



# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

## Appendix C ... segment II

### LRB BILL HISTORY RESEARCH APPENDIX

The drafting file for 2015 LRB-2981 (For: DSPS)

has been copied/added to the drafting file for

**2015 LRB-3799** (For: DSPS)

Are These "Companion Bills" ?? ... No



**RESEARCH APPENDIX -**  
**PLEASE KEEP WITH THE DRAFTING FILE**

Date Transfer Requested: 11/13/2015 (Per: KRP)

The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as a appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the digital drafting file.



State of Wisconsin  
2015 - 2016 LEGISLATURE

IN: 10/26/15  
DUE: 10/28/15 (Wed.)

P2  
LRB-2981/P1  
KRP:amn  
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA ✓  
KRF ✓  
PWF ✓

Regent ✓

1 AN ACT *to repeal* 15.405 (1m), 15.407 (18) (c), 66.1019 (3), 101.02 (7m), 101.12  
2 (6) (a), 101.125 (1) (b), (c), (f) and (g), 101.125 (2), (3) and (4m), 101.14 (4m) (a)  
3 3., 101.596 (1) (a), subchapter VI (title) of chapter 101 [precedes 101.971],  
4 101.971 (intro.), (1), (3) and (4), 101.973 (intro.), (1), (3), (4), (6), (7), (8) and (9),  
5 101.974 (intro.), (1) and (3), 101.974 (2), 101.975, 101.976, 101.977 and 101.978,  
6 145.035 and 145.13; *to renumber* 101.12 (6) (b); *to renumber and amend*  
7 101.971 (2), 101.973 (2), (5) and (10) and 101.974 (4) and (5); *to amend* 15.407  
8 (10) (b), 15.407 (13) (b), 15.407 (14) (b), 20.165 (2) (j), 100.21 (1) (a), 101.02 (7r)  
9 (a), 101.02 (7r) (b) 4., 101.02 (20) (a), 101.02 (21) (a), 101.02 (24) (a) 2., 101.121  
10 (3) (b), 101.125 (4) (a), 101.125 (5), 101.19 (1r), 101.596 (2), 101.596 (3) (a)  
11 (intro.), (b) and (c), 101.653 (5) (b) 2., 101.94 (8) (a), 145.02 (2) (a), 145.045 (3),  
12 145.12 (4), 145.24 (1), 145.245 (7) (a) and 234.49 (1) (e); *to repeal and recreate*  
13 101.596 (title); and *to create* 101.125 (2m) and 101.94 (5) of the statutes;  
14 *relating to:* various changes to statutes affecting the Department of Safety

- 1 and Professional Services; requiring the exercise of rule-making authority;
- 2 making an appropriation; and providing a penalty.

***Analysis by the Legislative Reference Bureau***

This bill makes various changes to statutes affecting the Department of Safety and Professional Services (DSPS).

Under current law, DSPS is required to promulgate rules that establish and enforce standards for the construction of multifamily dwellings and their components and is authorized to take various other actions related to multifamily dwellings (multifamily dwelling code). Under the multifamily dwelling code, a county, city, village, or town (municipality) is prohibited from enforcing any ordinance that does not comply with the multifamily dwelling code, except with respect to a preexisting stricter sprinkler ordinance that meets certain requirements. This bill repeals the multifamily dwelling code, including the exception for preexisting stricter sprinkler ordinances, but retains certain duties and powers of DSPS which are incorporated into the provisions that regulate public buildings and buildings that are places of employment (commercial building code).

→ Current law provides certain requirements related to labeling, installing, and selling safety glazing material located or to be located in hazardous locations. This bill repeals those statutory requirements and requires DSPS to promulgate rules regulating safety glazing material manufactured, distributed, imported, sold, or installed for use in a hazardous location.

Under current law, the building inspector review board (board) receives and reviews complaints regarding building inspectors and has the authority to revoke a building inspector's certification under certain circumstances. The board also may modify or reverse an erroneous decision of a building inspector. This bill eliminates the board and transfers its authority over building inspectors to DSPS.

Under current law, DSPS may issue temporary revocable permits to master and journeyman plumbers pending an examination. DSPS is authorized to promulgate rules governing the issuance of such permits. This bill eliminates temporary revocable permits and related provisions.

Under current law, DSPS may create an historic building code to provide alternative standards for the preservation or restoration of buildings or structures designated as historic buildings. In addition, DSPS may grant variances with respect to any rule if a building owner demonstrates that an alternative proposed by the owner accomplishes the same purpose. Under current law, DSPS must maintain a list of all variances granted to owners of historic buildings. This bill eliminates the requirement that DSPS maintain a list of all variances it grants.

Under current law, a municipality may exercise jurisdiction over the construction and inspection of new dwellings by passing ordinances that meet the requirements of the rules promulgated by DSPS. To the extent that those ordinances are related to construction site erosion control, DSPS must review the ordinances for compliance with state standards. As part of its review, DSPS must perform an audit

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of the municipality's construction site erosion control program and, every three years, make a written determination regarding whether the municipality is in compliance. This bill changes the frequency of the DSPS written determination from three years to five years.

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Under current law, any violation of a law or rule regulating manufactured homes or mobile homes is subject to a forfeiture of up to \$1,000 per violation, except that the maximum forfeiture for a related series of violations occurring within one year of the first violation may not exceed \$1,000,000. This bill increases the maximum forfeiture amounts from \$1,000 to \$1,100 per violation and from \$1,000,000 to \$1,375,000 per year.

Under current law, certain councils in DSPS are required to meet twice a year. This bill repeals those requirements.

For further information see the *state* 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:*

1

**SECTION 1.** 15.405 (1m) of the statutes is repealed.

2

**SECTION 2.** 15.407 (10) (b) of the statutes is amended to read:

3

15.407 (10) (b) An employee of the department of safety and professional services designated by the secretary of safety and professional services shall serve as secretary, but shall not be a member, of the dwelling code council. ~~The council shall meet at least twice a year.~~ Seven members of the dwelling code council shall constitute a quorum. For the purpose of conducting business a majority vote of the dwelling code council is required.

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**SECTION 3.** 15.407 (13) (b) of the statutes is amended to read:

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15.407 (13) (b) ~~The council shall meet at least twice a year.~~ An employee of the department of safety and professional services designated by the secretary of the ~~department~~ safety and professional services shall serve as nonvoting secretary of the manufactured housing code council.

14

**SECTION 4.** 15.407 (14) (b) of the statutes is amended to read:

1           15.407 (14) (b) ~~The council shall meet at least twice a year.~~ The employee of  
2 the department of safety and professional services designated by the secretary of  
3 safety and professional services under par. (a) 10. shall serve as nonvoting secretary  
4 of the conveyance safety code council.

5           **SECTION 5.** 15.407 (18) (c) of the statutes is repealed.

6           **SECTION 6.** 20.165 (2) (j) of the statutes, as affected by 2015 Wisconsin Act 55,  
7 is amended to read:

8           20.165 (2) (j) *Safety and building operations.* The amounts in the schedule for  
9 the purposes of chs. 101 and 145 and ss. 167.35, 236.12 (2) (ap), 236.13 (1) (d) and  
10 (2m), and 236.335 and for the purpose of transferring the amounts in the schedule  
11 under par. (ke) to the appropriation account under par. (ke). All moneys received  
12 under ch. 145, ss. 101.178, 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4),  
13 101.955 (2), ~~101.973 (7)~~, 167.35 (2) (f), and 236.12 (7) and all moneys transferred  
14 under 2005 Wisconsin Act 45, section 76 (6), shall be credited to this appropriation  
15 account.

16           **SECTION 7.** 66.1019 (3) of the statutes is repealed.

17           **SECTION 8.** 100.21 (1) (a) of the statutes is amended to read:

18           100.21 (1) (a) "Dwelling unit" means a dwelling, as defined under s. 101.61 (1),  
19 a modular home, as defined under s. 101.71 (6), a manufactured home, as defined  
20 under s. 101.91 (2), or a multifamily dwelling, as defined under s. ~~101.971 (2)~~ 101.01  
21 (8m).

22           **SECTION 9.** 101.02 (7m) of the statutes is repealed.

23           **SECTION 10.** 101.02 (7r) (a) of the statutes, as affected by 2015 Wisconsin Act  
24 55, is amended to read:

1           101.02 (7r) (a) Notwithstanding sub. (7) (a), no city, village, or town may enact  
2           or enforce an ordinance that establishes minimum standards for constructing,  
3           altering, or adding to public buildings or buildings that are places of employment  
4           unless that ordinance strictly conforms to the applicable rules under sub. (15) (j),  
5           except as provided in pars. (b) to (d) and sub. (7m).

6           **SECTION 11.** 101.02 (7r) (b) 4. of the statutes is amended to read:

7           101.02 (7r) (b) 4. The building is not a multifamily dwelling, as defined in s.  
8           101.971 (2).

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9           **SECTION 12.** 101.02 (20) (a) of the statutes is amended to read:

10           101.02 (20) (a) For purposes of this subsection, "license" means a license,  
11           permit, or certificate of certification or registration issued by the department for an  
12           occupation or profession under s. 101.122 (2) (c), 101.15 (2) (e), 101.16 (3g), 101.17,  
13           101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v),  
14           and (2), 101.935, 101.95, 101.951, 101.952, 101.96 (2), 101.985 (1) to (3), 145.02 (4),  
15           ~~145.035~~, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m)  
16           or under rules promulgated under ch. 101 or 145.

17           **SECTION 13.** 101.02 (21) (a) of the statutes is amended to read:

18           101.02 (21) (a) In this subsection, "license" means a license, permit, or  
19           certificate of certification or registration issued by the department for an occupation  
20           or profession under s. 101.122 (2) (c), 101.15 (2) (e), 101.16 (3g), 101.17, 101.178 (2)  
21           or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2),  
22           101.935, 101.95, 101.951, 101.952, 101.96 (2), 101.985 (1) to (3), 145.02 (4), ~~145.035~~,  
23           145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under  
24           rules promulgated under ch. 101 or 145.

25           **SECTION 14.** 101.02 (24) (a) 2. of the statutes is amended to read:

1 101.02 (24) (a) 2. "License" means a license, permit, or certificate of  
2 certification or registration issued by the department for an occupation or profession  
3 under s. 101.122 (2) (c), 101.15 (2) (e), 101.16 (3g), 101.17, 101.178 (2) or (3) (a), 101.63  
4 (2) or (2m), 101.653, 101.654, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935,  
5 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15,  
6 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under rules promulgated  
under ch. 101 or 145.

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SECTION 15. 101.12 (6) (a) of the statutes is repealed.

SECTION 16. 101.12 (6) (b) of the statutes is renumbered 101.12 (6).

SECTION 17. 101.121 (3) (b) of the statutes is amended to read:

11 101.121 (3) (b) In order to permit the proper preservation or restoration of a  
12 qualified historic building, the department may grant a variance to any rule or  
13 alternative rule under this chapter or ch. 145 if the owner demonstrates that an  
14 alternative proposed by the owner accomplishes the same purpose as the rule or  
15 alternative rule. With respect to any variances requested under this chapter or ch.  
16 145, the department shall give priority to processing variance requests by owners of  
17 qualified historic buildings. ~~The department shall maintain a list of variances~~  
18 ~~granted under this paragraph to owners of qualified historic buildings.~~

SECTION 18. 101.125 (1) (b), (c), (f) and (g) of the statutes are repealed.

SECTION 19. 101.125 (2), (3) and (4m) of the statutes are repealed.

SECTION 20. 101.125 (2m) of the statutes is created to read:

22 101.125 (2m) RULES. The department shall promulgate rules regulating safety  
23 glazing material manufactured, distributed, imported, sold, or installed for use in a  
hazardous location.

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SECTION 21. 101.125 (4) (a) of the statutes is amended to read:

1 101.125 (4) (a) No employee of a person responsible for compliance with this  
2 section the rules promulgated under sub. (2m) is liable for the employer's failure to  
3 comply.

4 SECTION 22. 101.125 (5) of the statutes is amended to read:

5 101.125 (5) PENALTY. Whoever violates this section the rules promulgated  
6 under sub. (2m) may be required to forfeit not less than \$100 nor more than \$500.

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7 SECTION 23. 101.14 (4m) (a) 3. of the statutes is repealed.

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8 SECTION 24. 101.19 (1r) of the statutes is amended to read:

9 101.19 (1r) Notwithstanding subs. (1g) and (1m), the department shall waive  
10 any fee imposed on an individual who is eligible for the veterans fee waiver program  
11 under s. 45.44 for a license, permit, or certificate of certification or registration issued  
12 by the department under s. 101.122 (2) (c), 101.15 (2) (e), 101.16 (3g), 101.17, 101.178  
13 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2),  
14 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045,  
15 145.07 (12), 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m).

16 SECTION 25. 101.596 (title) of the statutes is repealed and recreated to read:

17 101.596 (title) **Review of building inspectors.**

18 SECTION 26. 101.596 (1) (a) of the statutes is repealed.

(a) and (b)

19 SECTION 27. 101.596 (2) of the statutes ~~is~~ amended to read:

20 101.596 (2) **RESPONSIBILITIES** (a) The ~~review board~~ <sup>are</sup> department shall review  
21 complaints received from permittees concerning possible incompetent, negligent, or  
22 unethical conduct by building inspectors.

23 (b) After reviewing a complaint received under par. (a), the review board  
24 department may revoke the certification of a building inspector if the ~~board~~ <sup>plain</sup>



(1) department determines that the building inspector has engaged in incompetent,  
2 negligent, or unethical conduct.

(3) (c) The ~~review board~~ department may modify or reverse decisions made by a  
(4) building ~~inspectors~~ inspector if the ~~board~~ department finds that the decision by the  
(5) building inspector was made in error.

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6 SECTION 28. 101.596 (3) (a) (intro.), (b) and (c) of the statutes are amended to  
7 read:

8 101.596 (3) (a) (intro.) If a permittee makes a complaint to the ~~review board~~  
9 department concerning a building inspector, the permittee may do one of the  
10 following:

11 (b) If the permittee chooses to request that the permittee's complaint remain  
12 anonymous, the ~~board~~ department may not review the complaint or modify or revoke  
13 the permit unless the ~~board~~ department receives 2 additional anonymous complaints  
14 regarding the building inspector. If 2 or more additional complaints are made, the  
15 ~~review board~~ department shall proceed with its review, and none of the complaints  
16 may continue to be anonymous.

17 (c) If the permittee allows ~~his~~ the permittee's complaint to be presented to the  
18 building inspector without requesting anonymity, the ~~review board~~ department shall  
19 proceed with the review.

20 SECTION 29. 101.653 (5) (b) 2. of the statutes is amended to read:

21 101.653 (5) (b) 2. A written determination by the department, issued every ~~3~~  
22 5 years, of whether or not the county, city, village, or town complies with par. (a).

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SECTION 30. 101.94 (5) of the statutes is created to read:

1           101.94 (5) The department shall prepare and submit all reports required under  
2 federal law related to manufactured home construction and safety including reports  
3 to the federal department of housing and urban development.

4           **SECTION 31.** 101.94 (8) (a) of the statutes is amended to read:

5           101.94 (8) (a) Except as provided in par. (c), a person who violates this  
6 subchapter, a rule promulgated under this subchapter, or an order issued under this  
7 subchapter shall forfeit not more than \$1,000 \$1,100 for each violation. Each  
8 violation of this subchapter constitutes a separate violation with respect to each  
9 manufactured home or with respect to each failure or refusal to allow or perform an  
10 act required by this subchapter, except the maximum forfeiture under this  
11 subsection may not exceed ~~\$1,000,000~~ \$1,375,000 for a related series of violations  
12 occurring within one year of the first violation.

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13           **SECTION 32.** Subchapter VI (title) of chapter 101 [precedes 101.971] of the  
14 statutes is repealed.

15           **SECTION 33.** 101.971 (intro.), (1), (3) and (4) of the statutes are repealed.

16           **SECTION 34.** 101.971 (2) of the statutes is renumbered 101.01 (8m) and  
17 amended to read:

18           101.01 (8m) "Multifamily dwelling" means an apartment building, rowhouse,  
19 town house, condominium, or modular home, as defined in s. 101.71 (6), that does not  
20 exceed 60 feet in height or 6 stories and that consists of 3 or more attached dwelling  
21 units, as defined in s. 101.61 (1), the initial construction of which is begun on or after  
22 January 1, 1993. "Multifamily dwelling" does not include a facility licensed under  
23 ch. 50.

24           **SECTION 35.** 101.973 (intro.), (1), (3), (4), (5), (6), (7), (8) and (9) of the statutes are  
25 repealed.

(5)

and (10)

1 SECTION 36. 101.973 (2), (5) and (10) of the statutes are renumbered 101.02  
2 (25), (26) and (27) and amended to read:

3 101.02 (25) ~~Biennially~~ The department shall biennially review the rules  
4 promulgated under this subchapter.

5 (26) ~~Collect~~ The department shall collect and publish the data secured from the  
6 building permits.

7 (27) ~~Establish~~ The department shall establish a program of quality control  
8 training for all inspectors who inspect multifamily dwellings for compliance with  
9 this subchapter.

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SECTION 37. 101.974 (intro.), (1) and (3) of the statutes are repealed.

12 SECTION 38. 101.974 (2) of the statutes, as affected by 2015 Wisconsin Act 55,  
13 is repealed.

14 (27) SECTION 39. 101.974 (4) and (5) of the statutes are renumbered 101.02 (28) and  
15 (29) and amended to read:

16 101.02 (28) ~~Promulgate~~ The department may promulgate rules prescribing  
17 procedures for approving new building materials, methods, and equipment.

18 (29) ~~Study~~ The department may study the administration of the rules  
19 promulgated under this subchapter and other laws related to the construction of  
20 multifamily dwelling units dwellings to determine their impact on the cost of  
21 building construction and their effectiveness in ensuring the health, safety, and  
22 welfare of the occupants.

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SECTION 40. 101.975, 101.976, 101.977 and 101.978 of the statutes are  
23 repealed.

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25 SECTION 41. 145.02 (2) (a) of the statutes, as affected by 2015 Wisconsin Act 49,  
is amended to read:

1           145.02 (2) (a) The department shall have general supervision of all such  
2 plumbing and under sub. (1). The department shall after public hearing prescribe  
3 and publish and enforce reasonable standards therefor which promulgate rules that  
4 shall be uniform and of statewide concern so far as practicable uniformly apply to all  
5 types of buildings, private or public, rural or urban, including buildings owned by the  
6 state or any political subdivision. Any employee designated by the department may  
7 act for the department in holding the public hearing required under this subsection.

8           The rules promulgated by the department shall constitute the state plumbing code.

9           The state plumbing code shall comply with ch. 160. To the extent that the historic  
10 building code applies to the subject matter of these standards, the standards do not  
11 apply to a qualified historic building if the owner elects to be subject to s. 101.121.

12           **SECTION 42.** 145.035 of the statutes is repealed.

13           **SECTION 43.** 145.045 (3) of the statutes is amended to read:

14           145.045 (3) ~~PLUMBERS AND SEPTIC TANK INSTALLERS.~~ A plumber or septic tank  
15 installer may also be a soil tester and install any system after approval of the site or  
16 project by the department or the governmental unit responsible for the regulation  
17 of private on-site wastewater treatment systems.

18           **SECTION 44.** 145.12 (4) of the statutes is amended to read:

19           145.12 (4) Any person who violates any order under s. 145.02 (3) (f) or 145.20  
20 (2) (f) or any rule or standard adopted under s. ~~145.13~~ 145.02 shall forfeit not less  
21 than \$10 nor more than \$1,000 for each violation. Each violation of an order under  
22 s. 145.02 (3) (f) or 145.20 (2) (f) or a rule or standard under s. ~~145.13~~ 145.02  
23 constitutes a separate offense and each day of continued violation is a separate  
24 offense.

25           **SECTION 45.** 145.13 of the statutes is repealed.

1           **SECTION 46.** 145.24 (1) of the statutes is amended to read:

2           145.24 (1) If an existing private on-site wastewater treatment system either  
3 is not located in soil meeting the siting standards or is not constructed in accordance  
4 with design standards promulgated under s. 145.02 ~~or 145.13~~, the owner of the  
5 private on-site wastewater treatment system may petition the department for a  
6 variance to the siting or design standards.

7           **SECTION 47.** 145.245 (7) (a) of the statutes is amended to read:

8           145.245 (7) (a) Except as provided in par. (e), costs allowable in determining  
9 grant funding under this section may not exceed the costs of rehabilitating or  
10 replacing a private on-site wastewater treatment system which would be necessary  
11 to allow the rehabilitated system or new system to meet the minimum requirements  
12 of the state plumbing code promulgated under s. ~~145.13~~ 145.02.

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13           **SECTION 48.** 234.49 (1) (e) of the statutes is amended to read:

14           234.49 (1) (e) "Housing" means a residential structure having not more than  
15 4 dwelling units in which at least one unit is occupied by the owner as a principal  
16 residence and, if a housing rehabilitation loan is granted for the property to  
17 implement energy conservation improvements, the structure is not subject to rules  
18 adopted under s. 101.02, 101.63, or 101.73, ~~or 101.973~~.

\*\*\*NOTE: Section 234.49 (1) provides definitions applicable to a housing rehabilitation loan program. The definition for "housing" provides that, if a residential structure is subject to rules adopted under the multifamily dwelling code, among other things, the structure is not eligible for a housing rehabilitation loan granted to implement energy conservation improvements. With the repeal of the multifamily dwelling code, I have changed this reference to exclude all structures subject to rules adopted under the commercial building code. Is this consistent with your intent?

19           **SECTION 49. Initial applicability.**

1           (1) PENALTY FOR CERTAIN VIOLATIONS. The treatment of section 101.94 (8) (a) of  
2           the statutes first applies to violations occurring on the effective date of this  
3           subsection.

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Under current law, a municipality may enact ordinances that establish procedures for administering the commercial building code. This bill requires DSPS to promulgate rules establishing uniform procedures for administration of the commercial building code by municipalities.

(END INSERT A-1)

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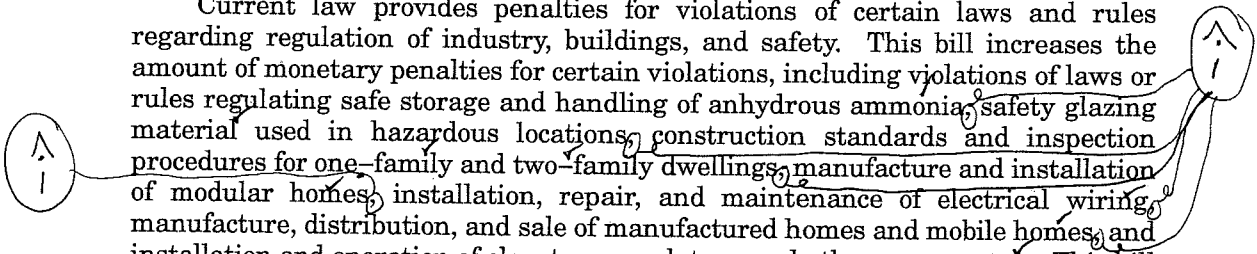
This bill provides that DSPS, rather than the board, is responsible for receiving and reviewing complaints regarding building inspectors.

(END INSERT A-2)

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Current law provides penalties for violations of certain laws and rules regarding regulation of industry, buildings, and safety. This bill increases the amount of monetary penalties for certain violations, including violations of laws or rules regulating safe storage and handling of anhydrous ammonia, safety glazing material used in hazardous locations, construction standards and inspection procedures for one-family and two-family dwellings, manufacture and installation of modular homes, installation, repair, and maintenance of electrical wiring, manufacture, distribution, and sale of manufactured homes and mobile homes, and installation and operation of elevators, escalators, and other conveyances. This bill also creates a penalty for violations by a contractor of notice requirements related to construction or remodeling of a dwelling.

(END INSERT A-3)



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- 1           SECTION 1. 101.02 (7r) (g) of the statutes is created to read:
- 2           X 101.02 (7r) (g) 1. The department shall promulgate rules that establish
- 3           procedures for the administration of the rules promulgated by the department under
- 4           this subchapter. For purposes of this paragraph, "administration" includes the
- 5           process an owner must follow when applying for a permit for constructing, altering,
- 6           or adding to a public building or a building that is a place of employment.

\*\*\*\*NOTE: This language is very broad. Please consider how we can refine this language to give better direction to DSPS regarding the scope of the rules it must promulgate under this provision.

1 2. Notwithstanding sub. (7) (a), no city, village, or town may enact or enforce  
2 an ordinance that establishes minimum standards for the administration of the  
3 rules promulgated by the department under this subchapter unless that ordinance  
4 strictly conforms to the rules promulgated by the department under subd. 1.

5 SECTION 2. 101.02 (12) of the statutes is repealed.

\*\*\*\*NOTE: Section 101.02 (12) provides that each day during which a person fails to comply with an order of DSPS or any other provision under subch. I of ch. 101 constitutes a separate violation. Although this draft attempts to add ~~each day is a separate offense~~ language to each applicable penalty provision within ch. 101, consider whether s. 101.02 (12) should be retained as a "catch-all" to cover any omissions.

6 SECTION 3. 101.02 (13) (a) of the statutes is amended to read:

7 x 101.02 (13) (a) If any employer, employee, owner, or other person violates this  
8 subchapter, or fails or refuses to perform any duty specified under this subchapter,  
9 within the time prescribed by the department, for which no penalty has been  
10 specifically provided, or fails, neglects, or refuses to obey any lawful order given or  
11 made by the department, or any judgment or decree made by any court in connection  
12 with this subchapter, for each such violation, failure, or refusal, ~~such~~ the employer,  
13 employee, owner, or other person shall forfeit and pay into the state treasury a sum  
14 not less than \$10 nor more than ~~\$100~~ \$5,000 for each ~~such~~ offense. Each day of  
15 continued violation constitutes a separate offense.

History: 1971 c. 185 ss. 1 to 5, 7; 1971 c. 228 ss. 16, 42; Stats. 1971 s. 101.02; 1975 c. 39, 94; 1977 c. 29; 1981 c. 360; 1983 a. 410; 1985 a. 182 s. 57; 1987 a. 343; 1989 a. 31, 56, 139; 1991 a. 39, 269; 1993 a. 27, 184, 252, 414, 492; 1995 a. 27 ss. 3631 to 3649r; 9126 (19); 1995 a. 215; 1997 a. 191, 237; 1999 a. 9; 2001 a. 61; 2005 a. 251, 456; 2007 a. 20 ss. 2609 to 2613, 9121 (6) (a); 2007 a. 63, 203; 2009 a. 16, 28, 209, 373; 2011 a. 32, 120, 146; 2013 a. 20, 36; 2013 a. 151 s. 28; 2013 a. 168, 270; 2015 a. 55.

(END INSERT 5-9)

INSERT 6-8

16 SECTION 4. 101.10 (4) (a) of the statutes is amended to read:



1 X101.10 (4) (a) Any person who violates a rule of the department promulgated  
2 under sub. (2) may be required to forfeit not less than \$10 nor more than ~~\$100~~ \$1,000  
3 for each violation. Each day of continued violation constitutes a separate offense.

Insert 2  
6-8

History: 2001 a. 3, 16, 73, 109; 2005 a. 14.

4 SECTION 5. 101.10 (4) (c) of the statutes is amended to read:

5 X 101.10 (4) (c) Any person who violates sub. (3) (a) or (b) while performing an  
6 agricultural activity or while performing an activity related to the construction,  
7 repair, alteration, location, installation, inspection, or operation of anhydrous  
8 ammonia equipment with the consent of the owner of the anhydrous ammonia  
9 equipment may be required to forfeit not less than \$10 nor more than ~~\$100~~ \$1,000  
10 for each violation.

History: 2001 a. 3, 16, 73, 109; 2005 a. 14.

\*\*\*\*NOTE: Do you want to add the following phrase to this provision: "Each day of continued violation constitutes a separate offense"?

11 SECTION 6. 101.12 (1) (a) of the statutes is amended to read:

12 X 101.12 (1) (a) ~~Heating, Plumbing, heating,~~ ventilation, air conditioning, and  
13 fire detection, prevention, or suppression systems.

History: 1971 c. 185; 1971 c. 228 s. 42; Stats. 1971 s. 101.12; 1973 c. 326; 1979 c. 64, 243; 1983 a. 27; 1989 a. 31, 347; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 3660, 3660m, 9126 (19); 2007 a. 20 s. 9121 (6) (a); 2011 a. 199; 2013 a. 270; 2015 a. 55.

(END INSERT 6-8)

INSERT 6-25

14 SECTION 7. 101.125 (3) (intro.) and (a) of the statutes are consolidated,  
15 renumbered 101.125 (3) and amended to read:

16 X 101.125 (3) SAFETY GLAZING MATERIALS REQUIRED. No material supplier, builder,  
17 contractor, or subcontractor may knowingly install, cause to be installed, consent to  
18 the installation, or sell for installation in any hazardous location, transparent or  
19 translucent materials other than safety glazing materials, except that:

NO

History: 1975 c. 293; 1981 c. 341; 1983 a. 189 s. 329 (4); 1995 a. 27; 2005 a. 45.

1 <sup>NO 9</sup> (a) ~~In in~~ buildings contracted for or existing on or before November 30, 1976,  
 2 the department may by rule require the installation of a vertical or horizontal bar,  
 3 rail, grill, or screen as a protective device in lieu of safety glazing material in  
 4 hazardous locations where safety glazing would be impractical because of the size of  
 5 the lite required.

History: 1975 c. 293; 1981 c. 341; 1983 a. 189 s. 329 (4); 1995 a. 27; 2005 a. 45.  
 (END INSERT 6-25)

INSERT 7-7

6 × 101.125 (5) PENALTY. Whoever violates this section or the rules promulgated  
 7 under sub. (2m) may be required to forfeit not less than \$100 nor more than \$500  
 8 \$1,000. Each day of continued violation constitutes a separate offense. *plain*

History: 1975 c. 293; 1981 c. 341; 1983 a. 189 s. 329 (4); 1995 a. 27; 2005 a. 45.  
 (END INSERT 7-7)

INSERT 7-8

9 SECTION 8. 101.148 (3) of the statutes is created to read:  
 10 × 101.148 (3) PENALTY. Any person who violates this section shall forfeit not more  
 11 than \$1,000 for each offense. Each day of continued violation constitutes a separate  
 12 offense.

\*\*\*NOTE: Section 101.148 (2) requires a contractor to give each consumer certain notices prior to entering into a contract or beginning construction work. Consider whether violation of this provision is a type of violation that should be considered continuing and a separate violation for each day the notice is not given.

13 SECTION 9. 101.16 (3g) (a) of the statutes is renumbered 101.16 (3g).

14 SECTION 10. 101.16 (3g) (b) of the statutes is repealed.

INSERT 8-6

Insert 2  
1-8

\*\*\*NOTE: As modified, it is not clear how the building inspector review board acts given that the board is not involved in the review process.

(END INSERT 8-6)

INSERT 8-23

1           **SECTION 11.** 101.66 (3) of the statutes is amended to read:

2           × 101.66 (3) Whoever violates this subchapter shall forfeit to the state not less  
3           than ~~\$25~~ \$100 nor more than ~~\$500~~ \$5,000 for each violation. Each day that such of  
4           continuing violation ~~continues~~ constitutes a separate offense.

History: 1975 c. 404; 2007 a. 208; 2009 a. 180; 2015 a. 55.

5           **SECTION 12.** 101.77 of the statutes is amended to read:

6           × **101.77 Penalties.** Whoever violates this subchapter shall forfeit to the state  
7           not less than ~~\$25~~ \$100 nor more than ~~\$500~~ \$5,000 for each violation ~~and each.~~ Each  
8           day that such of continuing violation ~~continues~~ constitutes a separate offense.

History: 1975 c. 405.

9           **SECTION 13.** 101.88 (3) of the statutes is amended to read:

10           × 101.88 (3) Any person who violates this subchapter or any rule promulgated  
11           under this subchapter shall forfeit to the state not less than ~~\$25~~ \$100 nor more than  
12           ~~\$500~~ \$5,000 for each violation. Each day of continuing violation constitutes a  
13           separate offense.

History: 1979 c. 309; 1983 a. 164; 2007 a. 63; 2013 a. 143.

(END INSERT 8-23)

INSERT 9-13

14           **SECTION 14.** 101.957 of the statutes is repealed.

15           **SECTION 15.** 101.965 (1p) of the statutes is amended to read:

16           × 101.965 (1p) Any person who violates s. 101.96 or any rule promulgated under  
17           that section may be required to forfeit not less than ~~\$25~~ \$100 nor more than ~~\$500~~

1     \$5,000 for each violation. Each day of continued violation constitutes a separate  
2     violation offense.

History: 1999 a. 9, 53, 185; 2005 a. 45.

(END INSERT 9-13)

INSERT 10-10

3             SECTION 16. 101.973 (2) of the statutes is renumbered 101.02 (25) and amended  
4     to read:

5             ~~101.02 (25)~~ Biennially The department shall periodically review the rules  
6     promulgated under this subchapter.

History: 1991 a. 269; 1995 a. 27; 2011 a. 32; 2013 a. 8.

\*\*\*\*NOTE: Using "periodically" does not obligate DSPS to review the rules at any particular time and really does not obligate DSPS to review the rules at all. Please consider whether we can add more definiteness to this requirement to give DSPS guidance regarding when it should conduct a rules review, or consider whether we can provide some other standard that will trigger periodic rules reviews. See, for example, s. 101.027 (3) (a), which lists events the occurrence of which require DSPS to review the rules that constitute the energy conservation code.

(END INSERT 10-10)

INSERT 10-22

\*\*\*\*NOTE: Is this consistent with your intent? In other words, should DSPS be required to study and determine the impact of the administration of only those rules and laws that are related to construction of multifamily dwellings or those rules and laws that are related to construction of all commercial buildings?

(END INSERT 10-22)

INSERT 10-24

7             SECTION 17. 101.988 (3) of the statutes is amended to read:

8             101.988 (3) PENALTIES. Any person who violates this subchapter or rules  
9     promulgated under this subchapter may be fined not more than \$1,500 \$5,000 or  
10    imprisoned for not more than 30 days or both, except that, notwithstanding s. 939.61  
11    (1), the owner of a private residence in which a conveyance is located may not be fined

1 or required to pay a forfeiture to this state as a result of any violation involving that  
2 conveyance.

History: 2005 a. 456.

\*\*\*\*NOTE: Do you want to add the following phrase to this provision: "Each day of continued violation constitutes a separate offense"?

(END INSERT 10-24)

INSERT 12-13

3 SECTION 18. 145.26 (1) of the statutes is amended to read:

4 145.26 (1) In this section, "public swimming pool" means a fixed or mobile  
5 structure, basin, chamber, or tank and appurtenant buildings and equipment that  
6 serve or are installed for use by the state, a political subdivision of the state, a motel,  
7 a hotel, a resort, a camp, a club, an association, a housing development, a school, a  
8 religious, charitable, or youth organization, an educative or rehabilitative facility, or  
9 another entity. "Public swimming pool" does not mean an inflated mobile structure,  
10 basin, chamber, or tank, a swim pond, an individual therapeutic pod, tub, or bath,  
11 or a fixed or mobile structure, basin, chamber, or tank that only serves fewer than  
12 3 individual residences.

History: 1989 a. 31; 1993 a. 16 ss. 2402, 2561, 2562; Stats. 1993 s. 145.26.

(END INSERT 12-13)

13

(END)

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LEGISLATIVE REFERENCE BUREAU

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INSERT 6-8

1           **SECTION 1.** 101.10 (4) (b) of the statutes is amended to read:  
2           ~~X~~ 101.10 (4) (b) Except as provided in par. (c), any person who violates sub. (3)  
3 is guilty of a Class I felony. ~~Notwithstanding s. 101.02 (12), each~~ Each act in violation  
4 of sub. (3) constitutes a separate offense.

History: 2001 a. 3, 16, 73, 109; 2005 a. 14.

(END INSERT 6-8)

INSERT 7-8

5           **SECTION 2.** 101.17 of the statutes is amended to read:  
6           ~~X~~ **101.17 Machines and boilers, safety requirement.** No machine,  
7 mechanical device, or steam boiler shall be installed or used in this state which does  
8 not fully comply with the requirements of the laws of this state enacted for the safety  
9 of employees and frequenters in places of employment and public buildings and with  
10 the orders of the department adopted and published in conformity with this  
11 subchapter. Any person violating this section shall be subject to the forfeitures  
12 provided in s. 101.02 ~~(12) and~~ (13).

History: 1971 c. 185 ss. 1, 7; 1971 c. 228 ss. 19, 43; Stats. 1971 s. 101.17; 1995 a. 27.

\*\*\*\*NOTE: If s. 101.02 (12) is repealed, consider whether any other penalty provision  
is required for this provision.

(END INSERT 7-8)



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-2981/P2  
KRP:amn

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT to repeal** 15.407 (18) (c), 66.1019 (3), 101.02 (7m), 101.02 (12), 101.12 (6)  
2           (a), 101.125 (1) (b), (c), (f) and (g), 101.125 (2), (3) (b) and (c) and (4m), 101.14  
3           (4m) (a) 3., 101.16 (3g) (b), 101.957, subchapter VI (title) of chapter 101  
4           [precedes 101.971], 101.971 (intro.), (1), (3) and (4), 101.973 (intro.), (1), (3), (4),  
5           (5), (6), (7), (8), (9) and (10), 101.974 (intro.), (1) and (3), 101.974 (2), 101.975,  
6           101.976, 101.977 and 101.978, 145.035 and 145.13; **to renumber** 101.12 (6) (b)  
7           and 101.16 (3g) (a); **to renumber and amend** 101.971 (2), 101.973 (2) and  
8           101.974 (4) and (5); **to consolidate, renumber and amend** 101.125 (3) (intro.)  
9           and (a); **to amend** 15.407 (10) (b), 15.407 (13) (b), 15.407 (14) (b), 20.165 (2) (j),  
10          100.21 (1) (a), 101.02 (7r) (a), 101.02 (7r) (b) 4., 101.02 (13) (a), 101.02 (20) (a),  
11          101.02 (21) (a), 101.02 (24) (a) 2., 101.10 (4) (a), 101.10 (4) (b), 101.10 (4) (c),  
12          101.12 (1) (a), 101.121 (3) (b), 101.125 (4) (a), 101.125 (5), 101.17, 101.19 (1r),  
13          101.596 (2) (a) and (b), 101.596 (3) (a) (intro.), (b) and (c), 101.653 (5) (b) 2.,  
14          101.66 (3), 101.77, 101.88 (3), 101.94 (8) (a), 101.965 (1p), 101.988 (3), 145.02  
15          (2) (a), 145.045 (3), 145.12 (4), 145.24 (1), 145.245 (7) (a), 145.26 (1) and 234.49

1 (1) (e); and **to create** 101.02 (7r) (g), 101.125 (2m), 101.148 (3) and 101.94 (5)  
2 of the statutes; **relating to**: various changes to statutes affecting the  
3 Department of Safety and Professional Services; requiring the exercise of  
4 rule-making authority; making an appropriation; and providing a penalty.

---

### ***Analysis by the Legislative Reference Bureau***

This bill makes various changes to statutes affecting the Department of Safety and Professional Services (DSPS).

Under current law, DSPS is required to promulgate rules that establish and enforce standards for the construction of multifamily dwellings and their components and is authorized to take various other actions related to multifamily dwellings (multifamily dwelling code). Under the multifamily dwelling code, a county, city, village, or town (municipality) is prohibited from enforcing any ordinance that does not comply with the multifamily dwelling code, except with respect to a preexisting stricter sprinkler ordinance that meets certain requirements. This bill repeals the multifamily dwelling code, including the exception for preexisting stricter sprinkler ordinances, but retains certain duties and powers of DSPS which are incorporated into the provisions that regulate public buildings and buildings that are places of employment (commercial building code).

Under current law, a municipality may enact ordinances that establish procedures for administering the commercial building code. This bill requires DSPS to promulgate rules establishing uniform procedures for administration of the commercial building code by municipalities.

Current law provides certain requirements related to labeling, installing, and selling safety glazing material located or to be located in hazardous locations. This bill repeals most of those statutory requirements and requires DSPS to promulgate rules regulating safety glazing material manufactured, distributed, imported, sold, or installed for use in a hazardous location.

Under current law, the building inspector review board (board) receives and reviews complaints regarding building inspectors and has the authority to revoke a building inspector's certification under certain circumstances. This bill provides that DSPS, rather than the board, is responsible for receiving and reviewing complaints regarding building inspectors.

Under current law, DSPS may issue temporary revocable permits to master and journeyman plumbers pending an examination. DSPS is authorized to promulgate rules governing the issuance of such permits. This bill eliminates temporary revocable permits and related provisions.

Under current law, DSPS may create an historic building code to provide alternative standards for the preservation or restoration of buildings or structures designated as historic buildings. In addition, DSPS may grant variances with respect to any rule if a building owner demonstrates that an alternative proposed by



the owner accomplishes the same purpose. Under current law, DSPS must maintain a list of all variances granted to owners of historic buildings. This bill eliminates the requirement that DSPS maintain a list of all variances it grants.

Under current law, a municipality may exercise jurisdiction over the construction and inspection of new dwellings by passing ordinances that meet the requirements of the rules promulgated by DSPS. To the extent that those ordinances are related to construction site erosion control, DSPS must review the ordinances for compliance with state standards. As part of its review, DSPS must perform an audit of the municipality's construction site erosion control program and, every three years, make a written determination regarding whether the municipality is in compliance. This bill changes the frequency of the DSPS written determination from three years to five years.

Current law provides penalties for violations of certain laws and rules regarding regulation of industry, buildings, and safety. This bill increases the amount of monetary penalties for certain violations, including violations of laws or rules regulating safe storage and handling of anhydrous ammonia; safety glazing material used in hazardous locations; construction standards and inspection procedures for one-family and two-family dwellings; manufacture and installation of modular homes; installation, repair, and maintenance of electrical wiring; manufacture, distribution, and sale of manufactured homes and mobile homes; and installation and operation of elevators, escalators, and other conveyances. This bill also creates a penalty for violations by a contractor of notice requirements related to construction or remodeling of a dwelling.

Under current law, certain councils in DSPS are required to meet twice a year. This bill repeals those requirements.

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

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

1           **SECTION 1.** 15.407 (10) (b) of the statutes is amended to read:  
2           15.407 (10) (b) An employee of the department of safety and professional  
3           services designated by the secretary of safety and professional services shall serve  
4           as secretary, but shall not be a member, of the dwelling code council. ~~The council shall~~  
5           ~~meet at least twice a year.~~ Seven members of the dwelling code council shall  
6           constitute a quorum. For the purpose of conducting business a majority vote of the  
7           dwelling code council is required.

1           **SECTION 2.** 15.407 (13) (b) of the statutes is amended to read:

2           15.407 (13) (b) ~~The council shall meet at least twice a year.~~ An employee of the  
3           department of safety and professional services designated by the secretary of the  
4           ~~department~~ safety and professional services shall serve as nonvoting secretary of the  
5           manufactured housing code council.

6           **SECTION 3.** 15.407 (14) (b) of the statutes is amended to read:

7           15.407 (14) (b) ~~The council shall meet at least twice a year.~~ The employee of  
8           the department of safety and professional services designated by the secretary of  
9           safety and professional services under par. (a) 10. shall serve as nonvoting secretary  
10          of the conveyance safety code council.

11          **SECTION 4.** 15.407 (18) (c) of the statutes is repealed.

12          **SECTION 5.** 20.165 (2) (j) of the statutes, as affected by 2015 Wisconsin Act 55,  
13          is amended to read:

14          20.165 (2) (j) *Safety and building operations.* The amounts in the schedule for  
15          the purposes of chs. 101 and 145 and ss. 167.35, 236.12 (2) (ap), 236.13 (1) (d) and  
16          (2m), and 236.335 and for the purpose of transferring the amounts in the schedule  
17          under par. (ke) to the appropriation account under par. (ke). All moneys received  
18          under ch. 145, ss. 101.178, 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4),  
19          101.955 (2), ~~101.973 (7)~~, 167.35 (2) (f), and 236.12 (7) and all moneys transferred  
20          under 2005 Wisconsin Act 45, section 76 (6), shall be credited to this appropriation  
21          account.

22          **SECTION 6.** 66.1019 (3) of the statutes is repealed.

23          **SECTION 7.** 100.21 (1) (a) of the statutes is amended to read:

24          100.21 (1) (a) “Dwelling unit” means a dwelling, as defined under s. 101.61 (1),  
25          a modular home, as defined under s. 101.71 (6), a manufactured home, as defined

1 under s. 101.91 (2), or a multifamily dwelling, as defined under s. ~~101.971 (2)~~ 101.01  
2 (8m).

3 **SECTION 8.** 101.02 (7m) of the statutes is repealed.

4 **SECTION 9.** 101.02 (7r) (a) of the statutes, as affected by 2015 Wisconsin Act 55,  
5 is amended to read:

6 101.02 (7r) (a) Notwithstanding sub. (7) (a), no city, village, or town may enact  
7 or enforce an ordinance that establishes minimum standards for constructing,  
8 altering, or adding to public buildings or buildings that are places of employment  
9 unless that ordinance strictly conforms to the applicable rules under sub. (15) (j),  
10 except as provided in pars. (b) to (d) ~~and sub. (7m)~~.

11 **SECTION 10.** 101.02 (7r) (b) 4. of the statutes is amended to read:

12 101.02 (7r) (b) 4. The building is not a multifamily dwelling, ~~as defined in s.~~  
13 ~~101.971 (2)~~.

14 **SECTION 11.** 101.02 (7r) (g) of the statutes is created to read:

15 101.02 (7r) (g) 1. The department shall promulgate rules that establish  
16 procedures for the administration of the rules promulgated by the department under  
17 this subchapter. For purposes of this paragraph, "administration" includes the  
18 process an owner must follow when applying for a permit for constructing, altering,  
19 or adding to a public building or a building that is a place of employment.

\*\*\*\*NOTE: This language is very broad. Please consider how we can refine this  
language to give better direction to DSPS regarding the scope of the rules it must  
promulgate under this provision.

20 2. Notwithstanding sub. (7) (a), no city, village, or town may enact or enforce  
21 an ordinance that establishes minimum standards for the administration of the  
22 rules promulgated by the department under this subchapter unless that ordinance  
23 strictly conforms to the rules promulgated by the department under subd. 1.

1           **SECTION 12.** 101.02 (12) of the statutes is repealed.

      \*\*\*\*NOTE: Section 101.02 (12) provides that each day during which a person fails to comply with an order of DSPS or any other provision under subch. I of ch. 101 constitutes a separate violation. Although this draft attempts to add this language to each applicable penalty provision within ch. 101, consider whether s. 101.02 (12) should be retained as a “catch-all” to cover any omissions.

2           **SECTION 13.** 101.02 (13) (a) of the statutes is amended to read:

3           101.02 (**13**) (a) If any employer, employee, owner, or other person violates this  
4 subchapter, or fails or refuses to perform any duty specified under this subchapter,  
5 within the time prescribed by the department, for which no penalty has been  
6 specifically provided, or fails, neglects, or refuses to obey any lawful order given or  
7 made by the department, or any judgment or decree made by any court in connection  
8 with this subchapter, for each such violation, failure, or refusal, ~~such~~ the employer,  
9 employee, owner, or other person shall forfeit and pay into the state treasury a sum  
10 not less than \$10 nor more than ~~\$100~~ \$5,000 for each ~~such~~ offense. Each day of  
11 continued violation constitutes a separate offense.

12           **SECTION 14.** 101.02 (20) (a) of the statutes is amended to read:

13           101.02 (**20**) (a) For purposes of this subsection, “license” means a license,  
14 permit, or certificate of certification or registration issued by the department for an  
15 occupation or profession under s. 101.122 (2) (c), 101.15 (2) (e), 101.16 (3g), 101.17,  
16 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v),  
17 and (2), 101.935, 101.95, 101.951, 101.952, 101.96 (2), 101.985 (1) to (3), 145.02 (4),  
18 ~~145.035~~, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m)  
19 or under rules promulgated under ch. 101 or 145.

20           **SECTION 15.** 101.02 (21) (a) of the statutes is amended to read:

21           101.02 (**21**) (a) In this subsection, “license” means a license, permit, or  
22 certificate of certification or registration issued by the department for an occupation

1 or profession under s. 101.122 (2) (c), 101.15 (2) (e), 101.16 (3g), 101.17, 101.178 (2)  
2 or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2),  
3 101.935, 101.95, 101.951, 101.952, 101.96 (2), 101.985 (1) to (3), 145.02 (4), ~~145.035,~~  
4 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under  
5 rules promulgated under ch. 101 or 145.

6 **SECTION 16.** 101.02 (24) (a) 2. of the statutes is amended to read:

7 101.02 (24) (a) 2. "License" means a license, permit, or certificate of  
8 certification or registration issued by the department for an occupation or profession  
9 under s. 101.122 (2) (c), 101.15 (2) (e), 101.16 (3g), 101.17, 101.178 (2) or (3) (a), 101.63  
10 (2) or (2m), 101.653, 101.654, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935,  
11 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), ~~145.035,~~ 145.045, 145.15,  
12 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under rules promulgated  
13 under ch. 101 or 145.

14 **SECTION 17.** 101.10 (4) (a) of the statutes is amended to read:

15 101.10 (4) (a) Any person who violates a rule of the department promulgated  
16 under sub. (2) may be required to forfeit not less than \$10 nor more than ~~\$100~~ \$1,000  
17 for each violation. Each day of continued violation constitutes a separate offense.

18 **SECTION 18.** 101.10 (4) (b) of the statutes is amended to read:

19 101.10 (4) (b) Except as provided in par. (c), any person who violates sub. (3)  
20 is guilty of a Class I felony. ~~Notwithstanding s. 101.02 (12), each~~ Each act in violation  
21 of sub. (3) constitutes a separate offense.

22 **SECTION 19.** 101.10 (4) (c) of the statutes is amended to read:

23 101.10 (4) (c) Any person who violates sub. (3) (a) or (b) while performing an  
24 agricultural activity or while performing an activity related to the construction,  
25 repair, alteration, location, installation, inspection, or operation of anhydrous

1 ammonia equipment with the consent of the owner of the anhydrous ammonia  
2 equipment may be required to forfeit not less than \$10 nor more than ~~\$100~~ \$1,000  
3 for each violation.

\*\*\*\*NOTE: Do you want to add the following phrase to this provision: "Each day of continued violation constitutes a separate offense"?

4 **SECTION 20.** 101.12 (1) (a) of the statutes is amended to read:

5 101.12 (1) (a) ~~Heating, Plumbing, heating,~~ ventilation, air conditioning, and  
6 fire detection, prevention, or suppression systems.

7 **SECTION 21.** 101.12 (6) (a) of the statutes is repealed.

8 **SECTION 22.** 101.12 (6) (b) of the statutes is renumbered 101.12 (6).

9 **SECTION 23.** 101.121 (3) (b) of the statutes is amended to read:

10 101.121 (3) (b) In order to permit the proper preservation or restoration of a  
11 qualified historic building, the department may grant a variance to any rule or  
12 alternative rule under this chapter or ch. 145 if the owner demonstrates that an  
13 alternative proposed by the owner accomplishes the same purpose as the rule or  
14 alternative rule. With respect to any variances requested under this chapter or ch.  
15 145, the department shall give priority to processing variance requests by owners of  
16 qualified historic buildings. ~~The department shall maintain a list of variances~~  
17 ~~granted under this paragraph to owners of qualified historic buildings.~~

18 **SECTION 24.** 101.125 (1) (b), (c), (f) and (g) of the statutes are repealed.

19 **SECTION 25.** 101.125 (2), (3) (b) and (c) and (4m) of the statutes are repealed.

20 **SECTION 26.** 101.125 (2m) of the statutes is created to read:

21 101.125 (2m) RULES. The department shall promulgate rules regulating safety  
22 glazing material manufactured, distributed, imported, sold, or installed for use in a  
23 hazardous location.

1           **SECTION 27.** 101.125 (3) (intro.) and (a) of the statutes are consolidated,  
2           renumbered 101.125 (3) and amended to read:

3           101.125 (3) **SAFETY GLAZING MATERIALS REQUIRED.** No material supplier, builder,  
4           contractor, or subcontractor may knowingly install, cause to be installed, consent to  
5           the installation, or sell for installation in any hazardous location, transparent or  
6           translucent materials other than safety glazing materials, except that: ~~(a)~~ In in  
7           buildings contracted for or existing on or before November 30, 1976, the department  
8           may by rule require the installation of a vertical or horizontal bar, rail, grill, or screen  
9           as a protective device in lieu of safety glazing material in hazardous locations where  
10          safety glazing would be impractical because of the size of the lite required.

11          **SECTION 28.** 101.125 (4) (a) of the statutes is amended to read:

12          101.125 (4) (a) No employee of a person responsible for compliance with ~~this~~  
13          ~~section~~ the rules promulgated under sub. (2m) is liable for the employer's failure to  
14          comply.

15          **SECTION 29.** 101.125 (5) of the statutes is amended to read:

16          101.125 (5) **PENALTY.** Whoever violates this section or the rules promulgated  
17          under sub. (2m) may be required to forfeit not less than \$100 nor more than \$500  
18          \$1,000. Each day of continued violation constitutes a separate offense.

19          **SECTION 30.** 101.14 (4m) (a) 3. of the statutes is repealed.

20          **SECTION 31.** 101.148 (3) of the statutes is created to read:

21          101.148 (3) **PENALTY.** Any person who violates this section shall forfeit not more  
22          than \$1,000 for each offense. Each day of continued violation constitutes a separate  
23          offense.

\*\*\*\*NOTE: Section 101.148 (2) requires a contractor to give each consumer certain  
notices prior to entering into a contract or beginning construction work. Consider

whether violation of this provision is a type of violation that should be considered continuing and a separate violation for each day the notice is not given.

1           **SECTION 32.** 101.16 (3g) (a) of the statutes is renumbered 101.16 (3g).

2           **SECTION 33.** 101.16 (3g) (b) of the statutes is repealed.

3           **SECTION 34.** 101.17 of the statutes is amended to read:

4           **101.17 Machines and boilers, safety requirement.** No machine,  
5 mechanical device, or steam boiler shall be installed or used in this state which does  
6 not fully comply with the requirements of the laws of this state enacted for the safety  
7 of employees and frequenters in places of employment and public buildings and with  
8 the orders of the department adopted and published in conformity with this  
9 subchapter. Any person violating this section shall be subject to the forfeitures  
10 provided in s. 101.02 (12) and (13).

\*\*\*\*NOTE: If s. 101.02 (12) is repealed, consider whether any other penalty provision is required for this provision.

11           **SECTION 35.** 101.19 (1r) of the statutes is amended to read:

12           101.19 (1r) Notwithstanding subs. (1g) and (1m), the department shall waive  
13 any fee imposed on an individual who is eligible for the veterans fee waiver program  
14 under s. 45.44 for a license, permit, or certificate of certification or registration issued  
15 by the department under s. 101.122 (2) (c), 101.15 (2) (e), 101.16 (3g), 101.17, 101.178  
16 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2),  
17 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), ~~145.035~~, 145.045,  
18 145.07 (12), 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m).

19           **SECTION 36.** 101.596 (2) (a) and (b) of the statutes are amended to read:

20           101.596 (2) (a) ~~The review board~~ department shall review complaints received  
21 from permittees concerning possible incompetent, negligent, or unethical conduct by  
22 building inspectors.



1 (b) After reviewing a complaint received under par. (a), the ~~review board~~  
2 department may revoke the certification of a building inspector if the board  
3 determines that the building inspector has engaged in incompetent, negligent, or  
4 unethical conduct.

\*\*\*NOTE: As modified, it is not clear how the building inspector review board acts  
given that the board is not involved in the review process.

5 **SECTION 37.** 101.596 (3) (a) (intro.), (b) and (c) of the statutes are amended to  
6 read:

7 101.596 (3) (a) (intro.) If a permittee makes a complaint to the ~~review board~~  
8 department concerning a building inspector, the permittee may do one of the  
9 following:

10 (b) If the permittee chooses to request that the permittee's complaint remain  
11 anonymous, the ~~board~~ department may not review the complaint or modify or revoke  
12 the permit unless the ~~board~~ department receives 2 additional anonymous complaints  
13 regarding the building inspector. If 2 or more additional complaints are made, the  
14 ~~review board~~ department shall proceed with its review, and none of the complaints  
15 may continue to be anonymous.

16 (c) If the permittee allows ~~his~~ the permittee's complaint to be presented to the  
17 building inspector without requesting anonymity, the ~~review board~~ department shall  
18 proceed with the review.

19 **SECTION 38.** 101.653 (5) (b) 2. of the statutes is amended to read:

20 101.653 (5) (b) 2. A written determination by the department, issued every ~~3~~  
21 5 years, of whether or not the county, city, village, or town complies with par. (a).

22 **SECTION 39.** 101.66 (3) of the statutes is amended to read:

1           101.66 (3) Whoever violates this subchapter shall forfeit to the state not less  
2 than ~~\$25~~ \$100 nor more than ~~\$500~~ \$5,000 for each violation. Each day ~~that such of~~  
3 continuing violation ~~continues~~ constitutes a separate offense.

4           **SECTION 40.** 101.77 of the statutes is amended to read:

5           **101.77 Penalties.** Whoever violates this subchapter shall forfeit to the state  
6 not less than ~~\$25~~ \$100 nor more than ~~\$500~~ \$5,000 for each violation ~~and each.~~ Each  
7 day ~~that such of continuing~~ violation ~~continues~~ constitutes a separate offense.

8           **SECTION 41.** 101.88 (3) of the statutes is amended to read:

9           101.88 (3) Any person who violates this subchapter or any rule promulgated  
10 under this subchapter shall forfeit to the state not less than ~~\$25~~ \$100 nor more than  
11 ~~\$500~~ \$5,000 for each violation. Each day of continuing violation constitutes a  
12 separate offense.

13           **SECTION 42.** 101.94 (5) of the statutes is created to read:

14           101.94 (5) The department shall prepare and submit all reports required under  
15 federal law related to manufactured home construction and safety including reports  
16 to the federal department of housing and urban development.

17           **SECTION 43.** 101.94 (8) (a) of the statutes is amended to read:

18           101.94 (8) (a) Except as provided in par. (c), a person who violates this  
19 subchapter, a rule promulgated under this subchapter, or an order issued under this  
20 subchapter shall forfeit not more than ~~\$1,000~~ \$1,100 for each violation. Each  
21 violation of this subchapter constitutes a separate violation with respect to each  
22 manufactured home or with respect to each failure or refusal to allow or perform an  
23 act required by this subchapter, except the maximum forfeiture under this  
24 subsection may not exceed ~~\$1,000,000~~ \$1,375,000 for a related series of violations  
25 occurring within one year of the first violation.

1           **SECTION 44.** 101.957 of the statutes is repealed.

2           **SECTION 45.** 101.965 (1p) of the statutes is amended to read:

3           101.965 (1p) Any person who violates s. 101.96 or any rule promulgated under  
4 that section may be required to forfeit not less than ~~\$25~~ \$100 nor more than \$500  
5 \$5,000 for each violation. Each day of continued violation constitutes a separate  
6 ~~violation offense.~~

7           **SECTION 46.** Subchapter VI (title) of chapter 101 [precedes 101.971] of the  
8 statutes is repealed.

9           **SECTION 47.** 101.971 (intro.), (1), (3) and (4) of the statutes are repealed.

10          **SECTION 48.** 101.971 (2) of the statutes is renumbered 101.01 (8m) and  
11 amended to read:

12          101.01 (8m) “Multifamily dwelling” means an apartment building, rowhouse,  
13 town house, condominium, or modular home, as defined in s. 101.71 (6), that does not  
14 exceed 60 feet in height or 6 stories and that consists of 3 or more attached dwelling  
15 units, as defined in s. 101.61 (1), the initial construction of which is begun on or after  
16 January 1, 1993. “Multifamily dwelling” does not include a facility licensed under  
17 ch. 50.

18          **SECTION 49.** 101.973 (intro.), (1), (3), (4), (5), (6), (7), (8), (9) and (10) of the  
19 statutes are repealed.

20          **SECTION 50.** 101.973 (2) of the statutes is renumbered 101.02 (25) and amended  
21 to read:

22          101.02 (25) Biennially The department shall periodically review the rules  
23 promulgated under this subchapter.

\*\*\*\*NOTE: Using “periodically” does not obligate DSPS to review the rules at any particular time and really does not obligate DSPS to review the rules at all. Please consider whether we can add more definiteness to this requirement to give DSPS

guidance regarding when it should conduct a rules review, or consider whether we can provide some other standard that will trigger periodic rules reviews. See, for example, s. 101.027 (3) (a), which lists events the occurrence of which require DSPS to review the rules that constitute the energy conservation code.

1           **SECTION 51.** 101.974 (intro.), (1) and (3) of the statutes are repealed.

2           **SECTION 52.** 101.974 (2) of the statutes, as affected by 2015 Wisconsin Act 55,  
3 is repealed.

4           **SECTION 53.** 101.974 (4) and (5) of the statutes are renumbered 101.02 (26) and  
5 (27) and amended to read:

6           101.02 (26) ~~Promulgate~~ The department may promulgate rules prescribing  
7 procedures for approving new building materials, methods, and equipment.

8           (27) ~~Study~~ The department may study the administration of the rules  
9 promulgated under this subchapter and other laws related to the construction of  
10 multifamily ~~dwelling units~~ dwellings to determine their impact on the cost of  
11 building construction and their effectiveness in ensuring the health, safety, and  
12 welfare of the occupants.

\*\*\*\*NOTE: Is this consistent with your intent? In other words, should DSPS be required to study and determine the impact of the administration of only those rules and laws that are related to construction of multifamily dwellings or those rules and laws that are related to construction of all commercial buildings?

13           **SECTION 54.** 101.975, 101.976, 101.977 and 101.978 of the statutes are  
14 repealed.

15           **SECTION 55.** 101.988 (3) of the statutes is amended to read:

16           101.988 (3) **PENALTIES.** Any person who violates this subchapter or rules  
17 promulgated under this subchapter may be fined not more than ~~\$1,500~~ \$5,000 or  
18 imprisoned for not more than 30 days or both, except that, notwithstanding s. 939.61  
19 (1), the owner of a private residence in which a conveyance is located may not be fined

1 or required to pay a forfeiture to this state as a result of any violation involving that  
2 conveyance.

\*\*\*\*NOTE: Do you want to add the following phrase to this provision: "Each day of continued violation constitutes a separate offense"?

3 **SECTION 56.** 145.02 (2) (a) of the statutes, as affected by 2015 Wisconsin Act 49,  
4 is amended to read:

5 145.02 (2) (a) The department shall have general supervision of all such  
6 plumbing and under sub. (1). The department shall after public hearing prescribe  
7 and publish and enforce reasonable standards therefor which promulgate rules that  
8 shall be uniform and of statewide concern so far as practicable uniformly apply to all  
9 types of buildings, private or public, rural or urban, including buildings owned by the  
10 state or any political subdivision. Any employee designated by the department may  
11 act for the department in holding the public hearing required under this subsection.  
12 The rules promulgated by the department shall constitute the state plumbing code.  
13 To the extent that the historic building code applies to the subject matter of these  
14 standards, the standards do not apply to a qualified historic building if the owner  
15 elects to be subject to s. 101.121.

16 **SECTION 57.** 145.035 of the statutes is repealed.

17 **SECTION 58.** 145.045 (3) of the statutes is amended to read:

18 145.045 (3) ~~PLUMBERS AND SEPTIC TANK INSTALLERS.~~ A plumber or septic tank  
19 installer may also be a soil tester and install any system after approval of the site or  
20 project by the department or the governmental unit responsible for the regulation  
21 of private on-site wastewater treatment systems.

22 **SECTION 59.** 145.12 (4) of the statutes is amended to read:

1           145.12 (4) Any person who violates any order under s. 145.02 (3) (f) or 145.20  
2           (2) (f) or any rule or standard adopted under s. ~~145.13~~ 145.02 shall forfeit not less  
3           than \$10 nor more than \$1,000 for each violation. Each violation of an order under  
4           s. 145.02 (3) (f) or 145.20 (2) (f) or a rule or standard under s. ~~145.13~~ 145.02  
5           constitutes a separate offense and each day of continued violation is a separate  
6           offense.

7           **SECTION 60.** 145.13 of the statutes is repealed.

8           **SECTION 61.** 145.24 (1) of the statutes is amended to read:

9           145.24 (1) If an existing private on-site wastewater treatment system either  
10          is not located in soil meeting the siting standards or is not constructed in accordance  
11          with design standards promulgated under s. 145.02 ~~or 145.13~~, the owner of the  
12          private on-site wastewater treatment system may petition the department for a  
13          variance to the siting or design standards.

14          **SECTION 62.** 145.245 (7) (a) of the statutes is amended to read:

15          145.245 (7) (a) Except as provided in par. (e), costs allowable in determining  
16          grant funding under this section may not exceed the costs of rehabilitating or  
17          replacing a private on-site wastewater treatment system which would be necessary  
18          to allow the rehabilitated system or new system to meet the minimum requirements  
19          of the state plumbing code promulgated under s. ~~145.13~~ 145.02.

20          **SECTION 63.** 145.26 (1) of the statutes is amended to read:

21          145.26 (1) In this section, “public swimming pool” means a fixed or mobile  
22          structure, basin, chamber, or tank and appurtenant buildings and equipment that  
23          serve or are installed for use by the state, a political subdivision of the state, a motel,  
24          a hotel, a resort, a camp, a club, an association, a housing development, a school, a  
25          religious, charitable, or youth organization, an educative or rehabilitative facility, or

1 another entity. “Public swimming pool” does not mean an inflated mobile structure,  
2 basin, chamber, or tank; a swim pond; an individual therapeutic pod, tub, or bath;  
3 or a fixed or mobile structure, basin, chamber, or tank that only serves fewer than  
4 3 individual residences.

5 **SECTION 64.** 234.49 (1) (e) of the statutes is amended to read:

6 234.49 (1) (e) “Housing” means a residential structure having not more than  
7 4 dwelling units in which at least one unit is occupied by the owner as a principal  
8 residence and, if a housing rehabilitation loan is granted for the property to  
9 implement energy conservation improvements, the structure is not subject to rules  
10 adopted under s. 101.02, 101.63, or 101.73, or 101.973.

11 **SECTION 65. Initial applicability.**

12 (1) PENALTY FOR CERTAIN VIOLATIONS. The treatment of section 101.94 (8) (a) of  
13 the statutes first applies to violations occurring on the effective date of this  
14 subsection.

15

(END)