



## 2005 SENATE BILL 353

September 28, 2005 – Introduced by Senators BRESKE, A. LASEE and GROTHMAN, cosponsored by Representatives BERCEAU, AINSWORTH, ALBERS, HAHN, PETTIS, MUSSEY, GUNDERSON and HINES. Referred to Committee on Housing and Financial Institutions.

1     **AN ACT** *to renumber and amend* 101.977; *to amend* 101.66 (1); and *to create*  
2           101.66 (1m) and 101.977 (2) of the statutes; **relating to:** exemption from  
3           construction standards for certain load-bearing dimension lumber.

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### *Analysis by the Legislative Reference Bureau*

Under current law, the Department of Commerce has authority to establish construction standards for one- and two-family dwellings and for multifamily dwellings. Under current law, all building materials used in these dwellings must conform to applicable construction standards.

Under the bill, load-bearing dimension lumber that has not been tested and approved for conformance with these construction standards may be authorized for use if the lumber, once milled, is certified to meet or exceed these standards and if the lumber has either been milled at the request of the owner of the lumber for use in his or her dwelling or the lumber is sold directly to the person constructing his or her own dwelling or to the person's building contractor. The bill requires the person milling the lumber to provide a written certification that the lumber meets or exceeds the construction standards. Once the lumber is certified a building inspector may approve or reject use of the lumber or may impose additional construction restrictions for its use.

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

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

1           **SECTION 1.** 101.66 (1) of the statutes is amended to read:

2           101.66 (1) ~~Every~~ Except as provided in sub. (1m), every builder, designer, and  
3 owner shall use building materials, methods, and equipment which are in  
4 conformance with the one- and 2-family dwelling code.

5           **SECTION 2.** 101.66 (1m) of the statutes is created to read:

6           101.66 (1m) (a) No person may use in a one- or 2-family dwelling load-bearing  
7 dimension lumber that has not been tested and approved for conformance as  
8 required by the department unless the lumber is approved for use under par. (c) and  
9 one of the following applies:

10           1. The lumber has been milled at the request of the person owning the lumber  
11 for use in the construction of the dwelling, and the dwelling will be inhabited by the  
12 person owning the lumber.

13           2. The person milling the lumber sells the lumber directly to a person who will  
14 inhabit the dwelling or to a person acting on his or her behalf and for whom a building  
15 permit has been issued for the dwelling.

16           (b) The lumber shall be milled so that it meets or exceeds the requirements of  
17 the one- and 2-family dwelling code. The person milling the lumber shall provide  
18 to the person receiving the lumber a a written certification that the lumber meets or  
19 exceeds these requirements. The department shall design and provide forms for this  
20 purpose.

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1 (c) Upon receipt of a copy of the certification required under par. (b) an inspector  
2 who is certified under sub. (2) may either authorize the use of the lumber, reject the  
3 use of the lumber, or authorize its use subject to more restrictive construction  
4 requirements, including requirements as to size, spacing, length of spans, and  
5 design.

6 **SECTION 3.** 101.977 of the statutes is renumbered 101.977 (1) and amended to  
7 read:

8 101.977 (1) ~~A~~ Except as provided in sub. (2), a person who constructs a  
9 multifamily dwelling shall use building materials, methods, and equipment that are  
10 in conformance with the standards prescribed under s. 101.973 (1).

11 **SECTION 4.** 101.977 (2) of the statutes is created to read:

12 101.977 (2) (a) No person may use in a multifamily dwelling load-bearing  
13 dimension lumber that has not been tested and approved for conformance as  
14 required by the department unless the lumber is approved for use as provided under  
15 par. (c) and if one of the following applies:

16 1. The lumber has been milled at the request of the person owning the lumber  
17 for use in the construction of the multifamily dwelling, a dwelling unit of which will  
18 be inhabited by that person.

19 2. The person milling the lumber sells the lumber directly to a person who will  
20 inhabit the dwelling unit in the multifamily dwelling, or to a person acting on his or  
21 her behalf and for whom a building permit has been issued for the multifamily  
22 dwelling.

23 (b) The lumber shall be milled so that it meets or exceeds the requirements of  
24 the standards prescribed in s. 101.973. The person milling the lumber shall provide  
25 to the person receiving the lumber a written certification that the lumber meets or

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1 exceeds these requirements. The department shall design and provide forms for this  
2 purpose.

3 (c) Upon receipt of a copy of the certification required under par. (b), an  
4 inspector who inspects multifamily dwellings for compliance with this subchapter  
5 may either authorize the use of the lumber, reject the use of the lumber, or authorize  
6 its use subject to more restrictive construction requirements, including  
7 requirements as to size, spacing, length of spans, and design.

8 (END)