



State of Wisconsin \ Department of Commerce

RULES in FINAL DRAFT FORM

Rule No.: Sections Comm 5.34, 5.35, 5.40 and 5.92

Relating to: Welder, Electrician and Plumber Credentials

Clearinghouse Rule No.: 05-011

The Department of Commerce proposes an order to repeal s. Comm 5.40 (2); to renumber s. Comm 5.92 (6) (b) and (c); to amend ss. Comm 5.34 (4) (intro.), (a) and (b), and Comm 5.35 (5) (intro.), (b) and (c) 1.; and to create ss. Comm 5.34 (4) (d), Comm 5.92 (4) Note, and Comm 5.92 (6) (b), relating to licenses, certifications and registrations and affecting small businesses.

Analysis of Proposed Rules

1. Statutes interpreted.

Sections 101.02 (1) and (15) (h) to (j), and 145.14, Stats.

2. Statutory authority.

Sections 101.02 (1) and (15) (h) to (j), and 145.14, Stats.

3. Related Statute or Rule.

None.

4. Explanation of Agency Authority.

Section 101.02 (1), Stats., authorizes the Department of Commerce to adopt reasonable and proper rules relative to the exercise of its powers and authorities. Section 101.02 (15)(h) to (j), Stats., grants the Department general authority for protecting the health, safety and welfare of the public by establishing reasonable and effective safety standards for the construction, repair and maintenance of public buildings and places of employment. Section 145.14, Stats., grants the Department authority to promulgate rules governing plumbers.

5. Summary of Proposed Rules.

Chapter Comm 5 of the Wisconsin Administrative Code contains the Department's rules for the issuance and renewal of numerous credentials which businesses and individuals are either mandated or permitted to obtain. These credentials are licenses, certifications and registrations that relate to activities associated with the construction and inspection of buildings and structures or specific components and elements that serve buildings and structures.

The proposed rules consist of revisions in chapter Comm 5 in order to address some administrative inconsistencies and oversights that have occurred since the last major update of chapter Comm 5. The time period during which a certified welder may perform the welding procedures for which the welder is certified is being increased from 3 years to 4 years. Likewise, the time period for maintaining the records of those individuals who passed a structural welding test is being increased from 4 years to 5 years. Additionally, a rule is created to require certified welders to identify the welding on structurally significant members. The proposal deletes the rule relating to advertising as certified electrical contractors or electricians. The proposed rules also include a requirement for certain persons licensed as master plumbers-restricted appliance to complete an educational course on multipurpose piping systems that they are allowed to install.

6. Summary of, and Comparison with, Existing or Proposed Federal Regulations.

The proposed rules address administrative issues unique to the department's rules. There are no existing or proposed federal regulations that address the activities to be regulated by the proposed rules.

7. Comparison with Rules in Adjacent States.

The proposed rules address administrative issues unique to the department's rules. There are no similar rules in the states of Illinois, Iowa, Michigan and Minnesota.

8. Summary of Factual Data and Analytical Methodologies.

There were no factual data or analytical methodologies used to develop the proposed rules.

9. Analysis and Supporting Documents Used to Determine Effect on Small Business or in Preparation of Economic Impact Report.

The proposed rules should have a minimal effect on small business. There were no supporting documents used to determine the effect on small business, and an economic impact report was not prepared.

SECTION 1. Comm 5.34 (4) (intro.), (a) and (b) are amended to read:

Comm 5.34 (4) (intro.) RESPONSIBILITIES. A person who does structural welding as a registered welder shall do all of the following:

(a) Perform only those structural welding procedures for which the person has qualified by test within the last ~~3~~ 4 years;

(b) Carry proof as to which welding procedures the person has qualified by test; ~~and~~.

SECTION 2. Comm 5.34 (4) (d) is created to read:

Comm 5.34 (4) (d) Identify the welding on each structurally significant member with a distinguishing mark stamped on the member by the person doing the welding.

SECTION 3. Comm 5.35 (5) (intro.), (b) and (c) 1. are amended to read:

Comm 5.35 (5) (intro.) RESPONSIBILITIES. A person who conducts welding tests for qualifying structural welders under s. Comm 5.34 as a certified weld test conductor-physical or weld test conductor-radiographic shall do all of the following:

(b) Provide to each ~~structural welder~~ individual who passes a qualifying welding test, documentation in a format specified by the department, indicating the welding procedures for which the individual qualified; ~~and~~.

(c) 1. Maintain a record of those individuals who passed a structural welding qualifying test, including the procedures for which the individuals qualified, for at least ~~4~~ 5 years after the date of the test; ~~and~~.

SECTION 4. Comm 5.40 (2) is repealed.

SECTION 5. Comm 5.92 (4) Note is created to read:

Comm 5.92 (4) Note: After December 31, 2001, the examination for a master plumber-restricted appliance license will include questions relative to the design and installation of multipurpose piping systems.

SECTION 6. Comm 5.92 (6) (b) and (c) are renumbered (6) (c) and (d).

SECTION 7. Comm 5.92 (6) (b) is created to read:

Comm 5.92 (6) (b) 1. A person who has obtained his or her master plumber-restricted appliance license prior to January 1, 2002 and who is responsible for the installation or modification of a multipurpose piping system shall have completed an approved course in the engineering principles

and skills associated with the design, installation and maintenance of multipurpose piping systems prior to installing such a system.

2. A course to fulfill the obligation under subd. 1. shall be approved and conducted in accordance with s. Comm 5.08.

END

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.
