

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 SENATE BILL 516**

March 2, 2006 – Offered by Representative WIECKERT.

1 **AN ACT** *to repeal* 15.157 (4); *to renumber and amend* 101.625; *to amend*
2 101.63 (2), 101.64 (3), 101.65 (1m), 101.65 (1r) (intro.), 101.654 (title) and
3 101.654 (1) (a); and *to create* 15.157 (5), 101.625 (2), 101.625 (3), 101.654 (1)
4 (c), 101.654 (1m) and 101.654 (5) of the statutes; **relating to:** continuing
5 education and certification requirements for building contractors and
6 certification of building inspectors and granting rule-making authority.

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

7 **SECTION 1.** 15.157 (4) of the statutes is repealed.

8 **SECTION 2.** 15.157 (5) of the statutes is created to read:

9 15.157 (5) CONTRACTOR CERTIFICATION COUNCIL. There is created in the
10 department of commerce a contractor certification council consisting of 3 members
11 who are building contractors holding certificates of financial responsibility under s.

1 101.654 and who are involved in, or who have demonstrated an interest in,
2 continuing education for building contractors. The members shall be appointed by
3 the secretary of commerce for 3–year terms.

4 **SECTION 3.** 101.625 of the statutes is renumbered 101.625 (intro.) and amended
5 to read:

6 **101.625 Contractor financial responsibility certification council;**
7 **duties.** (intro.) The contractor ~~financial responsibility~~ certification council shall
8 ~~recommend~~ do all of the following:

9 **(1) Recommend** for promulgation by the department rules for certifying the
10 financial responsibility of contractors under s. 101.654. These rules shall include
11 rules providing for the assessment of fees upon applicants for certification of
12 financial responsibility under s. 101.654 and for the suspension and revocation of
13 that certification. The amount of the fees recommended under this ~~section~~
14 subsection may not exceed an amount that is sufficient to defray the costs incurred
15 in certifying the financial responsibility of applicants under s. 101.654.

16 **SECTION 4.** 101.625 (2) of the statutes is created to read:

17 101.625 **(2)** Recommend to the department for approval under s. 101.654 (1m)
18 (b) 1. courses that meet continuing education requirements.

19 **SECTION 5.** 101.625 (3) of the statutes is created to read:

20 101.625 **(3)** Advise the department on the development of course examinations
21 for those persons who are required to pass an examination under s. 101.654 (1m) (b).

22 **SECTION 6.** 101.63 (2) of the statutes is amended to read:

23 101.63 **(2)** Adopt rules for the certification, including provisions for suspension
24 and revocation thereof, of inspectors for the purpose of inspecting building
25 construction, electrical wiring, heating, ventilating, air conditioning and other

1 systems, including plumbing, as defined in s. 145.01 (10), of one- and 2-family
2 dwellings under sub. (1). The rules shall specify that the department may suspend
3 or revoke the certification of an inspector under this subsection for knowingly
4 authorizing the issuance of a building permit to a contractor who is not in compliance
5 with s. 101.654. Persons certified as inspectors may be employees of the department,
6 a city, village, town, county or an independent inspection agency. The department
7 may not adopt any rule which prohibits any city, village, town or county from
8 licensing persons for performing work on a dwelling in which the licensed person has
9 no legal or equitable interest.

10 **SECTION 7.** 101.64 (3) of the statutes is amended to read:

11 101.64 (3) Revise the rules under this subchapter after consultation with the
12 dwelling code council or with the contractor ~~financial responsibility certification~~
13 council, as appropriate.

14 **SECTION 8.** 101.65 (1m) of the statutes is amended to read:

15 101.65 (1m) May not issue a building permit to a person who is required to be
16 certified under s. 101.654 unless that person, on applying for a building permit,
17 produces a certificate ~~of financial responsibility~~ issued by the department or other
18 evidence satisfactory to the department showing that the person is in compliance
19 with s. 101.654.

20 **SECTION 9.** 101.65 (1r) (intro.) of the statutes is amended to read:

21 101.65 (1r) (intro.) Shall ~~provide~~ require an owner who applies for a building
22 permit ~~with~~ to sign a statement advising the owner that if the owner hires a
23 contractor to perform work under the building permit and the contractor is not
24 bonded or insured as required under s. 101.654 (2) (a), the following consequences
25 might occur:

1 **SECTION 10.** 101.654 (title) of the statutes is amended to read:

2 **101.654 (title) Contractor financial responsibility certification;**
3 **education.**

4 **SECTION 11.** 101.654 (1) (a) of the statutes is amended to read:

5 101.654 **(1)** (a) Subject to par. (b), no person may obtain a building permit
6 unless the person annually obtains from the department a certificate of financial
7 responsibility showing that the person is in compliance with sub. (2), completes the
8 continuing education requirements described under sub. (1m), and furnishes to the
9 issuer of the permit proof of completion of those continuing education requirements.

10 **SECTION 12.** 101.654 (1) (c) of the statutes is created to read:

11 101.654 **(1)** (c) 1. In this paragraph, “license” has the meaning given in s. 101.02
12 (21) (a).

13 2. The continuing education requirements under par. (a) and the rules
14 promulgated by the department under sub. (1m) do not apply to any person who
15 holds a current license issued by the department at the time that the person obtains
16 a building permit if the work the person does under the permit is work for which the
17 person is licensed.

18 **SECTION 13.** 101.654 (1m) of the statutes is created to read:

19 101.654 **(1m)** (a) The department shall promulgate rules establishing
20 continuing education requirements for persons seeking to obtain a building permit
21 under sub. (1) (a).

22 (b) The rules promulgated under this subsection shall require all of the
23 following:

1 1. Annual completion of at least 6 hours of continuing education relevant to the
2 professional area of expertise of the person seeking to obtain a building permit,
3 approved by the department.

4 2. Attendance at one or more professional meetings or educational seminars
5 designed for both building contractors and building inspectors.

6 3. For a person who does not hold a certificate of financial responsibility on the
7 effective date of this subdivision [revisor inserts date], successful completion of
8 an examination developed by the department on the continuing education courses
9 required under this subsection.

10 (c) The rules promulgated under this subsection may not require a person who
11 holds a certificate of financial responsibility on the effective date of this paragraph
12 [revisor inserts date], to take an examination on the continuing education courses
13 required under this subsection.

14 (cm) The rules promulgated under this subsection may not require a person to
15 take continuing education courses, or to take an examination on continuing
16 education courses, that are not relevant to that person's professional area of
17 expertise.

18 (d) Subject to the continuing education requirements under pars. (b) and (c),
19 the rules promulgated under par. (a) may specify different continuing education
20 course requirements for persons who hold a certificate of financial responsibility on
21 the effective date of this paragraph [revisor inserts date], and for persons who do
22 not hold a certificate of financial responsibility on the effective date of this paragraph
23 [revisor inserts date].

24 (e) The continuing education approved by the department under par. (b) 1. shall
25 include courses offered by private organizations with whom the department

1 contracts under s. 101.657. The department may approve courses that are offered
2 by other states.

3 **SECTION 14.** 101.654 (5) of the statutes is created to read:

4 101.654 (5) The department may revoke or suspend a certificate of financial
5 responsibility if any of the following apply:

6 (a) The holder fails to comply with the continuing education requirements
7 specified under subs. (1) and (1m).

8 (b) The holder engages in the construction of a dwelling without a permit
9 required under this chapter.

10 (c) The holder is convicted of a crime related to the construction of a dwelling.

11 (d) The holder has been adjudged bankrupt on 2 or more occasions.

12 **SECTION 15. Effective dates.** This act takes effect on the day after publication,
13 except as follows:

14 (1) The treatment of sections 101.65 (1m) and 101.654 (1) (a) of the statutes
15 takes effect on January 1, 2008.

16 (END)