulting from a master plumber's incapacity to work, demise or separation from business. When deemed necessary the department may require a special examination to determine the qualifications of an applicant before a temporary permit is issued. Temporary permits shall become void upon the date of the first examination following issuance of permit and shall be surrendered to the department. Not more than 2 permits shall be issued to an individual in any 12-month period. Applicants for temporary permits shall comply with all other applicable rules and statutes.

**History:** Cr. Register, October, 1970, No. 178, eff. 11-1-70.

**H 61.08 License renewal.** (1) **ANNUAL NOTICE FOR RENEWAL OF LICENSES.** Notice for the renewal of licenses shall be sent to all plumbers whose licenses were in force during the previous year to the address given on the latest license renewal blank on file unless notice of another address is given. Failure to receive the notice for renewal of licenses shall not be an excuse for failure to renew.

(2) **DELINQUENT OR ELAPSED LICENSES.** Whenever a plumber fails to renew his license for a period of 5 years the department shall require evidence to show that he is competent to perform the work of either a master or journeyman plumber or master or journeyman plumber restricted before such license is renewed.

(a) Master plumber and master plumber restricted licenses shall be renewed at least every 5th year to be considered as a future renewable license. Renewal will require the applicant to have in his possession, a journeyman license for the year in which the exchange is requested. The licensee may again revert to a journeyman license the immediate following license period.

(b) Persons who have been licensed only as a journeyman or journeyman restricted plumber shall renew their delinquent or elapsed license every 5th year. Failure to do so will require re-examination to again qualify for licensure as a journeyman plumber. Renewal of a license shall be permitted only after the current license fee and the annual late revival fee for each year of the elapsed period have been paid to the department.

**History:** Cr. Register, October, 1970, No. 178, eff. 11-1-70.

**H 61.09 Exchange of licenses without examination.** All master plumbers or master restricted plumbers in good standing and currently licensed by the department who work as journeyman, may, upon application and upon payment of the initial license fee, be issued journeyman licenses. A currently licensed journeyman who has renewed his master's license within 5 years preceding date of application for exchange may be relicensed as a master upon the payment of the renewal and revival fee as provided by law for the renewal of such license.

**History:** Cr. Register, October, 1970, No. 178, eff. 11-1-70.

Health  
Register, April, 1980, No. 292

**H 61.10 Registered learners—restricted.** (1) **REGISTRATION.** Every plumbing learner shall register with the department as required under s. 145.07 (7) (a) Stats. Registration forms will be furnished by the department which shall require the applicant to indicate his name, age, schooling, beginning date of employment, name and address of employer and such other information as the department may require.

(2) **QUALIFICATION FOR REGISTRATION.** All applicants for registration as learners must have reached the age of 16 years and have completed the 10th grade in school or its equivalent. In each case where the applicant seeks to establish the equivalency of completion of the 10th grade, the matter shall be referred to the department.

(3) **RESPONSIBILITY OF EMPLOYER.** Registration as a learner shall not be accepted unless the particular organization in which the learner is to work and the master plumber or master plumber restricted are equipped and qualified to train a learner in the specific restricted classifications for which he is requesting registration. Master plumbers or master plumbers restricted supervising registered learners shall see that the requirements as to both shop and school training will be complied with, and shall report to the department any changes made in relation to the continued employment of such learners. Such changes shall be subject to the approval of the department.

(4) **SUSPENSION OF REGISTRATION.** (a) Whenever a registration ceases to exist or whenever a registration has been accepted under such conditions as would not have warranted an acceptance if the facts had been presented, or when there has been willful noncompliance with the shop and school training requirements, the department shall suspend such registration until the conditions shall have been remedied or cancel such registration if necessary.

(b) A registration which has lapsed either through suspension or cancellation may be renewed in the same manner as new registrations and the department may grant such credit toward completion of the 1-year learner program as it may deem proper in each case.

*History:* Cr. Register, October, 1970, No. 178, eff. 11-1-70.

**H 61.11 Practical training—restricted.** The learner shall receive instruction and experience in all branches of the restricted type plumbing for which he has been registered. He shall be given opportunity to install plumbing materials as his skill will permit under his specific registration. All work shall be performed under the immediate supervision of journeyman or master plumbers or journeyman or master plumbers restricted licensed in Wisconsin.

*History:* Cr. Register, October, 1970, No. 178, eff. 11-1-70.

**61.12 Related instruction—restricted.** (1) **LEARNERS.** A learner who is not a graduate of a trade school course related to the specific items and classification for which he is registered shall complete a school course of not less than 125 hours. All specialized trade courses shall be reviewed for credit by the department. Learners, immediately upon approval by the department of their registration, shall enroll in a vocational or trade school or technical institute for purposes of obtaining the required related instruction.

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(2) **RESTRICTED SEWER SERVICES.** A learner registered in the classification of sewer services shall complete 125 hours of related instruction in the following subjects:

- (a) Transit or builder's level—20 hours
- (b) Blueprint interpretation—30 hours
- (c) Trenching requirements—10 hours
- (d) Plumbing code (related to class)—40 hours
- (e) Construction mathematics—15 hours
- (f) First aid and safety—10 hours

(3) **RESTRICTED APPLIANCES.** Learners registered in the classification of appliances, equipment and devices, shall complete the 125 hours of related instruction in the following subjects:

- (a) Blueprint reading (buildings)—20 hours
- (b) Plumbing code (related to class)—60 hours
- (c) Appliance and equipment servicing—30 hours
- (d) General mathematics—15 hours

(4) **CERTIFICATION.** When required subjects are not available, other related material may be referred to the department for approval and credit prior to enrollment. All learners applying for examination for licensure as a restricted journeyman plumber shall, upon completion of their registration program, submit certification of completion of the required school training from the school or institution of enrollment to the department with an application.

*History:* Cr. Register, October, 1970, No. 178, eff. 11-1-70.

**H 61.13 Fees, expiration of licenses, registration, (1) MASTER PLUMBER FEES.** The fees are as follows for master plumber.

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

(b) *License fee.* Master plumber license, \$75 and \$75 for each renewal of license if application is made prior to January 1 annually; after that date an additional fee of \$20.

(c) *Temporary permit fee.* Temporary permit pending examination and issuance of license for master plumber, \$200. The fee shall cover the examination fee prescribed and the license fee for the year in which issued.

(2) **JOURNEYMAN PLUMBER FEES.** The fees are as follows for journeyman plumber.

(a) *Examination fee.* Journeyman plumber examination, \$30. Each subsequent examination, \$20.

(b) *License fee.* Journeyman plumber license, \$30 and \$30 for each renewal of license if application is made prior to January 1 annually; after that date an additional fee of \$10.

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(c) *Temporary permit fee.* Temporary permit pending examination and issuance of license for journeyman plumber, \$75. The fee shall cover the examination fee prescribed and the license fee for the year issued.

(3) **APPRENTICE PLUMBER FEE.** (a) *Registration fee.* Plumbing apprentice, \$15 shall be paid at the time of registration and for each subsequent calendar year during which he is engaged in his apprenticeship.

(4) **MASTER PLUMBER (RESTRICTED) FEES.** The fees are as follows for master plumber (restricted).

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

(b) *License fee.* Master plumber (restricted) license, \$75 and \$75 for each renewal of license if application is made prior to January 1 annually; after that date an additional fee of \$20.

(c) *Temporary permit fee.* Temporary permit pending examination and issuance of license for master plumber (restricted), \$200. The fee shall cover the examination fee prescribed and the license fee for the year in which issued.

(5) **JOURNEYMAN PLUMBER (RESTRICTED) FEES.** The fees are as follows for journeyman plumber (restricted).

(a) *Examination fee.* Journeyman plumber (restricted) examination, \$30. Each subsequent examination, \$20.

(b) *License fee.* Journeyman plumber (restricted), \$30 and \$30 for each renewal of license if application is made prior to January 1 annually; after that date an additional fee of \$10.

(c) *Temporary permit fee.* Temporary permit pending examination and issuance of license for journeyman plumber (restricted), \$75. The fee shall cover the examination fee prescribed and the license fee for the year issued.

(6) **REGISTERED LEARNER FEES.** Plumber learner (restricted), \$15 shall be paid at the time of registration and for each subsequent calendar year he is engaged in the learner program.

(7) **EXPIRATION OF LICENSES AND REGISTRATION.** No license or registration shall be issued for longer than one year and all licenses and registrations shall expire on December 31 of each year and such licenses and registrations may be renewed upon application made prior to date of expiration. The department may renew licenses upon application made after January 1, if it is satisfied that the applicant has good cause for not making application within the month of December and upon payment of the renewal and additional fees prescribed.

**History:** Emerg. cr. eff. 11-1-75; cr. Register, April, 1976, No. 244, eff. 5-1-76.

#### **H 61.14 Utility contractor license and registration of pipe layers.**

(1) **PROOF OF EXPERIENCE.** Proof of experience and skill in the planning, superintending and practical installation shall be provided by all persons making application for a utility contractor license. The application shall be presented to the department, on forms provided by the department. The application shall be accompanied by the appropriate license fee. In addition, the following documents must be provided to the department:

(a) At least 2 letters from municipalities; metropolitan sewage districts; or architect, engineer or developer where utilities were installed evidencing skill in the planning, superintending and practical installation of sanitary sewers, storm sewers or water service piping installations.

(b) An indication of the length of skilled utility contracting experience.

(c) A description of all related experience and training of the person seeking licensure.

(d) A document providing such other information the department may require.

(2) APPLICATION AND QUALIFICATION. (a) The person making application for the utility contractor license, if not self-employed, shall provide the name of his or her employer.

(b) All persons to be licensed as a utility contractor must be at least 18 years of age.

(c) Should the licensed utility contractor leave the employ of a utility contracting firm, the firm shall not be qualified to do business as a utility contracting firm after 30 days unless another employe becomes licensed as a utility contractor.

(3) REGISTRATION. The person who qualifies the utility contracting firm shall register with the department, on forms furnished by the department.

(4) PIPE LAYERS. The utility contractor shall be responsible for employing registered pipe layers.

(5) PIPE LAYER. (a) *Registration.* The utility contractor shall submit the names of employes to be registered as pipe layers with the department. Registration forms will be furnished by the department. The name, age, education, beginning date of employment of each pipe layer and such other information as the department may require shall be submitted.

(b) *Qualifications for registration.* All applicants for registration as pipe layers must be at least 18 years of age.

(6) LICENSE RENEWAL OR REGISTRATION. (a) Notice of renewal of license or registration shall be sent to all utility contractors and pipe layers whose license or registration was in force during the previous year. It will be sent to the address given on the latest license renewal blank on file, unless notice of another address is given. Failure to receive the notice for renewal of license shall not be an excuse for failure to renew.

(b) *Delinquent or elapsed licenses.* 1. Utility contractor. Whenever the contractor fails to renew their 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.

(7) FEES, EXPIRATION OF LICENSE, REGISTRATION. (a) *Utility contractor fees.* The fees are as follows for the utility contractor: \$75 and \$75 for



each renewal of license if application is made prior to January 1 annually; after that date an additional fee of \$20.

(b) *Pipe layer fees.* The fees are as follows for pipe layer: \$30 and \$30 for each renewal of registration if application is made prior to January 1 annually; after that date an additional fee of \$10.

(c) *Expiration of licenses and registration.* No license or registration shall be issued for longer than one year and all licenses and registrations shall expire on December 31 of each year and such licenses and registrations may be renewed upon application made prior to that date of expiration. The department may renew licenses or registrations upon application made after January 1, if it is satisfied that the applicant has good cause for not making application within the month of December and upon payment of the renewal and additional fees prescribed.

History: Cr. Register, April, 1980, No. 292, eff. 5-1-80.

**H 61.15 Certification—plumbing inspectors and independent inspection agencies.** (1) **SCOPE.** The purpose of these rules is to promote effective and uniform enforcement of the uniform dwelling and plumbing code through state certification of inspectors and independent inspection agencies. These rules establish the standards and procedures for certification, including suspension and revocation, of certified plumbing inspectors and independent plumbing inspection agencies. Each certified plumbing inspector shall record and keep on file, in numerical order, the number of plumbing inspections made. The inspector shall record the name of the owner of the premises, the location of each inspection, i.e. county, city, village, township, street address or rural route and note any violation(s). All records and files shall be accessible to the department for inspection and review.

(2) **APPLICATION.** These rules shall apply to all persons, independent inspection agencies, municipalities and state governmental agencies engaged in the administration and enforcement of the uniform plumbing code or engaged in the education, training and testing of persons for state certification as a plumbing inspector.

(3) **ADMINISTRATION AND ENFORCEMENT.** All inspections for the purpose of administering and enforcing the uniform plumbing code shall be performed by a certified inspector.

(4) **AUTHORITY.** (a) *Departmental authority.* Pursuant to ch. 145, Stats., the department of health and social services has been granted the authority and jurisdiction over the certification, including suspension and revocation of certified inspectors or independent inspection agencies for the purpose of inspecting plumbing of one- and 2-family dwellings and manufactured one- and 2-family dwellings.

(b) *Municipality authority.* Pursuant to ss. 101.65 (1) (a), 101.66 (2), 101.76 (1) (a), 145.024, 145.025 and 145.04, Stats., all municipalities exercising jurisdiction over the construction and inspection of dwellings falling within the scope of the uniform dwelling and plumbing code, or any part(s) thereof, shall provide for inspections performed by persons certified under the rules of this section.

1. Any termination of employment or disciplinary action against a certified plumbing inspector or independent inspection agency for cause

directly related to the conditions of certification shall be reported to the department.

2. Municipal termination of employment or disciplinary action shall not constitute suspension or revocation of the state certification.

3. No certified plumbing inspector or independent inspection agency carrying a valid state certification shall be required to obtain any municipal certification or license to enforce the uniform plumbing code.

**Note:** Municipalities may jointly exercise jurisdiction, pursuant to ss. 101.65 (1) (b), 101.76 (1) (b), 66.30 (2), 145.024, 145.025, 145.04 and 145.13, Stats., by adopting the uniform plumbing code and providing for inspections by certified inspectors or certified independent inspection agencies.

**Note:** These rules are not intended to affect municipal hiring practices or conditions of employment.

(c) *Independent inspection agency authority.* Pursuant to ss. 101.63 (2), 100.66 (2), 101.73 (3), (5) and (6), 101.75 (1), 101.76 (1) (a) and 145.04, Stats., independent inspection agencies may enter into contractual agreement(s) with municipalities, building manufacturers or the department to provide the certified inspections required for the uniform dwelling and plumbing code.

(d) *Certified inspector authority.* Pursuant to ss. 101.63 (2), 101.66 (2), 101.73 (3) and (5), 101.75 (1), 101.76 (1) (a) and 145.04, Stats., an inspector may perform certified inspections in accordance with the requirements of the uniform plumbing code.

(5) **DEFINITIONS.** (a) *Approved.* Approved means approved by the department.

(b) *Certified inspection.* Certified inspection means an inspection performed by a certified inspector.

(c) *Certified plumbing inspector I.* Certified plumbing inspector I means an individual certified by the department to administer and enforce chapter H 62, Wis. Adm. Code, excluding the sections dealing with private sewage disposal.

(d) *Certified plumbing inspector II.* Certified plumbing inspector II means an individual certified by the department to administer and enforce the sections in chapter H 62, Wis. Adm. Code, related to private sewage disposal.

(e) *Certified plumbing inspector III.* Certified plumbing inspector III means an individual certified by the department to administer and enforce chapter H 62, Wis. Adm. Code, in its entirety.

(f) *Conflict of interest.* Conflict of interest means a certified inspector inspecting plumbing work in which the inspector or the inspector's employer has participated or has a monetary or personal interest.

(g) *Department.* Department means the department of health and social services.

(h) *Incompetence.* Incompetence means conduct which evidences a lack of 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 inspection or an inability to apply those principles, or

failure to maintain competency in the current practices and methods applicable to inspection services and the uniform plumbing code.

(i) *Independent inspection agency.* Independent inspection agency means any person, firm, association, partnership or corporation, other than a municipal corporation, certified by the department to perform certified plumbing inspections under the uniform plumbing code.

(j) *Misconduct.* 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 as education, experience or certification, illegal entry of premises, misuse of funds, or misrepresentation of authority.

(k) *Municipality.* Municipality means any city, village, town or county in this state.

(l) *Negligence.* Negligence means failure by omission or commission to discharge the duty required to protect the health, safety and welfare of the public.

(m) *Person.* Person means partnership, associations and bodies politic or corporate (s. 990.01 (26), Stats.).

(n) *Secretary.* Secretary means the secretary of the department of health and social services.

(6) APPLICATION FOR CERTIFICATION OR RECERTIFICATION. (a) All applicants shall be at least 18 years of age.

(b) Application for certification and recertification shall be made to the department of industry, labor and human relations, together with the payment of the fee as specified in Wis. Adm. Code section H 61.15 (35).

1. Applications shall be made on forms provided by the department of industry, labor and human relations and may be obtained by writing to:

Certification Coordinator  
Safety and Buildings Division  
Department of Industry, Labor and Human Relations  
P. O. Box 7946  
Madison, Wisconsin 53707

(c) Upon receipt of the completed application form, the department shall review and evaluate the application and make all necessary notifications to the applicant. If it is determined that the applicant does not qualify for certification or recertification, the applicant shall be notified of such findings in writing and instructed of the appeals procedure.

(7) REQUIREMENTS FOR CERTIFICATION OF PLUMBING INSPECTORS. (a) Eligibility for certification shall be based upon acceptance of the application and on successful completion of the approved educational training and testing programs required for the designated categories of certification or upon passage of the examination. Existing state or municipal

inspectors who have the equivalent of one year of inspection experience shall be exempt from examination for initial certification.

(b) Credit will be given for educational and training programs approved by the department.

(c) If an individual has one year of experience in plumbing inspections, the individual will be exempt from examination but must participate in and successfully complete the department's approved training program. A minimum of 20 units of continuing education is required annually.

(8) EXAMINATION. (a) *Application for examination.* All applications for examination shall be filed with the department of industry, labor and human relations prior to examination. The applicant shall be advised by the department of the date and place of the examination.

(b) *Time and place of examinations.* Scheduled examinations shall be offered at least semiannually. Specific details regarding time and place are available from the department upon request.

(c) *Scope of examination.* The examinations will test the applicant's ability to inspect plumbing installation and design to ascertain compliance with the rules of the uniform plumbing code, and more specifically:

1. Code knowledge;
2. Code administration;
3. Inspection and enforcement techniques;
4. Skills such as, but not limited to, general mathematics, reading of plans and specifications, materials and methods of construction, construction safety and oral and written communications.

(d) *Grading of examinations.* The final grading of all examinations shall be by persons approved by the department. A grade of 70% or greater in each part shall be considered a passing grade for certification as an inspector.

(e) *Examination retake.* Applicants failing part or all of an examination shall be required to retake, within one year of the original examination, only that part failed. All applications for re-examination shall be filed with the department of industry, labor and human relations 3 weeks prior to the scheduled date of the examination to be retaken. Failure to apply for re-examination requires successful completion of approved educational courses.

(9) RECIPROCITY. Inspector certification may be accomplished through reciprocity provided the certification program of the state in which the inspector is certified is approved by the department.

(10) ISSUANCE OF CERTIFICATE. Upon completing the requirements for certification, the department shall notify the applicant in writing and shall issue an inspection certificate. The certificate will bear the name of the applicant, certificate number and expiration date. The certificate shall be valid for a period of one year from the date of issuance.

(11) RENEWAL OF CERTIFICATE. Upon receipt of written notice of expiration, certification may be renewed. Certification renewal shall be con-

tingent on participation and completion of the 20 units of credit annually in on-going approved education programs.

(12) **DENIAL OF CERTIFICATION.** (a) *Notice of denial.* Upon denial of certification or recertification, the department shall notify the applicant in writing stating the reasons for denial. The notice of denial shall be made by certified mail sent to the address filed with the application. Service shall be verified by the certified mail receipt.

(b) *Hearing.* Upon receipt of denial, any applicant may submit a written request for hearing. The right to hearing shall be considered waived if the applicant fails to submit the request within 30 days. Hearings will be conducted by the department and the proceedings recorded.

(13) **INDEPENDENT INSPECTION AGENCY CERTIFICATION.** Any independent inspection agency offering to perform in-plant plumbing inspections of manufactured dwellings and certify compliance for manufactured dwellings under the uniform plumbing code shall be certified and shall satisfy the requirements of the department. The department shall review all plans for plumbing systems installed in factory constructed one- and 2-family dwellings.

(14) **APPLICATION FOR INDEPENDENT INSPECTION AGENCY CERTIFICATION OR RECERTIFICATION.** Application for certification and recertification shall be made to the department of industry, labor and human relations, together with the payment of the fee as specified in Wis. Adm. Code section H 61.13 (35).

(a) Applications shall be made on forms provided by the department of industry, labor and human relations and may be obtained by writing to:

Certification Coordinator  
Safety and Buildings Division  
Department of Industry, Labor and Human Relations  
P. O. Box 7946  
Madison, Wisconsin 53707

(b) All applications for certification shall be submitted in duplicate and shall contain the following information:

1. Location of offices.
2. Names and licenses and qualifications of all in-plant inspectors employed by the agency.
3. A list of structures which the agency has inspected.
4. A list of states in which the agency is authorized to inspect or evaluate manufactured dwellings or components.
5. An affidavit certifying independence and absence of conflicts of interest.
6. Procedures and facilities, including record-keeping used in providing services which assure compliance with the rules of Wis. Adm. Code chapter H 62.
7. A list of all certified persons having contracts with the independent inspection agency, names and certification categories of the certified inspectors employed by the agency for inspection purposes.

(c) Any independent inspection agency to be certified by the department shall agree in writing:

1. That the department may monitor by inspection and require verification of any or all conditions specified in (b).
2. To make all inspection records available upon request.
3. To enforce all applicable rules of Wis. Adm. Code chapter H 62.
4. To provide the department, upon request, with a current list of all municipalities, manufacturers or others for which it is performing certified inspections.

(d) Upon receipt of the completed application form, the department shall review and evaluate the application and make all necessary notifications to the applicant. If it is determined that the applicant does not qualify for certification or recertification, the applicant shall be notified of such findings in writing and instructed of the appeals procedure.

(15) **RECIPROCITY.** Independent inspection agency certification may be accomplished through reciprocity provided the certification program of the state in which the agency is certified is approved by the department.

(16) **ELIGIBILITY FOR CERTIFICATION.** Eligibility for certification shall be based upon acceptance of the application and the applicant's ability to perform system analysis and develop and implement a compliance assurance program.

(17) **ISSUANCE OF INDEPENDENT INSPECTION AGENCY CERTIFICATE.** Upon acceptance of the application and finding of eligibility, the department shall notify the agency in writing and shall issue an independent inspection agency certificate. The certificate shall bear the name of the independent inspection agency, certificate number and expiration date. The certificate shall be valid for a period of one year from the date of issuance.

(18) **RENEWAL OF CERTIFICATE.** Upon receipt of written notice of expiration, certification may be renewed in accordance with the requirements of chapter H 61.

(19) **DENIAL OF CERTIFICATE.** (a) *Notice of denial.* Upon denial of certification or recertification, the department shall notify the applicant in writing stating the reasons for denial. The notice of denial shall be made by certified mail sent to the address filed with the application. Service will be verified by the certified mail receipt.

(b) *Hearing.* Upon receipt of denial, any applicant may submit a written request for hearing. The right to hearing shall be considered waived if the applicant fails to submit the request within 30 days. Hearings will be conducted by the department and the proceedings recorded.

(20) **INDEPENDENT INSPECTION AGENCY CERTIFICATION—ON-SITE DWELLINGS.** Any independent inspection agency offering to perform inspections for on-site dwellings under the uniform plumbing code shall be certified and shall satisfy the requirements of this section.

(21) **APPLICATION FOR INDEPENDENT INSPECTION AGENCY CERTIFICATION.** Application for certification and recertification shall be made to the de-

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partment of industry, labor and human relations, together with the payment of the fee as specified in Wis. Adm. Code section H 61.15 (35).

(a) Applications shall be made on forms provided by the department of industry, labor and human relations and may be obtained by writing to:

Certification Coordinator  
Safety and Buildings Division  
Department of Industry, Labor and Human Relations  
P. O. Box 7946  
Madison, Wisconsin 53707

(b) All applications for certification shall be submitted in duplicate and shall contain the following information:

1. Identification of agency entity. If an individual, the full name under which the agency intends to do business shall be submitted.
2. Name, address and qualifications of all officers, directors and management personnel responsible for the administration and enforcement of the agency.
3. Location of offices of the independent inspection agency.
4. Names of certified plumbing inspectors employed by the agency.
5. An affidavit certifying independence and absence of conflicts of interest.
6. Programs, procedures and facilities, including record-keeping used in providing services which assure compliance with the rules of H 62.
7. A list of all persons having contracts with independent inspection agencies to perform certified inspections.

(c) Any independent inspection agency to be certified by the department shall agree in writing:

1. All inspections for compliance with the uniform plumbing code shall be by certified plumbing inspectors and make all records available to the department upon request.
2. That the department may monitor by inspection and require verification of any or all conditions specified in (b).
3. To enforce all applicable rules of Wis. Adm. Code chapter H 62.
4. To provide the department, upon request, with a current list of all municipalities, manufacturers or others for which it is performing certified inspections.

(d) Upon receipt of the completed application form, the department shall review and evaluate the application and make all necessary notifications to the applicant. If it is determined that the applicant does not qualify for certification or recertification, the applicant shall be notified of such findings in writing and instructed of the appeals procedure.

(22) **RECIPROCITY.** Independent inspection agency certification may be accomplished through reciprocity provided the certification program of the state in which the agency is certified is approved by the department.

(23) **ISSUANCE OF INDEPENDENT INSPECTION AGENCY CERTIFICATE.** Upon acceptance of the application and findings of eligibility, the department shall notify the agency in writing and shall issue an independent inspection agency certificate. The certificate shall bear the name of the independent inspection agency, certificate number and expiration date. The certificate shall be valid for a period of one year from the date of issuance.

(24) **RENEWAL OF CERTIFICATE.** Upon receipt of written notice of expiration, certification may be renewed in accordance with the requirements of H 61.15 (21).

(25) **DENIAL OF CERTIFICATE.** (a) *Notice of denial.* Upon denial of certification or recertification, the department shall notify the applicant in writing stating the reasons for denial. The notice of denial shall be made by certified mail sent to the address filed with the application. Service will be verified by the certified mail receipt.

(b) *Hearing.* Upon receipt of denial, any applicant may submit a written request for hearing. The right to the hearing shall be considered waived if the applicant fails to submit the request within 30 days. Hearings will be conducted by the department and the proceedings recorded.

(26) **SUSPENSION OR REVOCATION OF CERTIFICATION.** The department may suspend or revoke the certification of any inspector or independent inspection agency for any of the following reasons:

(a) Fraud or deceit in obtaining certification.

(b) Knowingly aiding or abetting the unauthorized examination and inspection of dwellings by persons not certified by the department.

(c) Any negligence, incompetence or misconduct in the discharge of the duties required under this chapter and the uniform dwelling code.

(d) Conviction of a criminal charge, misdemeanor or local regulation substantially related to the circumstances of the certified inspection activity or adjudication of mental incompetence by the courts.

(e) Conflict of interest.

(27) **FILING OF COMPLAINT.** Proceedings to revoke or suspend a certificate may be initiated by any person on a signed, written complaint filed with the department. Any alleged violation of the law or the administrative rules of the department shall be set forth in the complaint with particular reference to time, place and circumstance.

(28) **INVESTIGATION AND NOTIFICATION.** The department may investigate alleged violations on its own initiative or upon the filing of a complaint. 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.

(29) **MAILING.** Unless otherwise provided by law, all orders, notices and other papers may be served by the department by certified mail addressed to the party at the last known address. If the service is refused, service may be made by sheriff without amendment of the original order, notice or other paper.



(30) **RESPONSE.** Upon receipt of notification of hearing from the department, the charged party may submit to the department a written response within 30 days of the date of service. Failure to respond within the prescribed time limit, or failure to appear at the scheduled hearing, may result in the allegations specified in the complaint being taken as true.

(31) **HEARINGS.** (a) *Subpoenas; witness fees.* Subpoenas may be signed and issued by the department or the clerk of any court of record. Witness fees and mileage of witnesses subpoenaed on behalf of the department will be paid at the rate prescribed for witnesses in circuit court.

(b) *Conduct of hearing.* All hearings will be conducted by persons selected by the department. Persons so designated may administer oaths or affirmations and may grant continuances and adjournments for cause shown. The respondent shall appear in person and may be represented by an attorney-at-law. Witnesses may be examined by persons designated by the department.

(32) **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.

(33) **APPEAL ARGUMENTS.** Appeal arguments shall be submitted to the department in writing unless otherwise ordered.

(34) **PETITION FOR RULES OR DECLARATORY RULINGS.** Petitions for the adoption, repeal or amendment of rules and for declaratory rulings shall be in accordance with ch. 227, Stats.

(35) **CERTIFICATION FEES.** All applicants for certification as a certified inspector or independent inspection agency shall submit, with the application form, fees in accordance with the following:

(a) *Certified inspectors.* Persons applying for initial certification or recertification as a certified plumbing inspector shall submit fees in accordance with the following schedule:

Plumbing..... \$25.00

Inspectors shall renew their certification annually. Expiration date of certification shall be June 30 of each calendar year.

1. **Examinations for certification.** Upon determination of eligibility for the examination for certification, fees shall be collected in accordance with the following schedule:

a. Initial examination..... \$5.00

b. Examination retakes..... \$5.00

2. **Educational and training seminars.** Fees will be assessed on a per seminar basis for educational and training programs sponsored by the department of health and social services.

(b) *Independent inspection agencies.* Fees for the initial certification of independent inspection agencies shall be \$25.00. For recertification,

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\$25.00 annually. Expiration date of certification shall be June 30 of each calendar year.

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