



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2015 Senate Bill 458

**Senate Substitute Amendment 1
and Senate Amendment 1 to
Senate Substitute Amendment 1**

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BACKGROUND

Under current law, the Department of Safety and Professional Services (DSPS) is required to prescribe and furnish a standard building permit form for all new one- and two-family dwellings to a political subdivision (city, village, town, or county).¹ The standard permit form must include a space in which the municipal authority issuing the permit shall insert the name and license number of the master plumber engaged in supervising the installation of plumbing or installing the plumbing at a new one- or two-family dwelling.

A political subdivision may not issue a building permit to a person who is required to obtain a certificate of financial responsibility by DSPS. To obtain such a certificate, the person must show DSPS that he or she is in compliance with various statutory requirements, including financial responsibility requirements and continuing education requirements. This does apply, however, to an owner of a dwelling who resides or will reside in the dwelling and who applies for a building permit to perform work on that dwelling.

2015 SENATE BILL 458

Standard Building Permit Form

Senate Bill 458 (the bill) requires that DSPS also include on the standard building permit form for all new one- and two-family dwellings a space in which the political subdivision issuing

¹ A copy of the current form is available on DSPS's website at: <http://dsps.wi.gov/Documents/Industry%20Services/Forms/UDC/SBD-5823%20Uniform%20Bldg%20Permit%20Appl.pdf>.

the permit must insert the name of the person to whom the building permit is issued, and the number and expiration date of the certificate of financial responsibility issued to that person.

Political Subdivision Annual Reports Submitted to DSPS

The bill also creates a requirement that a political subdivision provide an annual report to DSPS, on or before January 1, that contains the name of each person to whom the political subdivision issued a building permit for the construction of a one- or two-family dwelling in the previous year. The report must include the number and expiration date of each current contractor credential held by that person.

If a political subdivision does not provide an annual report to DSPS by January 1, DSPS must notify the political subdivision in writing of this fact. If the political subdivision does not submit the report within 30 days of the date of DSPS's notice, then the political subdivision must do all of the following:

- Make reasonable efforts to notify each person to whom a building permit was issued in the previous year that it did not provide the required report to DSPS.
- Refund to each person to whom a building permit was issued, an amount equal to the difference between the amount paid by that person for the permit to the political subdivision and the portion of the permit fee remitted by the political subdivision to DSPS, if any.

Effective Date

The bill provides a nine-month delayed effective date.

SENATE SUBSTITUTE AMENDMENT 1

Senate Substitute Amendment 1 (SSA 1) eliminates all of the provisions of the bill related to a political subdivision providing an annual report to DSPS. Instead, under SSA 1, DSPS must, on or before January 2, 2017, do all of the following by rule:

- Establish a system by which a person may electronically submit an application to a municipal authority for a building permit for a one- or two-family dwelling, through which the person may be issued the building permit by the municipal authority, and through which the municipal authority may submit copies of issued building permits to DSPS.
- Prescribe a standard building permit application form that shall be furnished to all political subdivisions and used by all applicants for building permits for one- and two-family dwellings, except that DSPS may approve a political subdivision's use of a different application form.
- Require a political subdivision to use the standard building permit form as prescribed above, unless DSPS approves a political subdivision's use of a different form.

SSA 1 also requires a political subdivision to do all of the following:

- Begin implementation of the system described above no later than January 2, 2018.
- Not later than the 15th day of the month following issuance of each building permit for one- or two-family dwellings, electronically file a copy of the permit with DSPS. If a political subdivision fails to do so within this timeframe, then it must refund to the person to whom the building permit was issued an amount equal to the difference between the amount paid by that person to the political subdivision for the permit, and the portion of the permit fee remitted by the political subdivision to DSPS, if any. This subsection first applies to a political subdivision beginning on the date that it begins implementation of the system.

SSA 1 retains the nine-month delayed effective date.

SENATE AMENDMENT 1

Senate Amendment 1 (SA 1) to SSA 1 deletes the nine-month delayed effective date.

BILL HISTORY

Senator Olsen introduced SSA 1 on January 13, 2016 and SA 1 to SSA 1 on January 19, 2016. On January 26, 2016, the Senate Committee on Elections and Local Government voted to recommend adoption of SA 1 to SSA 1, adoption of SSA 1, as amended, and passage of the bill, as amended, by successive votes of Ayes, 4; Noes, 1.

BL:jal