

DEPARTMENT OF COMMERCE
PUBLIC HEARING COMMENT AND AGENCY RESPONSE

Clearinghouse Rule No.: 99-086		Hearing Location: Mailed in comments	
Rule Number: Chapters Comm 5, 82 and 84		Hearing Date: N/A	
Relating to: Credentials and Fire Sprinkler Systems			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
4	Gregg A. Cleveland Wisconsin State Fire Chiefs Association Milwaukee, WI	The Association supports this proposal and is concerned that there may be substandard materials and non-qualified persons installing these systems. The Association would like to see qualified people installing complete systems and using listed and approved materials. There is concern that the Department may consider these systems as plumbing systems rather than true life safety systems. Incorrect installation of the system may result in undermining of the true value of automatic fire sprinklers.	Currently, there are no regulatory standards governing the installation of any type of sprinkler systems in one- and 2-family dwellings. The proposed rules will for the first time establish standards for combined plumbing/sprinkler systems by referencing national standards to help ensure that such systems will be designed and installed correctly. Who may install these types of systems is already determined under ch. 145, Stats. The proposed rules have been revised to require training relative to the design and installation of the combined systems.
5	Susan J. Birren Wisconsin Fire Inspectors Association	Allowing any plumbing contractor to install a residential sprinkler system may result in a system that does not function as expected, malfunctions, or fails to meet NFPA 13. Contractors who currently install fire sprinkler systems have been trained and certified to meet NFPA 13. Fire inspectors can not inspect or test residential sprinkler systems unless invited by the homeowner; they must rely on the training and experience of the installer. The proposal would not provide the true measure of safety a homeowner is seeking when they contract to install such a system. The Association is a strong proponent of sprinklers in public and private occupancies. The proposed rule should include at a minimum a training component, but ideally a certification component as well.	Currently, there are no regulatory standards governing the installation of any type of sprinkler systems in one- and 2-family dwellings. The proposed rules will for the first time establish standards for combined plumbing/sprinkler systems by referencing national standards (NFPA 13D) to help ensure that such systems will be designed and installed correctly. Who may install these types of systems is already determined under ch. 145, Stats. The proposed rules have been revised to require training relative to the design and installation of the combined systems.
6	Plumbing Code Council Madison, WI	1. The Council supports the rules with the following 2 recommendations for amendments. 2. Comm 5.51 (2m) Create (e) to allow licensed Master Plumbers to be qualified to take the automatic fire sprinkler contractor exam.	1. No response necessary. 2. Pursuant to s. Comm 5.03, a master plumber may submit a petition for variance documenting and requesting acknowledgment of their skills and experience equivalent to the rule. In accordance with ch. Comm 3, the Department will review and may approve or deny a petition on its merits.

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7	Plumbing Code Council continued Frederick R. Reindl Reindl Plumbing and Heating, Inc. St. Nazianz, WI	<p>3. Comm 82.11 (180) Change the title/terminology from "combined home plumbing/fire sprinkler system" to either "combined home plumbing/fire protection (or suppression) system" or "multipurpose piping system" and so define the term in the rule.</p> <p>1. The wording change from credential back to license is fully supported. Plumbers protect the water quality that the public consumes and deserve to be licensed.</p> <p>2. Comm 5.36 Master plumber license covers this. This registration should be eliminated as it is contained within the scope of plumbing.</p> <p>3. Comm 82.40 (3)(f) The combined plumbing/sprinkler system has been around for several years and it has been proven effective in saving lives and minimizing property damage. Adopting NFPA 13D and allowing plumbers to install it will greatly improve the access residential property owners will have to sprinkler systems. Plumbers will be able to install a house at the same time they install the plumbing and at a reasonable cost. Sprinkler systems can buy vital minutes for fire fighters.</p>	<p>3. The proposed rules have been revised to use terminology consistent with the referenced NFPA standard.</p> <p>1. No response necessary.</p> <p>2. Not germane to this rule package; issues relative to private sewage maintenance are addressed under Clearinghouse Rule No. 98-083.</p> <p>3. No response necessary.</p>
8	Russ Sanders National Fire Protection Association Louisville, KY	<p>It is encouraging that Wisconsin is considering rules to provide one- and 2-family sprinkler protection. However, a standard system may actually be more dangerous than no system at all. NFPA standards are intended to provide a minimum level of safety. It is inadvisable to amend an NFPA standard by including exceptions that reduce the intended level of protection. Comm 82.40 (3)(f) includes 2 such exceptions pertaining to piping materials and partial installations. This could result in a dangerous situation by giving users a false sense of security by assuming their home is protected by a properly installed NFPA 13D system. NFPA 13D should be adopted without exceptions.</p>	<p>Currently, there are no regulatory standards governing the installation of any type of sprinkler systems in one- and 2-family dwellings. The proposed rules will for the first time establish standards for combined plumbing/sprinkler systems by referencing national standards to help ensure that such systems will be designed and installed correctly. The preamble of the NFPA standards acknowledges the abilities of public authorities like the Department to make deletions, additions and changes in referencing its standards. The piping material and partial installation requirements in the proposed rules have been revised.</p>

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Comments:
 Oral or Exhibit No. Presenter, Group Represented, City and State Comments/Recommendations Agency Response

9	David W. Gall Sprinkler Fitters Local 183 Milwaukee, WI	Local 183 does not agree with the rule changes that provide a standard level of safety. There is concern that non-qualified personnel may be permitted to install automatic fire sprinkler systems in one- and 2-family dwellings, creating a life safety risk. To ignore special training and experience to properly install an automatic fire sprinkler system and to change NFPA standards for the installation of these systems would minimize fire safety levels and create false security for the occupants of these dwellings.	Currently, there are no regulatory standards governing the installation of any type of sprinkler systems in one- and 2-family dwellings. The proposed rules will for the first time establish standards for combined plumbing/sprinkler systems by referencing national standards to help ensure that such systems will be designed and installed correctly. The preamble of the NFPA standards acknowledges the abilities of public authorities like the Department to make deletions, additions and changes in referencing its standards. The proposed rules have been revised to address training of installers, and to clarify the piping material and partial system requirements.
10	Russell P. Fleming National Fire Sprinkler Association Patterson, NY	<p>1. Comm 5.51 (2m) The Association opposes allowing Master Plumbers to be qualified to take the sprinkler contractor exam. The 4 current qualifications establish an appreciation for providing the proper amount of water to operate the sprinklers. Hydraulic calculations are unique to the fire sprinkler industry. Licensure as a plumber has almost nothing in common with the techniques used to ensure adequate water delivery to operating sprinklers. NICET recognizes that exams are not foolproof, and it does not permit certification to be granted without verification of appropriate experience.</p> <p>2. Comm 82.11 (180) A name change does not change the substance. Calling the integrated fire sprinkler/plumbing system a "combined home plumbing/fire protection system" or "multi-purpose piping system" does not change the fact that it is intended to functionally perform as an automatic fire sprinkler system.</p>	<p>1. The public hearing draft of rules did not include allowing master plumbers to be qualified to take the sprinkler contractor exam, and the final draft of rules also does not include it.</p> <p>2. The proposed rules have been revised to use terminology consistent with the referenced NFPA standard.</p>

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11	Mark E. Miller Racine, WI	<p>1. The Department should require any installing individual or companies to establish their expertise via testing similar to the testing system already in place for commercial sprinkler installation.</p> <p>2. The owner needs to be made aware that this type of system has no alarm. Without alarm the system may cause an excessive amount of water damage.</p>	<p>1. The Statutes currently dictate who may install plumbing systems. The proposed rules have been revised to require training of master plumbers who install multipurpose piping systems.</p> <p>2. In a multipurpose piping system it is unclear what purpose a flow alarm would serve, in light of the constant use of plumbing fixtures. A leaking multipurpose piping system poses the same risk as a leaking plumbing system with respect to water damage.</p>

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FINAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

CLEARINGHOUSE RULE NO.: 99-086

RULE NO.: Chapters Comm 5, 82 and 84

RELATING TO: Credentials and Fire Sprinkler Systems

Final regulatory flexibility analysis not required. (Statement of determination required.)

The Statutes authorize the Department to administer the issuance of numerous credentials as part of the Department's responsibility for protecting the safety and health of frequenters and occupants in public buildings, places of employment and one- and 2-family dwellings. The proposed revisions in the credential rules are minimum requirements to meet the directives of the Statutes, and any less stringent requirements would be contrary to the Statutory objectives which are the basis for the rules.

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.
2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

3. Nature and estimated cost of preparation of any reports by small businesses.

4. Nature and estimated cost of other measures and investments required of small businesses.

5. Additional cost to agency of administering or enforcing a rule which includes any of the methods in 1. for reducing impact on small businesses.

6. Impact on public health, safety and welfare caused by including any of the methods in 1. for reducing impact on small businesses.

RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

CLEARINGHOUSE RULE NO.: 99-086

RULE NO.: Chapters Comm 5, 82 and 84

RELATING TO: Credentials and Fire Sprinkler Systems

Agency contact person for substantive questions.

Name: James Quast

Title: Program Manager

Telephone No. 608/266-9292

Legislative Council report recommendations accepted in whole.

Yes

No

1. Review of statutory authority [s. 227.15(2)(a)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

(Continued on reverse side)

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
7. Review rules for permit action deadline [s. 227.15(2)(h)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached

RULE REPORT

Department of Commerce

Rule No.: Chapters Comm 5, 82 and 84

Relating to: Credentials and Fire Sprinkler Systems

Agency contact person for substantive questions:

Name James Quast

Title Program Manager

Telephone Number 266-9292

Agency contact person for internal processing:

Name Ronald Acker

Title Code Consultant

Telephone Number 267-7907

1. Agency statutory authority under which the agency intends to promulgate the rule(s).
Sections 101.02 (1), (20) and (21), 145.02 (2), 145.17 (2) and 145.175, Stats.,
2. Citation of federal regulations which require adoption or which are relevant to the proposed rule(s).
None known.
3. Citation of court decisions which are applicable to the proposed rule(s).
None known.

4. Description of the proposed rule(s).

The proposed rules consist of revisions in chapter Comm 5 relating to qualifications and continuing education of individuals involved with the installation of automatic fire sprinkler systems. The proposed rules contain new requirements in chapter Comm 5 relating to the issuance, renewal and revocation of credentials when the applicant or licensee does not comply with new Statutory requirements relating to providing required information, being delinquent in tax or child support payments, or failing to comply with a subpoena or warrant. The proposed rules also consist of revisions in chapters Comm 82 and 84 relating to the installation of combined plumbing/fire sprinkler systems in one- and 2-family homes, but the rules do not mandate installation of the combined systems.

The majority of the proposed rules consist of revisions to replace the word "credential" with "license, certification or registration" or with the specific word "license", "certification" or "registration" as applicable.

5. Reason for the proposed rule(s).

The proposed rules have been developed in order to:

Establish reasonable qualifications and continuing education requirements of individuals involved with the installation of automatic fire sprinkler systems.

Codify the Statutory provisions contained in section 101.02 (20) and (21), Stats, as created by 1997 Wisconsin Acts 237 and 191.

Clarify the requirements for the voluntary installation of combined plumbing/fire sprinkler systems in one- and 2-family homes.

Remove the word "credential" from Chapter Comm 5.

FISCAL ESTIMATE WORKSHEET
 Detailed Estimate of Annual Fiscal Effect
 DOA-2047(R02/97)

ORIGINAL
 CORRECTED
 UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
 Chapters Comm 5, 82 and 84

1997 Session

Amendment No.

Subject

Credentials and Fire Sprinkler Systems

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
 None known

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs By Category		
State Operations - Salaries and Fringes	\$	\$ -
(FTE Position Changes)	(0 FTE)	(- 0 FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs By Category	\$ 0	\$ - 0
B. State Costs By Source of Funds		
GPR	\$	\$ -
FED		-
PRO/PRS	0	- 0
SEG/SEG-S		-
III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
TOTAL State Revenues	\$ 0	\$ - 0

NET ANNUALIZED FISCAL IMPACT

STATE

LOCAL

NET CHANGE IN COSTS

\$ 0

\$ 0

NET CHANGE IN REVENUES

\$ 0

\$ 0

Agency/Prepared by: (Name & Phone No.)

Comm/Ronald Acker 267-7907

Authorized Signature/Telephone No.

[Handwritten Signature]

Date

5/13/99

FISCAL ESTIMATE
DOA-2048 (R02/97)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
Chapters Comm 5, 82 and 84
Amendment No. if Applicable

Subject
Credentials and Fire Sprinkler Systems

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

- Increase Existing Appropriation Increase Existing Revenues
- Decrease Existing Appropriation Decrease Existing Revenues
- Create New Appropriation

- Increase Costs - May be Possible to Absorb Within Agency's Budget Yes No
- Decrease Costs

Local: No local government costs

- 1. Increase Costs
 Permissive Mandatory
- 2. Decrease Costs
 Permissive Mandatory

- 3. Increase Revenues
 Permissive Mandatory
- 4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
- Towns Villages Cities
 - Counties Others _____
 - School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations
None

Assumptions Used in Arriving at Fiscal Estimate

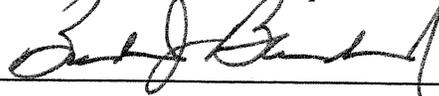
The Safety and Buildings Division is responsible for administering and enforcing chapters Comm 5, 82 and 84. The proposed rules do not contain any changes in the Division's fees charged for administering and enforcing those chapters. Also, the proposed rules will not create any additional workload costs. Therefore, the proposed rules will not have any fiscal effect on the Division.

Long-Range Fiscal Implications

None known.

Agency/Prepared by: (Name & Phone No.)
Comm/Ronald Acker 267-7907

Authorized Signature/Telephone No.



Date

5/13/99



State of Wisconsin \ Department of Commerce

RULES in FINAL DRAFT FORM

Rule No.: Chapters Comm 5, 82 and 84

Relating to: Credentials and Fire Sprinkler Systems

Clearinghouse Rule No.: 99-086

The Department of Commerce proposes an order to repeal Comm 5.003 (12), Comm 5.004, Comm 5.61 (6)(b), Comm 5.62 (7)(b), Comm 5.63 (6)(b), Comm 5.66 (6)(b), Comm 5.67 (6)(b) and Comm 5.70 (1)(b)3., 4. and Note;

to renumber and amend Comm 5.61 (6)(c), Comm 5.62 (7)(c), Comm 5.63 (6)(c), Comm 5.66 (6)(c), Comm 5.67 (6)(c) and Comm 5.91 (6);

to amend Comm 5 (title), Comm 5.002, Comm 5.003 (32), Comm 5.01, Comm 5.02 (1), (2), (3) and (5), Comm 5.02 Table 5.02, Comm 5.04 (1) and (2)(a), Comm 5.05 (2), Comm 5.06, Comm 5.06 Table 5.06, Comm 5.07, Comm 5.08 (1)(d) and (e)1., (1)(f)2.e. and f., (2)(intro.) and (b) and (3), Comm 5.09 (1), (2)(intro.), (4)(a), (b) and (c)1., (5), (6), (7)(b) and (c) and (8)(c), Comm 5.10 (1)(intro.), (a), (b)(intro.) and 2., (c), (d)1.Note, (e) and (f), (2)(intro.), (a)(intro.) and 1. to 3., (c), (d) and (e)1. and 2., Comm 5.11 and 5.12, Comm 5.20 (1)(a)1. and 2., (1)(b) and (5), Comm 5.21 (1)(a), (2)(title) and (b) and (3)(title), Comm 5.30 (1), (2)(title) and (b) and (3)(title), Comm 5.31 (1), (1)Note 2, (2)(title) and (b) and (3)(title), Comm 5.32 (1)(a), (2)(title) and (b) and (3)(title), Comm 5.33 (1), (5) and (7)(b), Comm 5.34 (1), (2)(title) and (b), and (3)(title) and (a)(intro.), Comm 5.35 (1), (4) and (5)(a)(intro.), Comm 5.40 (1) and (2), Comm 5.41 (1)(title) and (a)2. and (2)(title), Comm 5.42 (2)(title) and (b) and (3)(title), Comm 5.43 (4) and (5)(b), Comm 5.44 (1)(intro.), (5)(a), (b)(intro.) and (b)1. and (6)(b), Comm 5.45 (1)(title) and (b), Comm 5.50, Comm 5.51 (4) and (5), Comm 5.52 (1) and (5), Comm 5.53 (1), (2)(title) and (b) and (3)(title), Comm 5.54 (1)(intro.) and (4), Comm 5.55 (1)(b) and (2)(title) and (b), Comm 5.56 (1) and (4), Comm 5.60 (1)(intro.), (2)(title) and (b) and (3)(title), Comm 5.61 (1), (1)Note 2 and (4), Comm 5.62 (1), (1)Note, (3)(c) and (5), Comm 5.63 (1)(a)(intro.), (a)5.Note and (b)(intro.) and (4)(a) and (b)1., Comm 5.64 (1), (2)(intro.), (4) and (6)(c)2., Comm 5.66 (1) and (4), Comm 5.67 (1) and (4), Comm 5.68 (1), (5) and (7)(b), Comm 5.70 (1)(a) and (b)1. and 2., (2)(title) and (b) and (3)(title), Comm 5.71 (5), Comm 5.72 (1), (2)(title) and (b), (3), and (5)(intro.) and (a)2., Comm 5.80 (1)(a), (2)(title) and (b) and (3)(title), Comm 5.81 (1)(a), and (2)(title) and (b), Comm 5.82 (1)(a), (2)(title) and (b) and (3)(title), Comm 5.83 (1) and (4), Comm 5.84 (1)(a) and (b) and (4), Comm 5.85 (1)(a) and (b) and (4), Comm 5.86 (1)(a) and (b) and (4), Comm 5.87 (1)(a) and (b) and (4), Comm 5.88 (1), (2)(title) and (b) and (3)(title), Comm 5.90 (1) and (2), Comm 5.91 (1)(intro.), (5), (7)(b)3. and (8)(b), Comm 5.92 (1)(intro.), (5), (6), (7)(b)3. and (8)(b), Comm 5.93 (1)(a) and (b)(intro.) and (5), Comm 5.94 (1)(a) and (b)(intro.) and (5), Comm 5.95 (1), and (2)(title) and (b), Comm 5.96 (1), (2)(title) and (b) and (3)(title), Comm 5.97 (1), (5) and (6), Comm 5.98 (1), (2)(title) and (b) and (3)(title), Comm 5.99 (1), (2)(title) and (b) and (3)(title) and Comm 84.30 Table 84.30-9;

and to create Comm 5.003 (30m), Comm 5.01 (3), Comm 5.10 (1)(a)9. to 11., Comm 5.51 (2m), Comm 5.51 (6)(c), Comm 5.52 (6)(c), Comm 5.54 (5)(c), Comm 5.91 (4)Note, Comm 5.91 (6)(b), Comm 81.01 (155m), Comm 82.40 (3)(f) and Comm 84.60 Table 84.60-10m, relating to credentials and fire sprinkler systems.

Analysis of Proposed Rules

Statutory authority: Sections 101.02 (1), (20) and (21), 145.02 (2), 145.17 (2) and 145.175, Stats.
Statutes interpreted: Sections 101.02 (1), (20) and (21), 145.02 (2), 145.17 (2) and 145.175, Stats.

Chapter Comm 5 of the Wisconsin Administrative Code contains the Department's rules for the issuance of numerous credentials that businesses and individuals are either mandated or permitted to obtain. These credentials are licenses, certifications and registrations that relate to activities associated

with the construction and inspection of buildings and structures or specific components and elements that serve buildings and structures.

The proposed rules consist of revisions in chapter Comm 5 relating to the credentials associated with the installation of automatic fire sprinkler systems and to the issuance, renewal and revocation of credentials when the applicant or licensee does not comply with new Statutory requirements. The proposed rules also consist of revisions in chapters Comm 82 and 84 relating to the installation of combined plumbing/fire sprinkler systems in one- and 2-family homes.

Under the current rules, any individual may apply for and take the license examination for an automatic fire sprinkler contractor. However, an individual who wishes to take the license examination for a journeyman automatic fire sprinkler fitter must first have completed a sprinkler system apprenticeship. The proposed rules contain specific training and experience qualifications for individuals applying for the automatic fire sprinkler contractor license examination. [Comm 5.51 (2m)]

The current rules also allow the renewal of credentials associated with automatic fire sprinkler systems without the need for obtaining any continuing education. The proposed rules require a specific number of hours of continuing education to be obtained by individuals wishing to renew an automatic fire sprinkler contractor license, a journeyman automatic fire sprinkler fitter license, and an automatic fire sprinkler contractor-maintenance registration. [Comm 5.51 (6)(c), Comm 5.52 (6)(c) and Comm 5.54 (5)(c)]

In accordance with new Statutory requirements, the proposed rules contain new requirements for the issuance, renewal, denial, suspension and revocation of licenses, certifications and registrations when the applicant or licensee does not provide required information, is delinquent in required payments, or fails to comply with a subpoena or warrant. The applicant or licensee must provide their social security number or federal employer identification number. The applicant or licensee must not be delinquent in tax payments or child support payments. And the applicant or licensee must not have failed to comply with a subpoena or warrant issued by the Department of Workforce Development or a county child support agency relating to paternity or child support proceedings. [Comm 5.01 (3) and Comm 5.10 (1)(a) 9. to 11.]

The proposed rules address the installation of multipurpose piping systems in one- and 2-family homes by defining the systems to be a type of water distribution system and by specifying the standards that must be met if one of the systems is voluntarily installed in a home. The proposed rules do not mandate the installation of the multipurpose piping systems in homes. [Comm 81.01 (155m) and Comm 82.40 (3)(f)]

The proposed rules also contain revisions to replace the word “credential” with “license, certification or registration” or with the specific word “license”, “certification” or “registration” as applicable.

SECTION 1. Chapter Comm 5 (title) is amended to read:

Chapter Comm 5
CREDENTIALS LICENSES, CERTIFICATIONS AND REGISTRATIONS

SECTION 2. Comm 5.002 is amended to read:

Comm 5.002 Scope. ~~The~~ This chapter applies to any person or business engaging or offering to engage in an activity or provide a service for which a credential license, certification or registration is required or desired under chs. 101, 145 and 167, Stats.

SECTION 3. Comm 5.003 (12) is repealed.

SECTION 3m. Comm 5.003 (30m) is created to read:

Comm 5.003 (30m) "Multipurpose piping system" means a type of water distribution system conveying potable water to plumbing fixtures and appliances and automatic fire sprinklers with the intention of serving both domestic water needs and fire protection needs within a one- or 2-family dwelling or manufactured dwelling.

SECTION 4. Comm 5.003 (32) is amended to read:

Comm 5.003 (32) "Negligence" means the failure to exercise the degree of care and judgment to protect public health and safety normally expected of an individual performing activities within the scope of a credential license, certification or registration category.

SECTION 5. Comm 5.004 is repealed.

SECTION 6. Comm 5.01 is amended to read:

Comm 5.01 Application. (1) Application for a credential license, certification or registration or a credential license, certification or registration examination covered under this chapter shall be submitted on a form prescribe by the department.

Note: Applications for credentials licenses, certifications or registrations covered under this chapter are available from the Division of Safety and Buildings, P.O. Box ~~7969~~ 7082, Madison, Wisconsin 53707, telephone 608/266-3151.

(2) An application for a credential license, certification or registration which either requires or recognizes the attendance at or completion of educational courses as a qualification for the credential license, certification or registration shall be accompanied by such evidence, including but not limited to transcripts, that verifies fulfillment of the prerequisite.

SECTION 6m. Comm 5.01 (3) is created to read:

Comm 5.01 (3) Pursuant to s. 101.02 (20) (b) and (21) (b), Stats., the department may not issue or renew any license, certification or registration under this chapter unless the applicant for the license, certification or registration includes his or her social security number, or in the case of a license, certification or registration for a business, the applicant includes the federal employer identification number. The department shall consider the failure by the applicant to provide a social security number or a federal employer identification number as an incomplete application and shall not process the application further until the appropriate number is provided.

SECTION 7. Comm 5.02 (1), (2), (3) and (5) are amended to read:

Comm 5.02 Fees. (1) (a) Fees required for the various ~~credentials~~ licenses, certifications or registrations and their processing under this chapter shall be determined in accordance with Table 5.02, except as provided in par. (b) and ss. Comm 5.61 (6)(b), 5.62 (7)(b), 5.63 (6)(b), 5.66 (6)(b) and 5.67 (6)(b).

(b) 1. Pursuant to s. 145.05, Stats., a person who holds a master plumber license, master plumber-restricted license, journeyman plumber license or journeyman plumber-restricted license and who is employed by a city of the first, second, or third class as a plumbing inspector is not required to submit a ~~credential~~ license fee in order to renew his or her license.

2. A person who applies to renew his or her master plumber license, master plumber-restricted license, journeyman plumber license or journeyman plumber-restricted license without the ~~credential~~ license fee as permitted under subd 1. shall provide evidence that he or she is a plumbing inspector for a first, second or third class city with the application for renewal.

Note: The exemption of not having to pay a ~~credential~~ license fee does not relieve an individual of fulfilling all other obligations or responsibilities to renew the license such as continuing education requirements.

(2) Fees required under this chapter for various ~~credentials~~ licenses, certifications or registrations or their processing examinations shall not be refundable.

(3) The department shall prorate a ~~credential~~ license, certification or registration fee on a monthly basis for the initial issuance of a ~~credential~~ license, certification or registration which is issued for less than the full ~~credential~~ license, certification or registration period.

(5) A fee of \$10.00 shall be charged to replace a lost or destroyed ~~credential~~ license, certification or registration.

SECTION 8. Comm 5.02 Table 5.02 header and line 27 are amended to read:

**Table 5.02
FEES
(partial table)**

	<u>Credential License, Certification or Registration Category</u>	Type	Application Fee	Examination Fee	<u>Credential License, Certification or Registration Fee</u>
27.	Automatic Fire Sprinkler System Tester	<u>Certification</u> <u>Registration</u>	\$10	\$20	\$90

SECTION 9. Comm 5.04 (1) and (2)(a) are amended to read:

Comm 5.04 Processing times. (1) An application for a credential license, certification or registration covered under this chapter shall be granted or denied by the department within 21 calendar days after the department receives all of the application materials necessary to obtain the credential license, certification or registration.

Note: Pursuant to s. 227.116, Stats., the failure by the department to make a determination on an application results in the department ~~in~~ having to prepare and file a report with the permit information center of the department. The failure by the department to make a determination on an application does not relieve a person from the obligation to comply with the requirements or qualifications of the credential license, certification or registration or to secure the credential license, certification or registration.

(2) (a) If the credential license, certification or registration application information is insufficient, the department shall request additional information within 21 calendar days of receipt of the application.

SECTION 10. Comm 5.05 (2) is amended to read:

Comm 5.05 (2) A credential license, certification or registration holder shall be responsible for notifying the department of any change in mailing address.

SECTION 11. Comm 5.06 is amended to read:

Comm 5.06 ~~Credential terms~~ Terms. (1) A credential license, certification or registration issued under this chapter shall be valid for a period of no longer than that specified in Table 5.06.

Note: ~~See ss. Comm 5.61 (6)(b), 5.62 (7)(b), 5.63 (6)(b), 5.66 (6)(b) and 5.67 (6)(b) regarding credential periods transitioning from one year to 2 years.~~

(2) A credential license, certification or registration issued under this chapter shall expire at midnight on the day or date of expiration specified in Table 5.06.

SECTION 12. Comm 5.06 Table 5.06 title, header and lines 22, 23 and 25 are amended to read:

Table 5.06
CREDENTIAL EXPIRATIONS
(partial table)

	<u>Credential License, Certification or Registration Category</u>	<u>Term</u>	<u>Expiration Date</u>	<u>Continuing Education Cycle</u>
22.	Automatic Fire Sprinkler Contractor	2 years	June 30	NA <u>March 30</u>
23.	Journeyman Automatic Fire Sprinkler Fitter	2 years	June 30	NA <u>March 30</u>
25.	Automatic Fire Sprinkler Contractor-Maintenance	2 years	June 30	NA <u>March 30</u>

SECTION 13. Comm 5.07 is amended to read:

Comm 5.07 ~~Credential renewal~~ Renewal. (1) (a) Except under s. Comm 5.96, a notice of renewal shall be mailed by the department to a ~~credential~~ license, certification or registration holder at least 30 calendar days prior to the expiration of the ~~credential~~ license, certification or registration.

(b) Failure to receive a notice for renewal of a ~~credential~~ license, certification or registration shall not be considered as an excuse or good cause for failure to renew a ~~credential~~ license, certification or registration prior to the expiration of the ~~credential~~ license, certification or registration.

(2) (a) Except as provided in par. (b), a person may apply to renew his or her ~~credential~~ license, certification or registration provided an application, a ~~credential~~ license, certification or registration fee and evidence of all renewal qualifications, if any, are submitted to the department prior to the expiration date of the ~~credential~~ license, certification or registration.

Note: Qualification obligations for renewal are specified under the appropriate ~~credential~~ license, certification or registration category sections.

(b) A person may apply to renew his or her ~~credential~~ license, certification or registration in accordance with par. (a) within 6 months after expiration of the ~~credential~~ license, certification or registration, provided an application fee as specified in Comm 5.02, Table 5.02 accompanies the renewal application.

(c) An individual who fails to renew his or her ~~credential~~ license, certification or registration within 6 months after the expiration date of the ~~credential~~ license, certification or registration shall be required to comply with and complete the appropriate requirements for obtaining the ~~credential~~ license, certification or registration initially, including the passage of a ~~credential~~ license, certification or registration examination, if required.

SECTION 14. Comm 5.08 (1)(d) and (e) 1., (1)(f) 2. e. and f., (2)(intro.) and (b), and (3) are amended to read:

Comm 5.08 (1) (d) Courses, programs and seminars to be considered for approval towards continuing education credit shall relate to the skills and knowledge of one or more ~~credential~~ license, certification or registration categories.

(e) 1. The department may impose specific conditions in approving a course, program or seminar for continuing education credit, including limiting credit to specific credential license, certification or registration categories.

(1) (f) 2. e. The name of each credential license, certification or registration held by the attendee for which the course applies.

f. The credential license, certification or registration number assigned by the department of each attendee.

(2) EVIDENCE OF COMPLIANCE. Each credential license, certification or registration holder shall retain evidence of compliance with continuing education requirements throughout the credential license, certification or registration period for which continuing education credit was required for renewal of the credential license, certification or registration.

(b) The department may require a credential license, certification or registration holder to submit evidence of compliance for the continuing education credit which was required to renew the credential license, certification or registration.

(3) CONTINUING EDUCATION CYCLE. (a) For those credential license, certification or registration categories which require continuing educational credit for renewal, the credential license, certification or registration holder shall obtain the necessary amount of continuing educational credit at least 3 months prior to the expiration date of the credential license, certification or registration as specified in Table 5.06.

(b) The time period during which a credential license, certification or registration holder may obtain continuing education credit to fulfill the renewal obligations shall commence 3 months prior to the expiration date of the previous credential license, certification or registration term.

SECTION 15. Comm 5.09 (1), (2)(intro.), (4)(a), (b) and (c) 1., (5), (6), (7)(b) and (c), and (8)(c) are amended to read:

Comm 5.09 ~~Credential examinations~~ Examinations. (1) For those credential license, certification or registration categories which require examination, the department shall conduct at least 4 credential license, certification or registration examinations annually for each credential license, certification or registration category at times and locations specified by the department.

(2) An application and fee for a credential license, certification or registration that requires an examination shall be received by the department at least 30 calendar days prior to the day of the examination. The department may postpone the applicant's appearance to another examination date if any of the following occur:

(4) (a) An applicant for credential license, certification or registration examination shall provide a photo identification or other appropriate evidence to gain admittance to an examination.

(b) An applicant shall bring to a credential license, certification or registration examination all necessary materials as specified by the department.

(c) 1. Except as provided in subd. 2., an applicant who fails to appear at a scheduled credential license, certification or registration examination without giving notice to the department at least 24 hours before the examination shall be considered to have failed the examination and shall be required to submit a re-examination application and examination fee.

(5) The examination for a credential license, certification or registration shall be based on a job analysis of the knowledge, skills and abilities associated with the credential license, certification or registration. The examination shall include all of the following subject matter:

(a) Regulations and standards governing the work or activities required or permitted under the credential license, certification or registration.

(b) Theories, principles, and practices associated with the activities required or permitted under the credential license, certification or registration.

(6) (a) A grade of 70% or greater in each part of a credential license, certification or registration examination shall be considered a passing grade.

(b) 1. Except as provided in subd. 2., an applicant failing a part of a multi-part credential license, certification or registration examination shall be required to retake only those parts failed.

2. An applicant who does not pass all required parts of a multi-part credential license, certification or registration examination within one year after the date of the initial examination shall apply, retake and pass all parts of the credential license, certification or registration examination.

(7) (b) Upon notification of failing a credential license, certification or registration examination, an applicant may request another examination in accordance with s. Comm 5.01.

(c) 1. An applicant who has successfully passed a credential license, certification or registration examination may submit an application and the credential license, certification or registration fee as specified under s. Comm 5.02, Table 5.02 for the appropriate credential license, certification or registration within 3 months after the date the department had mailed the results of the examination.

2. Failure to apply for credential license, certification or registration in accordance with subd. 1., shall necessitate the applicant to apply, retake and pass another credential license, certification or registration examination in order to obtain the credential license, certification or registration.

(8) (c) The department shall retain credential license, certification or registration examinations at least 2 months after the date of the examination.

SECTION 16. Comm 5.10 (1)(intro.) and (a) are amended to read:

Comm 5.10 Denial, suspension and revocation of credentials. (1) Except as provided in sub. (2) pertaining to credentials licenses or registrations for master plumbers, journeyman plumbers, cross connection control testers and utility contractors, the department may deny, suspend or revoke a credential license, certification or registration under this chapter in accordance with this subsection.

(a) *Reasons.* The department may deny, suspend or revoke a credential license, certification or registration under this chapter if the department determines that an applicant or holder of the credential license, certification or registration is responsible for any of the following:

1. Fails to meet the qualifications for the credential license, certification or registration.
2. Has obtained the credential license, certification or registration through fraud or deceit.
3. Has demonstrated negligence or incompetence in fulfilling the responsibilities or obligations of the credential license, certification or registration.
4. Has a conflict of interest in fulfilling the responsibilities or obligations under the credential license, certification or registration.
5. Has demonstrated misconduct in fulfilling the responsibilities or obligations under the credential license, certification or registration.
6. Has been arrested or convicted for a crime substantially related to the credential license, certification or registration.
7. Has a physical or mental impairment which prevents the applicant or holder from fulfilling the responsibilities or obligations under the credential license, certification or registration.
8. Has violated state, federal or local laws or regulations relating to the conduct of the activities under the credential license, certification or registration.

SECTION 16m. Comm 5.10 (1)(a) 9. to 11. are created to read:

Comm 5.10 (1) (a) 9. Has been certified by the department of revenue under s. 73.0301, Stats., to be liable for taxes.

10. Has been delinquent in making court-ordered payments relating to the support of a child or former spouse pursuant to s. 101.02 (21) (a), (c) and (d), Stats.

11. Has failed to comply with a subpoena or warrant issued by the department of workforce development or a county child support agency relating to paternity or child support proceedings pursuant to s. 101.02 (21) (a), (c) and (d), Stats.

SECTION 16r. Comm 5.10 (1)(b)(intro.) and 2., (c), (d) 1. Note, (e) and (f), (2)(intro.), (a)(intro.) and 1. to 3., (c), (d) and (e) 1. and 2. are amended to read:

Comm 5.10 (1) (b) *Notice of denial, suspension or revocation.* Except as provided under s. 101.654 (4), Stats., relative to a dwelling contractor financial responsibility certification, and par. (c), a notice of denial, suspension or revocation shall be sent to the applicant or the credential license, certification or registration holder. The notice shall include all of the following:

2. A statement that the applicant or the credential license, certification or registration holder may file a request for an administrative hearing.

(c) *Summary suspension.* Under s. 227.51 (3), Stats., the department may summarily suspend any credential license, certification or registration if the department finds that immediate action is necessary for public health, safety or welfare. The summary suspension of a credential license, certification or registration shall remain in effect until after a final decision is issued following a hearing.

(d) 1. **Note:** Requests for an administrative hearing may be mailed to the Office of Legal Counsel, P.O. Box ~~7969~~ 7970, Madison, WI 53707-~~7969~~ 7970, or faxed to (608) ~~266-0592~~ 266-3447. Facsimile requests received after 4:30 p.m. are considered filed on the next business day.

(e) *Surrender of credential license, certification or registration.* A person whose credential license, certification or registration has been suspended or revoked shall surrender the credential license, certification or registration to the department upon request.

(f) *Reinstatement.* 1. 'Suspension'. a. A person whose credential license, certification or registration has been suspended may apply to have the credential license, certification or registration reissued only after the time set for suspension by the department or hearing examiner has passed and by complying with the conditions set forth in the suspension order.

b. The request to the department to have a suspended credential license, certification or registration reissued shall be made in writing.

c. The department may require a person whose credential license, certification or registration has been suspended to apply for the credential license, certification or registration by complying with all of the requirements for a new applicant, including paying the application fees and successfully passing an examination.

d. The department may impose conditions on the reissued credential license, certification or registration to assure compliance with this chapter.

2. 'Revocation'. A person whose credential license, certification or registration has been revoked may not apply to ever receive such a credential license, certification or registration.

(2) Pursuant to s. 145.10, Stats., the department may suspend or revoke the credential license or registration of any master plumber, journeyman plumber, master plumber-restricted, journeyman plumber-restricted, utility contractor, or cross connection control tester in accordance with this subsection.

(a) *General.* The department may suspend or revoke a credential license or registration for any of the following reasons:

1. The practice of fraud or deceit in obtaining a credential license or registration.

2. Negligence, incompetence or misconduct in the practice or work allowed by the credential license or registration.

3. Failure to correct an installation for which the credential license or registration holder is responsible within the time prescribed by the department.

(c) *Summary suspension.* Under s. 227.51 (3), Stats., the department may summarily suspend any credential license or registration if the department finds that immediate action is necessary for public health, safety or welfare. The summary suspension of a credential license or registration shall remain in effect until after a final decision is issued following a hearing.

(d) *Hearings.* The hearing for the suspension or revocation of a credential license or registration shall be conducted as a contested case hearing in accordance with ch. 227, Stats., and s. 145.10, Stats.

1. '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 credential license or registration has been suspended may apply to have the credential license or registration reinstated by filing a new application and payment of the appropriate fee specified in s. Comm 5.02.

2. '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 credential license or registration has been revoked shall be eligible for the credential license or registration only after the time set for revocation by department order has passed. A person whose credential license or registration has been revoked may apply to have the credential license or registration reinstated only after submitting a completed application for credential license or registration examination, if required, payment of the examination fee, passing of the examination and payment of the credential license or registration fee specified in s. Comm 5.02.

SECTION 16u. Comm 5.11 and 5.12 are amended to read:

Comm 5.11 Responsibilities. (1) A person who holds a credential license, certification or registration under this chapter shall carry on his or her person the credential license, certification or registration issued by the department while performing or conducting the activity or activities permitted under the credential license, certification or registration.

(2) A person who holds a credential license, certification or registration under this chapter shall upon request of the department or its representative present the credential license, certification or registration for identification.

(3) The requirements of this section apply to credential licenses, certifications or registrations issued to an individual and not to a business.

Comm 5.12 Penalties. Penalties for violation of the provisions of this chapter shall be assessed in accordance with the respective penalty provisions in the statutes, depending upon the credential license, certification or registration category or activity involved.

SECTION 17. Comm 5.20 (1)(a) 1. and 2., (1)(b), and (5) are amended to read:

Comm 5.20 (1) (a) 1. Holds a credential license issued by the department as a licensed class 1 blaster, licensed class 2 blaster, licensed class 3 blaster, licensed class 4 blaster, licensed class 5 blaster, licensed class 6 blaster or licensed class 7 blaster.

2. Is under the direct supervision of a person who holds a credential license issued by the department as a licensed blaster in one or more of the categories specified in subd. 1.

(1) (b) The operations and activities associated with a person who holds a credential license as a licensed class 1 blaster, licensed class 2 blaster, licensed class 3 blaster, licensed class 4 blaster, licensed class 5 blaster, licensed class 6 blaster or licensed class 7 blaster shall be limited to the operations or activities delineated under this paragraph.

1. A person, who either holds a credential license as a licensed class 1 blaster or is under the direct supervision of a person who holds a credential license as a licensed class 1 blaster, may conduct blasting operations and activities not closer than 500 feet to an inhabited building for stumps, boulders, ice, frost, concrete, footings, foundations, pole settings, drainage ditches, beaver dams, pot holes, seismic tests, boiler tubes, fertilizer piles, silos, dimension stone, well shooting, metal forms, black powder or coal piles.

2. A person, who either holds a credential license as a licensed class 2 blaster or is under the direct supervision of a person who holds a credential license as a licensed class 2 blaster, may conduct blasting operations and activities for stumps, boulders, ice, frost, concrete, footings, foundations, pole settings, drainage ditches, beaver dams, pot holes, seismic tests, boiler tubes, fertilizer piles, silos, dimension stone, well shooting, metal forms, black powder or coal piles.

3. A person, who either holds a credential license as a licensed class 3 blaster or is under the direct supervision of a person who holds a credential license as a licensed class 3 blaster, may conduct blasting operations and activities for underground mining, underground construction or tunnels.

4. A person, who either holds a credential license as a licensed class 4 blaster or is under the direct supervision of a person who holds a credential license as a licensed class 4 blaster, may conduct blasting operation and activities not closer than 2500 feet to an inhabited building for quarries, open pits, road cuts, trenches, site excavations, basements, underwater demolition or underground excavations.

5. A person, who either holds a credential license as a licensed class 5 blaster or is under the direct supervision of a person who holds a credential license as a licensed class 5 blaster, may conduct blasting operations and activities 2500 feet and closer to an inhabited building for quarries, open pits and road cuts.

6. A person, who either holds a credential license as a licensed class 6 blaster or is under the direct supervision of a person who holds a credential license as a licensed class 6 blaster, may conduct blasting operations and activities 2500 feet and closer to an inhabited building for trenches, site excavations, basements, underwater demolition, underground excavations or structures 15 feet or less in height.

7. A person, who either holds a credential license as a licensed class 7 blaster or is under the direct supervision of a person who holds a credential license as a licensed class 7 blaster, may conduct blasting operations and activities for structures greater than 15 feet in height, bridges, towers or any of the objects or purposes specified under subs. 1. to 6.

(5) APPLICATION FOR ~~CREDENTIAL~~ LICENSE. Upon notification of the successful passage of the examination for a blaster license, a person may obtain the license by submitting an application and the ~~credential~~ license fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

SECTION 18. Comm 5.21 (1)(a), (2)(title) and (b), and (3)(title) are amended to read:

Comm 5.21 (1) (a) Pursuant to s. 167.10 (6m), Stats., no person may manufacture fireworks or a listed device in this state unless the person holds a ~~credential~~ license issued by the department as a licensed fireworks manufacturer.

(2) APPLICATION FOR ~~CREDENTIAL~~ LICENSE. (b) An application fee and ~~credential~~ a license fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR ~~CREDENTIAL~~ LICENSE.

SECTION 19. Comm 5.30 (1), (2)(title) and (b), and (3)(title) are amended to read:

Comm 5.30 (1) GENERAL. A person may repair a boiler or pressure vessel provided either the person holds a ~~credential~~ registration issued by the department as a registered boiler repairer or works under the general supervision of another person who is a registered boiler repairer.

(2) APPLICATION FOR ~~CREDENTIAL~~ REGISTRATION. (b) A ~~credential~~ registration fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR ~~CREDENTIAL~~ REGISTRATION.

SECTION 20. Comm 5.31 (1), (1) Note 2, (2)(title) and (b), and (3)(title) are amended to read:

Comm 5.31 (1) GENERAL. Pursuant to s. 101.654 (1) (a), Stats., no person may obtain a building permit for a one- or 2-family dwelling unless the person holds a ~~credential~~ certification issued by the department as a dwelling contractor financial responsibility certification or a dwelling contractor financial responsibility-restricted certification, except as provided under s. 101.654 (1) (b), Stats.

Note: A dwelling contractor financial responsibility-restricted certification will be issued to an individual who applies using a bond of less than \$25,000. The ~~credential~~ card issued by the department for a dwelling contractor financial responsibility-restricted certification will read "Financial Responsibility-by a bond under \$25,000 Certification".

(2) APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION. (b) An application fee and a ~~credential~~ certification fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR ~~CREDENTIAL~~ CERTIFICATION.

SECTION 21. Vacant

SECTION 22. Comm 5.32 (1)(a), (2)(title) and (b), and (3)(title) are amended to read:

Comm 5.32 (1) (a) Pursuant to s. 101.92 (2), Stats., no manufacturer of manufactured homes or mobile homes may sell or distribute for sale manufactured homes or mobile homes unless the manufacturer holds a ~~credential~~ license issued by the department as a licensed manufactured home/mobile home seller.

(2) APPLICATION FOR ~~CREDENTIAL~~ LICENSE. (b) An application fee and a ~~credential~~ license fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR ~~CREDENTIAL~~ LICENSE.

SECTION 23. Comm 5.33 (1), (5), and (7)(b) are amended to read:

Comm 5.33 (1) GENERAL. Pursuant to s. 145.045, Stats., no person may conduct soil evaluations relative to the discharge or disposal of liquid domestic wastes into the soil unless the person holds a ~~credential~~ certification issued by the department as a certified soil tester.

(5) APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION. Upon notification of the successful passage of the examination for soil tester certification, a person may obtain the certification by submitting an application and a ~~credential~~ certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(7) (b) 1. The renewal of a ~~credential~~ certification as a certified soil tester ~~which has an expiration date after June 30, 1998~~ shall be contingent upon the soil tester obtaining at least 6 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a ~~credential~~ certification as a certified soil tester may apply to the department for waiver of the continuing education requirements under subd. 1. 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.

SECTION 24. Comm 5.34 (1), (2)(title) and (b), and (3)(title) and (a)(intro.) are amended to read:

Comm 5.34 (1) GENERAL. No person may perform structural welding under ss. Comm 34.39 and ~~ILHR~~ 53.53 unless the person holds a ~~credential~~ registration issued by the department as a registered welder.

(2) APPLICATION FOR ~~CREDENTIAL~~ REGISTRATION. (b) A ~~credential~~ registration fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR ~~CREDENTIAL~~ REGISTRATION. (a) The person applying for a welder registration shall have taken and passed not more than one year before the date the application is received by the department one or more welding tests in accordance with the following standards as adopted by reference in chs. Comm 50 to 64:

SECTION 25. Comm 5.35 (1), (4) and (5)(a)(intro.) are amended to read:

Comm 5.35 (1) GENERAL. No person may conduct welding tests for the purpose of qualifying structural welders under s. Comm 5.34 unless the person holds a credential certification issued by the department as a certified weld test conductor-physical or a certified weld test conductor-radiographic.

(4) APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION. Upon notification of the successful passage of the examination for weld test conductor certification, a person may obtain the certification by submitting an application and the credential certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(5) (a) (intro.) Ensure that the welding tests, the testing facilities and testing equipment conform with the following appropriate standard or standards of as adopted by reference in chs. Comm 50 to 64:

SECTION 26. Vacant

SECTION 27. Comm 5.40 (1) and (2) are amended to read:

Comm 5.40 (1) A person who holds a credential certification issued by the department as a certified electrical contractor, certified electrical contractor-restricted, certified master electrician, certified journeyman electrician or certified beginning electrician may perform electrical construction work in a municipality which requires licensure to perform electrical work pursuant to s. 101.87 (2) to (4), Stats., and in accordance with local ordinances.

(2) No person may advertise as a certified electrical contractor, certified master electrician, certified journeyman electrician or certified beginning electrician unless the person holds the appropriate credential certification issued under this subchapter.

SECTION 28. Comm 5.41 (1)(title) and (a) 2., and (2)(title) are amended to read:

Comm 5.41 (1) APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION. (a) 2. An application fee and a credential certification fee in accordance with s. Comm 5.02, Table 5.02.

(2) QUALIFICATIONS FOR ~~CREDENTIAL~~ CERTIFICATION.

SECTION 29. Comm 5.42 (2)(title) and (b) and (3)(title) are amended to read:

Comm 5.42 (2) APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION. (b) An application fee and credential a certification fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR ~~CREDENTIAL~~ CERTIFICATION.

SECTION 30. Comm 5.43 (4) and (5)(b) are amended to read:

Comm 5.43 (4) APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION. Upon notification of the successful passage of the examination for a master electrician certification, a person may obtain the certification by submitting an application and the ~~credential~~ certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(5) (b) 1. The renewal of a certification as a master electrician ~~which has an expiration date after June 30, 1999~~ shall be contingent upon the master electrician obtaining at least 18 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a ~~credential~~ certification as a certified master electrician may apply to the department for waiver of the continuing education requirements under subd. 1. 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.

SECTION 31. Comm 5.44 (1)(intro.), (5)(a), (b)(intro.) and (b) 1., and (6)(b) are amended to read:

Comm 5.44 (1) GENERAL. A person may obtain a ~~credential~~ certification as a certified journeyman electrician by either one of the following:

(5) **APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION.** (a) Upon notification of the successful passage of the examination for a journeyman electrician certification, a person may obtain the certification by submitting an application and the ~~credential~~ certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(b) A person may apply for a ~~credential~~ certification as a certified journeyman electrician by submitting all of the following:

1. An application, application fee and a ~~credential~~ certification fee in accordance with ss. Comm 5.01 and 5.02, Table 5.02.

(6) (b) 1. The renewal of a certification as a journeyman electrician ~~which has an expiration date after June 30, 1999~~ shall be contingent upon the journeyman electrician obtaining at least 18 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a ~~credential~~ certification as a certified journeyman electrician may apply to the department for waiver of the continuing education requirements under subd. 1. 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.

SECTION 32. Comm 5.45 (1)(title) and (b) are amended to read:

Comm 5.45 (1) APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION. (b) An application fee and ~~credential~~ a certification fee in accordance with s. Comm 5.02, Table 5.02.

SECTION 33. Comm 5.50 is amended to read:

Comm 5.50 Fire sprinkler installers. (1) (a) Except as provided in par. (b), pursuant to ss. 145.15 (4), 145.165 and 145.175, Stats., no person may install, maintain or repair automatic fire sprinkler systems unless the person holds a ~~credential~~ license or registration issued by the department as a licensed automatic fire sprinkler contractor, a licensed journeyman sprinkler fitter, a registered automatic fire sprinkler system apprentice, a registered automatic fire sprinkler contractor-maintenance, or a registered automatic fire sprinkler fitter-maintenance.

(b) Paragraph (a) does not apply to a person repairing, replacing or maintaining electrical supervisory devices for existing automatic fire sprinkler systems.

(2) No person may conduct the annual activities relative to inspection and testing of an existing automatic fire sprinkler system and components as required by s. Comm 51.23 (6) unless the person holds a ~~credential~~ license or registration issued by the department as a licensed automatic fire sprinkler contractor, a licensed journeyman sprinkler fitter, a registered automatic fire sprinkler system apprentice, a registered automatic fire sprinkler contractor-maintenance, a registered automatic fire sprinkler fitter-maintenance or a registered automatic fire sprinkler system tester.

Note: The rules of this subchapter further restrict or limit the type of automatic fire sprinkler installations and activities which certain ~~credential~~ license or registration categories may perform or undertake.

SECTION 34. Comm 5.51 (2m) is created to read:

Comm 5.51 (2m) QUALIFICATIONS FOR EXAMINATION. A person applying for an automatic fire sprinkler contractor license examination shall have one of the following qualifications relating to the engineering principles and skills associated with the design, installation and maintenance of automatic fire sprinkler systems:

(a) At least 1000 hours of experience per year for at least 3 consecutive years as a licensed journeyman automatic fire sprinkler fitter.

(b) Graduated from an accredited 4-year university or college with a degree in civil engineering, mechanical engineering or other approved engineering curriculum related to automatic fire sprinklers.

(c) At least 1000 hours of experience per year for at least 7 years in automatic fire sprinkler design or installation. Each semester spent full-time in a school of civil or mechanical engineering or other accredited college, university, technical or vocational school in an automatic fire sprinkler-related program shall be considered equivalent to 500 hours of experience, with no more than 3,000 hours and 3 years of experience through education being credited toward the 7 years of experience.

(d) A level III certification in fire protection/automatic fire sprinkler system layout from the national institute for certification in engineering technologies.

SECTION 35. Comm 5.51 (4) and (5) are amended to read:

Comm 5.51 (4) APPLICATION FOR ~~CREDENTIAL~~ LICENSE. Upon notification of the successful passage of the examination for an automatic fire sprinkler system contractor license, a person may obtain the license by submitting an application and the credential license fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(5) RESPONSIBILITIES. A person who installs, inspects, tests or maintains an automatic fire sprinkler system as a licensed automatic fire sprinkler contractor shall utilize the ~~appropriate credentialed~~ appropriately licensed or registered persons to install, inspect, test or maintain automatic fire sprinkler systems.

SECTION 36. Comm 5.51 (6)(c) is created to read:

Comm 5.51 (6) (c) 1. The renewal of a license as an automatic fire sprinkler contractor which has an expiration date after June 30, 2002 shall be contingent upon the automatic fire sprinkler contractor obtaining at least 12 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a license as an automatic fire sprinkler contractor may apply to the department for waiver of the continuing education requirements under subd. 1. 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.

SECTION 37. Comm 5.52 (1) and (5) are amended to read:

Comm 5.52 (1) GENERAL. The activities under s. Comm 5.50 that may be undertaken by a person who holds a ~~credential~~ license as a licensed journeyman automatic fire sprinkler fitter shall be performed under the general supervision of a person who holds a credential license as a licensed automatic fire sprinkler contractor.

(5) APPLICATION FOR ~~CREDENTIAL~~ LICENSE. Upon notification of the successful passage of the examination for a journeyman automatic fire sprinkler system fitter license, a person may obtain the license by submitting an application and the credential license fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

SECTION 38. Comm 5.52 (6)(c) is created to read:

Comm 5.52 (6) (c) 1. The renewal of a license as a journeyman automatic fire sprinkler fitter which has an expiration date after June 30, 2002 shall be contingent upon the journeyman automatic fire sprinkler fitter obtaining at least 12 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a license as a journeyman automatic fire sprinkler fitter may apply to the department for waiver of the continuing education requirements under subd. 1. 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.

SECTION 39. Comm 5.53 (1), (2)(title) and (b), and (3)(title) are amended to read:

Comm 5.53 (1) GENERAL. The activities under s. Comm 5.50 that may be undertaken by a person who holds a credential registration as a registered automatic fire sprinkler system apprentice shall be performed under the general supervision of a person who is a licensed automatic fire sprinkler contractor.

(2) APPLICATION FOR ~~CREDENTIAL~~ REGISTRATION. (b) An application fee and a credential registration fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR ~~CREDENTIAL~~ REGISTRATION.

SECTION 40. Comm 5.54 (1)(intro.) and (4) are amended to read:

Comm 5.54 (1) GENERAL. Pursuant to s. 145.175, Stats., the activities under s. Comm 5.50 that may be undertaken by a person who holds a credential registration as a registered automatic fire sprinkler contractor-maintenance shall be:

(4) APPLICATION FOR ~~CREDENTIAL~~ REGISTRATION. Upon notification of the successful passage of the examination for an automatic fire sprinkler contractor-maintenance registration, a person may obtain the registration by submitting an application and the credential registration fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

SECTION 41. Comm 5.54 (5)(c) is created to read:

Comm 5.54 (5) (c) 1. The renewal of a registration as an automatic fire sprinkler contractor-maintenance which has an expiration date after June 30, 2002 shall be contingent upon the automatic fire sprinkler contractor-maintenance obtaining at least 6 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a registration as an automatic fire sprinkler contractor-maintenance may apply to the department for waiver of the continuing education requirements under subd. 1. 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.

SECTION 42. Comm 5.55 (1)(b) and (2)(title) and (b) are amended to read:

Comm 5.55 (1) (b) Under the general supervision of a person who holds a credential registration as a registered automatic fire sprinkler contractor-maintenance.

(2) APPLICATION FOR ~~CREDENTIAL~~ REGISTRATION. (b) An application fee and a credential registration fee in accordance with s. Comm 5.02, Table 5.02.

SECTION 43. Comm 5.56 (1) and (4) are amended to read:

Comm 5.56 (1) GENERAL. A person who holds a credential registration issued by the department as a registered automatic fire sprinkler system tester may conduct the annual activities relative to inspection and testing of an existing automatic fire sprinkler system and components as required by s. Comm 51.23 (6) and NFPA 25.

(4) APPLICATION FOR CREDENTIAL REGISTRATION. Upon notification of the successful passage of the examination for an automatic fire sprinkler system tester registration, a person may obtain the registration by submitting an application and the credential registration fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

SECTION 44. Comm 5.60 (1)(intro.), (2)(title) and (b), and (3)(title) are amended to read:

Comm 5.60 (1) GENERAL. No person may inspect, as required under chs. ILHR Comm 41 and 42, a boiler or pressure vessel for the purpose of determining compliance with chs. ILHR Comm 41 and 42 or submit an inspection report to the department documenting compliance or noncompliance with chs. ILHR Comm 41 and 42 unless the person holds a credential certification issued by the department as a:

(2) APPLICATION FOR CREDENTIAL CERTIFICATION. (b) An application fee and a credential certification fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR CREDENTIAL CERTIFICATION.

SECTION 45. Comm 5.61 (1), (1)Note 2 and (4) are amended to read:

Comm 5.61 (1) GENERAL. A person who holds a credential certification issued by the department as a certified commercial building inspector may conduct inspections of public buildings and places of employment for the purpose of administering and enforcing chs. ILHR Comm 50 to 64, Comm 66, Comm 69 or Comm 70.

Note: Pursuant to s. 101.14 (2), Stats., deputies of the department may perform fire prevention inspections of public buildings and places of employment without holding the credential certification as a certified commercial building inspector.

(4) APPLICATION FOR CREDENTIAL CERTIFICATION. Upon notification of the successful passage of the examination for a commercial building inspector certification, a person may obtain the certification by submitting an application and the credential certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

SECTION 45m. Comm 5.61 (6)(b) is repealed.

SECTION 45r. Comm 5.61 (6)(c) is renumbered (b) and amended to read:

Comm 5.61 (6) (b) 1. The renewal of a credential certification as a certified commercial building inspector ~~which has an expiration date after June 30, 1998~~ shall be contingent upon the

commercial building inspector obtaining at least 12 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a credential certification as a certified commercial building inspector may apply to the department for waiver of the continuing education requirements under subd. 1. 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.

SECTION 46. Comm 5.62 (1), (1)Note, (3)(c) and (5) are amended to read:

Comm 5.62 (1) GENERAL. Pursuant to s. 101.88 (2), Stats., no person may conduct the inspection of electrical installations in public buildings and places of employment for the purpose of administering and enforcing ch. Comm 16 unless the person holds a credential certification issued by the department as a certified commercial electrical inspector.

Note: Those persons who hold a valid credential certification as a certified restricted commercial electrical inspector will be issued a credential as a certified commercial electrical inspector upon application for renewal.

(3) (c) At least 1,000 hours per year for at least 3 years of experience in electrical work and holds a credential registration or certification under ch. 443, Stats., as a registered professional engineer, a registered architect or a certified designer of electrical systems.

(5) APPLICATION FOR CREDENTIAL CERTIFICATION. (a) Upon notification of the successful passage of the examination for a commercial electrical inspector certification, a person may obtain the certification by submitting an application and the credential certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(b) A person may apply for a credential certification as a certified commercial electrical inspector by submitting:

1. An application, an application fee and the credential certification fee in accordance with ss. Comm 5.01 and 5.02; and
2. Evidence that the person holds a certification as a master electrician issued under s. Comm 5.42.

SECTION 46m. Comm 5.62 (7)(b) is repealed.

SECTION 46r. Comm 5.62 (7)(c) is renumbered (b) and amended to read:

Comm 5.62 (7) (b) 1. The renewal of a certification as a commercial electrical inspector ~~which has an expiration date after June 30, 1998~~ shall be contingent upon the commercial electrical inspector obtaining at least 12 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a credential certification as a certified commercial electrical inspector may apply to the department for waiver of the continuing education requirements under subd. 1. 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.

SECTION 47. Comm 5.63 (1)(a)(intro.), (a) 5. Note and (b)(intro.), and (4)(a) and (b) 1. are amended to read:

Comm 5.63 (1) (a) Pursuant to s. 101.66 (2), Stats., no person may conduct the inspection of one- and 2-family dwellings for the purpose of administering and enforcing chs. ~~ILHR~~ Comm 20 to 25 unless the person holds ~~a credential~~ one or more of the following certifications issued by the department ~~as a:~~

(a) 5. **Note:** Pursuant to s. 101.14 (1) (bm), Stats., deputies of the department may perform inspections for smoke detector installation and maintenance without holding a ~~credential~~ credential certification issued by the department.

(b) A person who holds a ~~credential~~ credential certification as a:

(4) **APPLICATION FOR ~~CREDENTIAL~~ CREDENTIAL CERTIFICATION**. (a) Upon notification of the successful passage of the examination for ~~an~~ a UDC-construction inspector certification, ~~an~~ a UDC-electrical inspector certification, ~~an~~ a UDC-HVAC inspector certification, or ~~an~~ a UDC-plumbing inspector certification, a person may obtain the certification by submitting an application and the ~~credential~~ credential certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(b) 1. Submit an application, an application fee and ~~credential~~ credential certification fee in accordance with ss. Comm 5.01 and 5.02; and

SECTION 47m. Comm 5.63 (6)(b) is repealed.

SECTION 47r. Comm 5.63 (6)(c) is renumbered (b) and amended to read:

Comm 5.63 (6) (b) 1. The renewal of a certification as ~~an~~ a UDC-construction inspector, UDC-electrical inspector, UDC-HVAC inspector, or UDC-plumbing inspector ~~which has an expiration date after June 30, 1998~~ shall be contingent upon the inspector obtaining at least 12 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a ~~credential~~ credential certification as a certified UDC-construction inspector, certified UDC-electrical inspector, certified UDC-HVAC inspector, or certified UDC-plumbing inspector may apply to the department for waiver of the continuing education requirements under subd. 1. 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.

SECTION 48. Comm 5.64 (1), (2)(intro.), (4), and (6)(c)2. are amended to read:

Comm 5.64 (1) GENERAL. No person, as an authorized representative of the department, may provide inspections required under ch. Comm 18 unless the person holds a credential certification issued by the department as a certified elevator inspector.

(2) ~~INSPECTOR CREDENTIALS~~ METHODS TO OBTAIN CERTIFICATION. A person may obtain a credential certification as a certified elevator inspector by either one of the following:

(4) APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION. (a) Upon notification of the successful passage of the examination for an elevator inspector certification, a person may obtain the certification by submitting an application and the credential certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(b) A person may apply for a credential certification as a certified elevator inspector by submitting all of the following:

1. An application, an application fee and the credential certification fee in accordance with ss. Comm 5.01 and 5.02.

2. Evidence that the person holds a certification as an ASME QEI-1 elevator inspector.

(6) (c) 2. A person who holds a credential certification as a certified elevator inspector may apply to the department for waiver of the continuing education requirements under subd. 1. 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.

SECTION 49. Comm 5.66 (1) and (4) are amended to read:

Comm 5.66 (1) GENERAL. A person who holds a credential certification issued by the department as a certified POWTS inspector may inspect privately owned wastewater treatment systems, POWTS, for the purpose of administering and enforcing the provisions of chs. Comm 82 to 87, as an authorized representative of the department or a local governmental unit.

(4) APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION. Upon notification of the successful passage of the examination for a POWTS inspector certification, a person may obtain the certification by submitting an application and the credential certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

SECTION 49m. Comm 5.66 (6)(b) is repealed.

SECTION 49r. Comm 5.66 (6)(c) is renumbered (b) and amended to read:

Comm 5.66 (6) (b) 1. The renewal of a certification as a POWTS inspector ~~which has an expiration date after June 30, 1998~~ shall be contingent upon the POWTS inspector obtaining at least 6 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a ~~credential~~ certification as a certified POWTS inspector may apply to the department for waiver of the continuing education requirements under subd. 1. 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.

SECTION 50. Comm 5.67 (1) and (4) are amended to read:

Comm 5.67 (1) GENERAL. No person may inspect rental units to determine compliance with ch. Comm 67 unless the person holds a ~~credential~~ certification issued by the department as a certified rental weatherization inspector.

(4) APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION. Upon notification of the successful passage of the examination for a rental weatherization inspector certification, a person may obtain the certification by submitting an application and the ~~credential~~ certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

SECTION 50m. Comm 5.67 (6)(b) is repealed.

SECTION 50r. Comm 5.67 (6)(c) is renumbered (b) and amended to read:

Comm 5.67 (6) (b) 1. The renewal of a certification as a rental weatherization inspector ~~which has an expiration date after June 30, 1999~~ shall be contingent upon the rental weatherization inspector obtaining at least 6 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a ~~credential~~ certification as a certified rental weatherization inspector may apply to the department for waiver of the continuing education requirements under subd. 1. 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.

SECTION 51. Vacant

SECTION 52. Comm 5.68 (1), (5), and (7)(b) are amended to read:

Comm 5.68 (1) GENERAL. No person may inspect a tank system which has held or will hold flammable or combustible liquids to determine compliance with ch. ~~ILHR~~ Comm 10 unless the person holds a ~~credential~~ certification issued by the department as a certified tank system inspector.

(5) APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION. Upon notification of successfully passing the examination for a tank system inspector certification, a person may obtain the certification by submitting an application and the ~~credential~~ certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(7) (b) 1. The renewal of a credential certification as a certified tank system inspector which has an expiration date after December 31, 1999 shall be contingent upon the inspector obtaining at least 12 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a credential certification as a certified tank system inspector may apply to the department for waiver of the continuing education requirements under subd. 1. 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.

SECTION 53. Comm 5.70 (1)(a) and (b) 1. and 2. are amended to read:

Comm 5.70 (1) GENERAL. (a) Pursuant to ss. 101.177 (2) and (3) (a) and 101.178 (2), Stats., no person, entity or business may engage or offer to engage in the activity of installing or servicing heating, ventilating or air conditioning equipment, except as provided in par. (b), or installing or servicing refrigeration equipment that would release or may release ozone-depleting refrigerant or sell for reuse used ozone-depleting refrigerant from refrigeration equipment, unless the person, entity or business holds a credential registration issued by the department as a registered HVAC contractor.

(b) 1. A person, entity or business is not required to hold a credential registration as a registered HVAC contractor to service existing heating, ventilating or air conditioning equipment or systems within facilities or properties owned by the person or entity.

2. A person, entity or business is not required to hold a credential registration as a registered HVAC contractor for electrical or plumbing work associated with the installation or servicing of HVAC equipment or systems.

SECTION 53m. Comm 5.70 (1)(b) 3., 4. and Note are repealed.

SECTION 53r. Comm 5.70 (2)(title) and (b), and (3)(title) are amended to read:

Comm 5.70 (2) APPLICATION FOR CREDENTIAL REGISTRATION. (b) An application fee and a credential registration fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR CREDENTIAL REGISTRATION.

SECTION 54. Comm 5.71 (5) is amended to read:

Comm 5.71 (5) APPLICATION FOR CREDENTIAL CERTIFICATION. Upon notification of the successful passage of the examination for HVAC qualifier certification, a person may obtain the certification by submitting an application and the credential certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

SECTION 55. Comm 5.72 (1), (2)(title) and (b), (3), and (5)(intro.) and (a)2. are amended to read:

Comm 5.72 (1) GENERAL. Pursuant to s. 101.177 ~~(2)~~ (4), Stats., no person may install or service a piece of refrigeration equipment that would release or may release an ozone-depleting refrigerant unless the person holds a credential certification issued by the department as a certified refrigerant handling technician.

(2) APPLICATION FOR CREDENTIAL CERTIFICATION. (b) An application fee and a credential certification fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR CREDENTIAL CERTIFICATION. A person applying for a refrigerant handling technician certification shall hold a credential certification issued per 40 CFR part 82.161.

(5) EXPIRATION SUNSET. All credential certifications for certified refrigerant handling technicians issued by the department prior to November 1, 1996, shall expire on a date specified in writing by the department.

(a) 2. The expiration date specified by the department for any certified refrigerant handling technician shall not be less than 3 years from the issuance of the original credential certification.

SECTION 56. Comm 5.80 (1)(a), (2)(title) and (b), and (3)(title) are amended to read:

Comm 5.80 (1) (a) A corporation, partnership, sole proprietor or independent contractor that performs or provides professional level engineering or hydrogeological services related to a claim submitted for reimbursement under the PECFA program, ch. ~~ILHR~~ Comm 47, shall hold a credential registration issued by the department as a registered PECFA consulting firm.

(2) APPLICATION FOR CREDENTIAL REGISTRATION. (b) An application fee and credential a registration fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR CREDENTIAL REGISTRATION.

SECTION 57. Comm 5.81 (1)(a), and (2)(title) and (b) are amended to read:

Comm 5.81 (1) (a) A person who performs or provides professional level investigation, interpretation, design or technical project management services related to a claim submitted for reimbursement under the PECFA program, ch. ~~ILHR~~ Comm 47, shall hold a credential registration issued by the department as a registered PECFA consultant.

(2) APPLICATION FOR CREDENTIAL REGISTRATION. (b) An application fee and credential a registration fee in accordance with s. Comm 5.02, Table 5.02

SECTION 58. Comm 5.82 (1)(a), (2)(title) and (b), and (3)(title) are amended to read:

Comm 5.82 (1) GENERAL. ~~(a)~~ A corporation, partnership, sole proprietor or independent contractor that provides or offers to provide storage tank system installation, removal, testing, lining,

cleaning or site assessments shall hold a ~~credential~~ registration issued by the department as a registered specialty tank firm.

(2) APPLICATION FOR ~~CREDENTIAL~~ REGISTRATION. (b) An application fee and ~~credential~~ a registration fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR ~~CREDENTIAL~~ REGISTRATION.

SECTION 59. Comm 5.83 (1) and (4) are amended to read:

Comm 5.83 (1) GENERAL. No person may conduct a site closure assessment required under s. ~~ILHR~~ Comm 10.734 unless the person holds a ~~credential~~ certification issued by the department as a certified site assessor.

(4) APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION. Upon notification of successfully passing the examination for a site assessor certification, a person may obtain the certification by submitting an application and the ~~credential~~ certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

SECTION 60. Comm 5.84 (1)(a) and (b), and (4) are amended to read:

Comm 5.84 (1) (a) The person holds a ~~credential~~ certification issued by the department as a certified aboveground tank system installer; or

(b) The person is under the direct supervision of another person who holds a ~~credential~~ certification issued by the department as a certified aboveground tank installer.

(4) APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION. Upon notification of successfully passing the examination for an aboveground tank system installer certification, a person may obtain the certification by submitting an application and the ~~credential~~ certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

SECTION 61. Comm 5.85 (1)(a) and (b), and (4) are amended to read:

Comm 5.85 (1) (a) The person holds a ~~credential~~ certification issued by the department as a certified underground tank system installer; or

(b) The person is under the direct supervision of another person who holds a ~~credential~~ certification issued by the department as a certified underground tank system installer.

(4) APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION. Upon notification of successfully passing the examination for an underground tank system installer certification, a person may obtain the certification by submitting an application and the ~~credential~~ certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

SECTION 62. Comm 5.86 (1)(a) and (b), and (4) are amended to read:

Comm 5.86 (1) (a) The person holds a ~~credential~~ credential certification issued by the department as a certified tank system liner; or

(b) The persons is under the direct supervision of another person who holds a ~~credential certification~~ credential certification issued by the department as a certified tank system liner.

(4) **APPLICATION FOR ~~CREDENTIAL~~ CREDENTIAL CERTIFICATION**. Upon notification of successfully passing the examination for a tank system liner certification, a person may obtain the certification by submitting an application and the ~~credential certification~~ credential certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

SECTION 63. Comm 5.87 (1)(a) and (b), and (4) are amended to read:

Comm 5.87 (1) (a) The person holds a ~~credential~~ credential certification issued by the department as a certified tank system remover-cleaner; or

(b) The person is under the direct supervision of another person who holds a ~~credential certification~~ credential certification issued by the department as a certified tank system remover-cleaner.

(4) **APPLICATION FOR ~~CREDENTIAL~~ CREDENTIAL CERTIFICATION**. Upon notification of successfully passing the examination for a tank system remover-cleaner certification, a person may obtain the certification by submitting an application and the ~~credential certification~~ credential certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

SECTION 64. Comm 5.88 (1), (2)(title) and (b), and (3)(title) are amended to read:

Comm 5.88 (1) GENERAL. No person may conduct the tightness testing of a tank system which has held or will hold flammable or combustible liquids unless the person holds a ~~credential certification~~ credential certification issued by the department as a certified tank system tightness tester.

(2) **APPLICATION FOR ~~CREDENTIAL~~ CREDENTIAL CERTIFICATION**. (b) An application fee and ~~credential~~ a certification fee in accordance with s. Comm 5.02, Table 5.02.

(3) **QUALIFICATIONS FOR ~~CREDENTIAL~~ CREDENTIAL CERTIFICATION**.

SECTION 65. Comm 5.90 (1) and (2) are amended to read:

Comm 5.90 Plumbing. (1) (a) Except as provided under s. 145.06 (4), Stats., and pursuant to s. 145.06, Stats., no person may install plumbing unless the person holds a ~~credential license or registration~~ credential license or registration issued by the department as a licensed master plumber, licensed master plumber-restricted, licensed journeyman plumber, licensed journeyman plumber-restricted, registered plumbing apprentice, registered plumbing learner-restricted, registered utility contractor or registered pipelayer.

(b) 1. Pursuant to s. 145.14, Stats., the plumbing activities that may be undertaken by a person who holds a credential license or registration as a licensed master plumber-restricted service, licensed journeyman plumber-restricted service or a registered plumbing learner-restricted service shall be limited to the installation or modification of all of the following:

- a. Privately owned wastewater treatment systems and components under ch. Comm 83.
- b. Building sewers and private interceptor main sewers under ch. Comm 82.
- c. Water services and private water mains under ch. Comm 82.

2. a. The plumbing activities that may be undertaken by a person who holds a credential license as a licensed master plumber-restricted service type 2 or licensed journeyman plumber-restricted service type 2 shall be limited to the installation or modification of underground drain and vent piping and plumbing delineated under subd. 1.

b. The plumbing activities that may be undertaken by a person who holds a credential license as a licensed master plumber-restricted service type 3 or licensed journeyman plumber-restricted service type 3 shall be limited to the modification of existing water distribution systems and plumbing delineated under subd. 1.

c. The plumbing activities that may be undertaken by a person who holds a credential license as a licensed master plumber-restricted service type 4 or licensed journeyman plumber-restricted service type 4 shall be limited to the installation or modification of drain and vent piping to existing drain stacks and vent stacks for the conversion from a private sewage system to municipal sewers and plumbing delineated under subd. 1.

Note: Prior to November 1, 1996, plumber-restricted service licenses were referred to as plumber-restricted-sewer licenses and those licenses formerly referred to as plumber-restricted sewer type 1 are now titled plumber-restricted service. Restricted service plumbing licenses types 2 to 4 are no longer available to new applicants. Individuals who currently hold these types of licenses are permitted to renew the licenses and continue to perform the activities under subd. 2. Individuals who hold a journeyman plumber-restricted service type 2 to 4 may seek to obtain the appropriate type of master plumber-restricted service license in accordance with s. Comm 5.92.

3. Pursuant to s. 145.14, Stats., the plumbing activities that may be undertaken by a person who holds a credential license or registration as a licensed master plumber-restricted appliance, licensed journeyman plumber-restricted appliance, or registered plumbing learner-restricted appliance shall be limited to the installation and modification of water heaters, water softeners, water treatment devices and other items in connection with an existing water supply system which do not require direct connection to the drain system.

4. The plumbing activities that may be undertaken by a person who holds a credential license or registration as a licensed utility contractor or registered pipelayer shall be limited to the installation or modification of water services, private water mains, sanitary building sewers, storm building sewers and private interceptor main sewers.

(2) Pursuant to s. 145.06 (3m), Stats., no person may perform the required testing of cross connection control devices unless the person holds a credential registration issued by the department as a cross-connection control tester.

SECTION 66. Comm 5.91 (1)(intro.) is amended to read:

Comm 5.91 (1) GENERAL. A person may obtain a credential license as a licensed master plumber by either:

SECTION 66h. Comm 5.91 (4)Note is created to read:

Comm 5.91 (4) Note: After December 31, 2001, the examination for a master plumber license will include questions relative to the design and installation of multipurpose piping systems.

SECTION 66k. Comm 5.91 (5) is amended to read:

Comm 5.91 (5) APPLICATION FOR CREDENTIAL LICENSE. (a) Upon notification of the successful passage of the examination for a master plumber license, a person may obtain the license by submitting an application and the credential license fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(b) A person may apply for a credential license as a licensed master plumber by submitting:

1. An application, application fee and a credential license fee in accordance with ss. Comm 5.01 and 5.02, Table 5.02; and
2. Evidence of possessing a master plumber license-retiree.

SECTION 66n. Comm 5.91 (6) is renumbered (6)(a) and amended to read:

Comm 5.91 (6) RESPONSIBILITIES. (a) A person who as a licensed master plumber is responsible for the installation or modification of plumbing shall utilize the appropriate credentialed appropriately licensed or registered persons to install or modify plumbing.

SECTION 66p. Comm 5.91 (6)(b) is created to read:

Comm 5.91 (6) (b) 1. A person who has obtained his or her master plumber license prior to January 1, 2002 and who is responsible for the installation or modification of a multipurpose piping system shall have completed an approved course in the engineering principles and skills associated with the design, installation and maintenance of multipurpose piping systems prior to installing such a system.

2. A course to fulfill the obligation under subd. 1. shall be approved and conducted in accordance with s. Comm 5.08.

SECTION 66t. Comm 5.91 (7)(b)3. and (8)(b) are amended to read:

Comm 5.91 (7) (b) 3. The ~~credential~~ license fee for a master plumber specified in s. Comm 5.02, Table 5.02 is submitted.

(8) (b) 1. The renewal of a ~~credential~~ license as a ~~licensed~~ master plumber shall be contingent upon the master plumber obtaining at least 12 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a ~~credential~~ license as a ~~licensed~~ master plumber may apply to the department for waiver of the continuing education requirements under subd. 1. 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.

SECTION 67. Comm 5.92 (1)(intro.), (5), (6), (7)(b)3. and (8)(b) are amended to read:

Comm 5.92 (1) GENERAL. A person may obtain a ~~credential~~ license as a licensed master plumber-restricted by either:

(5) ~~APPLICATION FOR CREDENTIAL LICENSE.~~ (a) Upon notification of the successful passage of the examination for a master plumber-restricted service or master plumber-restricted appliance license, a person may obtain the license by submitting an application and the ~~credential~~ license fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(b) A person may apply for a ~~credential~~ license as a licensed master plumber-restricted service or a licensed master plumber-restricted appliance by submitting:

1. An application, application fee and a ~~credential~~ license fee in accordance with ss. Comm 5.01 and 5.02, Table 5.02; and

2. Evidence of possessing the appropriate master plumber-restricted license-retiree.

(6) **RESPONSIBILITIES.** A person who, as a licensed master plumber-restricted service or licensed master plumber-restricted appliance, is responsible for an installation or modification of plumbing shall utilize the ~~appropriate credentialed~~ appropriately licensed or registered persons to install or modify plumbing.

(7) (b) 3. The ~~credential~~ license fee for a master plumber-restricted license specified in s. Comm 5.02, Table 5.02 is submitted.

(8) (b) 1. The renewal of a ~~credential~~ license as a ~~licensed~~ master plumber-restricted service or master plumber-restricted appliance shall be contingent upon the plumber obtaining at least 6 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a ~~credential~~ license as a ~~licensed~~ master plumber-restricted service or master plumber-restricted appliance may apply to the department for waiver of the continuing education requirements under subd. 1. 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.

SECTION 68. Comm 5.93 (1)(a) and (b)(intro.), and (5) are amended to read:

Comm 5.93 (1) GENERAL. (a) The plumbing activities that may be undertaken by a person who holds a credential license as a licensed journeyman plumber shall be performed under the general supervision of a person who holds a master plumber license, master plumber-restricted license, or utility contractor license.

(b) A person may obtain a credential license as a licensed journeyman plumber by either:

(5) APPLICATION FOR CREDENTIAL LICENSE. (a) Upon notification of the successful passage of the examination for a journeyman plumber license, a person may obtain the license by submitting an application and the credential license fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(b) A person may apply for a credential license as a licensed journeyman plumber by submitting:

1. An application, application fee and a credential license fee in accordance with ss. Comm 5.01 and 5.02, Table 5.02; and
2. Evidence of possessing a journeyman plumber license-retiree.

SECTION 69. Comm 5.94 (1)(a) and (b)(intro.), and (5) are amended to read:

Comm 5.94 (1) GENERAL. (a) 1. The plumbing activities as delineated under s. Comm 5.90 (1) (b) that may be undertaken by a person who holds a credential license as a licensed journeyman plumber-restricted service shall be performed under the general supervision of a person who is a licensed master plumber or a licensed master plumber-restricted service.

2. The plumbing activities as delineated under s. Comm 5.90 (1) (b) that may be undertaken by a person who holds a credential license as a licensed journeyman plumber-restricted appliance shall be performed under the general supervision of a person who is a licensed master plumber or a licensed master plumber-restricted appliance.

(b) A person may obtain a credential license as a licensed journeyman plumber-restricted by either:

(5) APPLICATION FOR CREDENTIAL LICENSE. (a) Upon notification of the successful passage of the examination for a journeyman plumber-restricted license, a person may obtain the license by submitting an application and the credential license fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(b) A person may apply for a credential license as a licensed journeyman plumber-restricted service or a licensed journeyman plumber-restricted appliance by submitting:

1. An application, application fee and a credential license fee in accordance with ss. Comm 5.01 and 5.02, Table 5.02; and

2. Evidence of possessing the appropriate journeyman plumber-restricted license-retiree.

SECTION 70. Comm 5.95 (1), and (2)(title) and (b) are amended to read:

Comm 5.95 (1) GENERAL. A person who holds a credential registration as a registered plumbing apprentice may install or modify plumbing under the general supervision of a person who is a licensed master plumber.

(2) APPLICATION FOR CREDENTIAL REGISTRATION. (b) An application fee and a credential registration fee in accordance with s. Comm 5.02, Table 5.02.

SECTION 71. Comm 5.96 (1), (2)(title) and (b), and (3)(title) are amended to read:

Comm 5.96 (1) GENERAL. (a) The plumbing activities that may be undertaken by a person who holds a credential registration as a registered learner-restricted service shall be performed under the direct supervision of a person who holds a master plumber license, a master plumber-restricted service license, a journeyman plumber license or a journeyman plumber-restricted service license.

(b) The plumbing activities that may be undertaken by a person who holds a credential registration as a registered learner-restricted appliance shall be performed under the direct supervision of a person who holds a master plumber license, a master plumber-restricted appliance license, a journeyman plumber license or a journeyman plumber-restricted appliance license.

(2) APPLICATION FOR CREDENTIAL REGISTRATION. (b) An application fee and credential a registration fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR CREDENTIAL REGISTRATION.

SECTION 72. Comm 5.97 (1), (5), and (6) are amended to read:

Comm 5.97 (1) GENERAL. A person who holds a credential license as a licensed utility contractor may install or modify water services, private water mains, sanitary building sewers, storm building sewers, or private interceptor main sewers.

(5) APPLICATION FOR CREDENTIAL LICENSE. Upon notification of the successful passage of the examination for a utility contractor license, a person may obtain the license by submitting an application and a credential license fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(6) RESPONSIBILITIES. A person who, as a licensed utility contractor, installs or modifies water services, private water mains, sanitary building sewers, storm building sewers, or private interceptor main sewers shall utilize the appropriate credentialed appropriately licensed or registered persons to install or modify the plumbing.

SECTION 73. Comm 5.98 (1), (2)(title) and (b), and (3)(title) are amended to read:

Comm 5.98 (1) GENERAL. Pursuant to s. 145.07 (11), Stats., a person who holds a credential registration as a registered pipelayer may install or modify water services, private water mains, sanitary building sewers, storm building sewers, or private interceptor main sewers under the general supervision of a licensed utility contractor, licensed master plumber, or a licensed master plumber-restricted service.

(2) APPLICATION FOR CREDENTIAL REGISTRATION. (b) An application fee and a credential registration fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR CREDENTIAL REGISTRATION.

SECTION 74. Comm 5.99 (1), (2)(title) and (b), and (3)(title) are amended to read:

Comm 5.99 (1) GENERAL. Pursuant to s. 145.06 (3m), Stats., no person may conduct a performance test of a cross connection control device as required by s. Comm 82.21 (3) unless the person holds a credential registration issued by the department as a registered cross connection control tester.

(2) APPLICATION FOR CREDENTIAL REGISTRATION. (b) An application fee and a credential registration fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR CREDENTIAL REGISTRATION.

SECTION 75. As affected by Clearinghouse Rule No. 98-083, Comm 81.01 (155m) is created to read:

Comm 81.01 (155m) “Multipurpose piping system” means a type of water distribution system conveying potable water to plumbing fixtures and appliances and automatic fire sprinklers with the intention of serving both domestic water needs and fire protection needs within a one- or 2-family dwelling or manufactured dwelling.

SECTION 76. Vacant

SECTION 77. Comm 82.40 (3)(f) is created to read:

Comm 82.40 (3) (f) *Multipurpose piping system.* 1. Except as provided in subd. 2., a multipurpose piping system shall be designed and installed in accordance with this section and NFPA 13D.

Note: Pursuant to this subdivision and sub. (2), materials for multipurpose piping systems need to be acceptable under the NFPA 13D standard and s. Comm 84.30 Table 84.30-9.

2. a. Fire department connections are prohibited in a multipurpose piping system.

b. Sections 2-3(b), 2-3(d), 3-6, 4-1.4.1, 4-1.4.2, 4-4.2 Exception No. 2(h), 4-6, 5-3.2, 5-4.3 and 5-5 of NFPA 13D do not apply in Wisconsin.

c. The following wording is substituted for section 5-4.4 of NFPA 13D: The minimum distance between sprinklers shall be 6 feet.

SECTION 77m. Comm 84.30 Table 84.30-9 is amended to read:

**Table 84.30-9
WATER DISTRIBUTION PIPE AND TUBING
(partial table)**

Material	Standard
Chlorinated polyvinyl chloride (CPVC) ^a	ASTM D2846; ASTM F441 ^c ; <u>ASTM F442</u>

SECTION 78. Comm 84.60 Table 84.60-10m is created to read:

Table 84.60-10m

NFPA	National Fire Protection Association 11 Tracy Drive Avon, MA 02322-9908 Telephone: 800-344-3555
Standard Reference Number	Title
NFPA 13D-1999	Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes

(END)

EFFECTIVE DATE

Pursuant to s. 227.22 (2)(intro.), Stats., these rules, except s. Comm 5.91 (6)(b)1., shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

Pursuant to s. 227.22 (2)(b), Stats., s. Comm 5.91 (6)(b)1. shall take effect on the first day of the 4th month following publication in the Wisconsin Administrative Register.
