

# State of Wisconsin



2023 Senate Bill 188

Date of enactment:  
Date of publication\*:

## 2023 WISCONSIN ACT

**AN ACT** to *renumber* 101.12 (2); and to *create* 101.12 (2) (b) and 101.12 (7) of the statutes; **relating to:** permission to start construction of a commercial building before plan approval.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council Study Committee on the Commercial Building Permitting Process. The bill codifies and expands the authority for the Department of Safety and Professional Services (DSPS) and local units of government to allow a building owner to start construction of certain building components while a commercial building plan review is pending.

Administrative rules adopted by DSPS currently allow a building owner who has submitted commercial building plans for examination by DSPS or a local unit of government to request permission to start construction of footings and foundations while plan review is pending. In practice, DSPS issues a "permission to start" letter to convey approval for this type of construction to begin.

DSPS's rules require a plan reviewer to make a determination on a permission to start request within three business days after receiving all required documents, plan review fees, and an additional fee of \$75. The rules specify that a building owner who is granted permission to start construction of footings and foundations may proceed at the owner's own risk, without assurance that a conditional approval will be granted for the building. The current statutes do not directly address permission to start construction while plan review is pending, but they specify that nothing in the section of the statutes relating to commercial building plan review relieves a building designer of the responsibility for designing a safe building, structure, or component.

The bill codifies the authority for "permission to start" letters in the statutes and expands the scope of construction activities that DSPS or a local unit of government may allow to proceed while plan review is pending. Under the bill, DSPS

or a local unit of government may authorize a building owner to start construction of underground plumbing and exterior plumbing, in addition to footings and foundations. The bill retains a building designer's responsibility for designing a safe building, structure, or component. The bill also specifies that permission to start construction does not relieve a licensed architect or professional engineer who prepared commercial building plans of responsibility regarding the plans.

**SECTION 1.** 101.12 (2) of the statutes is renumbered 101.12 (2) (a).

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

101.12 (2) (b) Permission granted under sub. (7) (a) to start construction of a building, structure, or component does not relieve an architect or professional engineer authorized to practice under ch. 443 who prepared the plans of the building, structure, or component of responsibility regarding the plans.

**SECTION 3.** 101.12 (7) of the statutes is created to read:

101.12 (7) (a) Notwithstanding sub. (2) (a), an owner who submits essential drawings, calculations, and specifications under this section may request, and the department or a city, village, town, or county authorized to perform examinations under this section may grant, permission to start construction for the footings, foundations, underground plumbing, and exterior plumbing.

\* 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."

(b) An owner who has been granted permission to start construction under par. (a) may proceed at the owner's

own risk without assurance that a conditional approval for the building will be granted.

