



2005 ASSEMBLY BILL 750

October 13, 2005 – Introduced by Representatives HINES, WASSERMAN, OTT, TURNER, KERKMAN, BERCEAU, GRIGSBY, HUNDERTMARK and STASKUNAS, cosponsored by Senators DARLING, PLALE and HANSEN. Referred to Committee on Public Health.

1 **AN ACT to create** 101.02 (22) of the statutes; **relating to:** the assessment of
2 forfeitures by the Department of Commerce for violating certain licensing
3 requirements and granting rule-making authority.

Analysis by the Legislative Reference Bureau

The Department of Commerce (Commerce) administers various laws, including building codes, that promote safety in public and private buildings and in the subsystems of those buildings. To that end, Commerce issues various licenses, permits, registrations, and other credentials (licenses) to persons engaged in the construction trades such as electricians and plumbers. Commerce also administers and issues licenses in connection with the administration of other laws relating to public safety such as those regulating fireworks and the storage of flammable liquids.

This bill authorizes Commerce to directly assess a forfeiture by issuing an order against any person who violates a requirement for applying for, obtaining, renewing, or operating under the authority of certain licenses issued by Commerce. The bill requires Commerce to promulgate rules that govern the procedures for assessing such forfeitures including the amount of the forfeitures. The bill provides that a forfeiture that is not paid after all administrative and judicial reviews are exhausted accrues interest at the rate of 12 percent per year. The bill authorizes the attorney general to bring a legal action to collect a forfeiture, including accrued interest, if the forfeiture is not paid as required under the bill. The bill requires that all forfeitures under the bill be deposited in the school fund.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 101.02 (22) of the statutes is created to read:

2 101.02 (**22**) (a) In this subsection:

3 1. “License” has the meaning given in sub. (21) (a).

4 2. “Violation” means a violation of a requirement for applying for, obtaining,
5 renewing, or operating under the authority of a license.

6 (b) The department may directly assess a forfeiture by issuing an order against
7 any person who commits a violation. The department may not assess a forfeiture
8 exceeding \$2,000 for each violation.

9 (c) The department shall promulgate rules specifying the procedures governing
10 the assessment of forfeitures under this subsection including the following:

11 1. The procedure for issuing an order for an alleged violation.

12 2. The amount of a forfeiture that the department may assess for an alleged
13 violation, subject to the limit under par. (b).

14 3. The procedure for contesting an order issued for an alleged violation.

15 4. The procedure for contesting the assessment of a forfeiture for an alleged
16 violation.

17 (d) The department shall remit all forfeitures paid under this subsection to the
18 secretary of administration for deposit in the school fund.

19 (e) All forfeitures that are not paid as required under this subsection shall
20 accrue interest at the rate of 12 percent per year.

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1 (f) The attorney general may bring an action in the name of the state to collect
2 any forfeiture imposed, or interest accrued, under this subsection if the forfeiture or
3 interest has not been paid after the exhaustion of all administrative and judicial
4 reviews.

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(END)