

State of Wisconsin



2017 Senate Bill 394

Date of enactment: April 3, 2018
Date of publication*: April 4, 2018

2017 WISCONSIN ACT 240

AN ACT *to repeal* 15.405 (1m), 15.407 (11), 101.596 (title), 101.596 (1), 101.596 (2) and 101.596 (3) (title); *to renumber and amend* 101.596 (3) and 101.625; *to amend* 101.62 (title), 101.63 (2), 101.64 (3) and 101.648 (1) (b); and *to create* 101.62 (1) (title), 101.62 (2) (title), 101.62 (3) (title), 101.62 (4) (title), 101.62 (5) (title), 101.62 (5) (a) and 101.62 (5) (b) of the statutes; **relating to:** religious exemption from dwelling construction standards, eliminating the Building Inspector Review Board and the Contractor Certification Council, and requiring the Uniform Dwelling Code Council to review complaints regarding the inspection of one-family or two-family dwelling construction.

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

SECTION 1. 15.405 (1m) of the statutes is repealed.

SECTION 2. 15.407 (11) of the statutes is repealed.

SECTION 3. 101.596 (title) of the statutes is repealed.

SECTION 4. 101.596 (1) of the statutes is repealed.

SECTION 5. 101.596 (2) of the statutes is repealed.

SECTION 6. 101.596 (3) (title) of the statutes is repealed.

SECTION 7. 101.596 (3) of the statutes is renumbered 101.62 (5) (c), and 101.62 (5) (c) 1. (intro.) and a., 2. and 3., as renumbered, are amended to read:

101.62 (5) (c) 1. (intro.) If a permittee makes a complaint to the ~~review board~~ council concerning a building inspector, the permittee may do one of the following:

a. Request that the complaint remain anonymous, subject to ~~par. (b)~~ subd. 2.

2. If the permittee chooses to request that the permittee's complaint remain anonymous, the ~~board~~ council may not review the complaint ~~or modify or revoke the permit~~ unless the ~~board~~ council receives 2 additional anonymous complaints regarding the inspector. If 2 or

more additional complaints are made, the ~~review board~~ council shall proceed with its review, and none of the complaints may continue to be anonymous.

3. If the permittee allows ~~his~~ the permittee's complaint to be presented to the building inspector without requesting anonymity, the ~~review board~~ council shall proceed with the review.

SECTION 8. 101.62 (title) of the statutes is amended to read:

101.62 (title) Uniform dwelling code council; power.

SECTION 9. 101.62 (1) (title) of the statutes is created to read:

101.62 (1) (title) CONSTRUCTION STANDARDS AND RULES.

SECTION 10. 101.62 (2) (title) of the statutes is created to read:

101.62 (2) (title) ACCESSIBILITY.

SECTION 11. 101.62 (3) (title) of the statutes is created to read:

101.62 (3) (title) OTHER MATTERS.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

SECTION 12. 101.62 (4) (title) of the statutes is created to read:

101.62 (4) (title) REPORTS.

SECTION 13. 101.62 (5) (title) of the statutes is created to read:

101.62 (5) (title) BUILDING INSPECTOR COMPLAINTS.

SECTION 14. 101.62 (5) (a) of the statutes is created to read:

101.62 (5) (a) In this subsection:

1. "Building inspector" means a person who is certified under rules promulgated by the department to make inspections under this subchapter.

2. "Council" means the uniform dwelling code council.

3. "Permittee" means a person who is issued a building permit under this subchapter.

SECTION 15. 101.62 (5) (b) of the statutes is created to read:

101.62 (5) (b) The council shall review complaints received from permittees concerning possible incompetent, negligent, or unethical conduct by building inspectors. After reviewing a complaint received under this paragraph, the council shall recommend that the department suspend or revoke the certification of a building inspector if the council determines that the building inspector has engaged in incompetent, negligent, or unethical conduct.

SECTION 16. 101.625 of the statutes is renumbered 101.62 (6), and 101.62 (6) (intro.) and (a), as renumbered, are amended to read:

101.62 (6) ~~CONTRACTOR CERTIFICATION COUNCIL; DUTIES CONTRACTORS.~~ (intro.) The ~~contractor certification~~ uniform dwelling code council shall do all of the following:

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

SECTION 17. 101.63 (2) of the statutes is amended to read:

101.63 (2) Adopt rules for the certification, including provisions for suspension and revocation thereof, of inspectors for the purpose of inspecting building construction, electrical wiring, heating, ventilating, air conditioning and other systems, including plumbing, as defined in s. 145.01 (10), of one- and 2-family dwellings

under sub. (1). The rules shall specify that the department may suspend or revoke the certification of an inspector under this subsection for knowingly authorizing the issuance of a building permit to a contractor who is not in compliance with s. 101.654. Upon receipt of a recommendation of the uniform dwelling code council under s. 101.62 (5) (b) to suspend or revoke the certification of a building inspector, the department shall suspend or revoke the certification if the department determines the building inspector has engaged in incompetent, negligent, or unethical conduct. Persons certified as inspectors may be employees of the department, a city, village, town, county, or an independent inspection agency. The department may not adopt any rule ~~which~~ that prohibits any city, village, town, or county from licensing persons for performing work on a dwelling in which the licensed person has no legal or equitable interest.

SECTION 18. 101.64 (3) of the statutes is amended to read:

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

SECTION 18m. 101.648 (1) (b) of the statutes is amended to read:

101.648 (1) (b) "Dwelling construction standard" means a requirement imposed under s. 101.645 (3) or 101.647 (3) or a requirement imposed under any provision of ch.101 or 145 applicable inside one- and 2-family dwellings or under any ordinance of a political subdivision relating to standards for electrical wiring or plumbing ~~in~~ applicable inside one- and 2-family dwellings.

SECTION 19. Nonstatutory provisions.

(1) PENDING MATTERS.

(a) *Building inspector review board.* Any matter pending with the building inspector review board on the effective date of this paragraph that is related to the inspection of construction of a one-family or two-family dwelling is transferred to the uniform dwelling code council, and all materials submitted to or actions taken by the board with respect to the pending matter are considered as having been submitted to or taken by the council.

(b) *Contractor certification council.* Any matter pending with the contractor certification council on the effective date of this paragraph is transferred to the uniform dwelling code council, and all materials submitted to or actions taken by the contractor certification council with respect to the pending matter are considered as having been submitted to or taken by the uniform dwelling code council.