



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2017 Wisconsin Act 331
[2017 Assembly Bill 905]

**Various Changes in the
Department of Safety and
Professional Services**

2017 Wisconsin Act 331 makes various changes related to the regulation of occupations, buildings, and safety, as administered by the Department of Safety and Professional Services (DSPS) and the professional credentialing boards it houses. All of the changes in the Act relate to recommendations made by DSPS. This Act Memo provides a general summary of the Act.

UNIFORM CREDENTIALING STANDARDS AND PROCEDURES

DSPS was created as part of the 2011-13 Biennial Budget Act, which merged the previous Department of Regulation and Licensing with part of the Department of Commerce. Following the merger, some of the general procedural differences that had existed between the prior agencies were retained. The Act generally increases the uniformity in DSPS's standards and procedures across all of the professions it regulates.

The Act defines the term "professional credential" to mean the DSPS health and business professions (found in chs. 440 to 480, Stats.), and defines the term "occupational license" to mean the DSPS trades professions (found in chs. 101 and 145, Stats., and s. 167.10 (6m), Stats.). The Act provides that certain procedures, which previously applied only to professional credentials, also apply to occupational licenses. These include, for example: (1) procedures and standards for receiving, filing and investigating complaints, and for commencing and conducting disciplinary hearings; (2) standards regarding nondisclosure of certain personal information; (3) standards for refusing a credential based on tax or unemployment delinquency, incompetency, or delinquency in support payments; (4) general standards that apply to disciplinary actions; and (5) standards for granting or denying a credential.

The Act also authorizes DSPS to issue administrative warnings to occupational license holders. Administrative warnings are nondisciplinary letters issued in lieu of formal discipline

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

to warn an individual that subsequent misconduct may result in discipline. Under prior law, administrative warnings could only be issued to professional credential holders.

OTHER CHANGES

The Act makes a number of other changes to the regulation of occupations, buildings, and safety through DSPS, including:

- Repealing the multifamily dwelling code. In practice, the multifamily dwelling code is essentially being replaced by the commercial building code, which applies to buildings used by three or more tenants for lodging or occupancy.
- Eliminating statutory requirements related to the process of labeling, installing, and selling safety glazing material that is located or to be located in hazardous locations. In place of the statutory requirements, the Act requires DSPS to promulgate rules regulating safety glazing material that is manufactured, distributed, imported, sold, or installed for use in a hazardous location.
- Repealing an outdated statute related to the aging schools program, which had required DSPS to inspect, by January 1, 1990, all public schools constructed prior to January 1, 1950, for compliance with certain safety and building standards.
- Eliminating the requirement that DSPS establish by rule an alternative dispute program for disputes related to defects in or installation of manufactured homes.
- Eliminating DSPS's authority to issue temporary revocable permits to master and journeyman plumbers pending examination.
- Removing the term "septic tank installers" from state statutes that identify requirements related to installation of private on-site wastewater treatment systems. This term is not otherwise used in the statutes.
- Excluding the following from the definition of the term "public swimming pool": (1) an inflated mobile structure, basin, chamber, or tank; (2) a swim pond; and (3) an individual therapeutic pod, tub, or bath.
- Requiring that individuals applying for a funeral director's license complete a jurisprudence exam that tests knowledge of state law relating to funeral directing.

Effective date: The Act generally took effect on April 18, 2018.

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