2007 SENATE BILL 28

February 7, 2007 - Introduced by Senators BRESKE, SCHULTZ and LASSA, cosponsored by Representatives HUBLER, HAHN, HINES, ALBERS, MURSAU, BALLWEG, NYGREN and SEIDEL. Referred to Committee on Economic Development, Job Creation, Family Prosperity and Housing.

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

Analysis by the Legislative Reference Bureau

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

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

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

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:
SECTION 1. 101.66 (1) of the statutes is amended to read:

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

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

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

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

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

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

(c) Upon receipt of a copy of the certification required under par. (b) an inspector who is certified under sub. (2) may either authorize the use of the lumber, reject the use of the lumber, or authorize its use subject to more restrictive construction requirements, including requirements as to size, spacing, length of spans, and design.
SECTION 3. 101.977 of the statutes is renumbered 101.977 (1) and amended to read:

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

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

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

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

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

(b) The lumber shall be milled so that it meets or exceeds the requirements of the standards prescribed in s. 101.973. The person milling the lumber shall provide to the person receiving the lumber a written certification that the lumber meets or exceeds these requirements. The department shall design and provide forms for this purpose.

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

(END)