

## Chapter SPS 131

### AUTHORITY AND DEFINITIONS

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**Note:** Chapter RL 131 was created as an emergency rule effective 11-1-98. Chapter RL 131 was renumbered chapter SPS 131 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671.

**SPS 131.01 Authority.** The rules in chs. SPS 131 to 135 are adopted pursuant to ss. 227.11 (2) and 440.974, Stats.

**History:** Cr. Register, July, 1999, No. 523, eff. 8-1-99; correction made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

**SPS 131.02 Definitions.** As used in chs. SPS 131 to 135:

(1) "Automatic safety controls" means devices designed and installed to protect systems and components from excessively high or low pressure and temperatures, excessive electrical current, loss of water, loss of ignition, fuel leaks, fire, freezing, or other similar unsafe conditions.

(2) "Central air conditioning" means a system which uses ducts to distribute cooling or dehumidified air to more than one room or uses pipes to distribute chilled water to heat exchangers in more than one room, and which is not plugged into an electrical convenience outlet.

(3) "Client" means a person who contracts with a home inspector for the purpose of a home inspection.

(4) "Component" means a readily accessible and observable element of a system, such as a floor or wall.

(5) "Cosmetic" means not required for the proper operation of the essential systems and components of a home.

(6) "Cross connection" means any physical connection or arrangement between potable water and any source of contamination.

(7) "Department" means the department of safety and professional services.

(8) "Describe" means to identify in writing a system or component by type or characteristics.

(9) "Dismantle" means to take apart or remove any component, device, or piece of equipment that is bolted, screwed, or otherwise fastened and which would not be taken apart or removed in the ordinary course of household maintenance.

(10) " Dwelling unit" means a structure or that part of a structure that is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons who are maintaining a common household, to the exclusion of all others.

(11) "Functional drainage" means the emptying of a drain in a reasonable amount of time with no sign of overflow when another fixture is drained simultaneously.

(12) "Home inspection" means the process by which a home inspector examines the observable systems and components of improvements to residential real property that are readily accessible.

(13) "Home inspection report" means a written opinion of a home inspector concerning all of the following:

(a) The condition of the improvements to residential real property that contains not more than 4 dwelling units.

(b) The condition of mechanical and structural components of the improvements specified in par. (a).

(14) "Home inspector" means an individual who, for compensation, conducts a home inspection.

(15) "Household appliances" means washers, dryers, refrigerators, freezers, stoves, ovens, room air conditioners and other similar equipment.

(16) "Inspect" means to examine observable systems and components.

(17) "Material adverse fact" means a condition or occurrence that is generally recognized by a competent home inspector as doing any of the following:

(a) Significantly reducing the functionality or structural integrity of components or systems of the improvements to the property being inspected.

(b) Posing a significant health or safety risk to occupants of the improvements.

(18) "Normal operating controls" means homeowner operated devices including, but not limited to, thermostats and wall or safety switches.

(19) "On-site water supply quality" means the condition of water, based on the existence of bacteria, chemicals, minerals, solids, or other similar elements in the water.

(20) "On-site water supply quantity" means the rate of water flow from a well or a municipal water source.

(21) "Operate" means to cause a piece of equipment or a system to function.

(22) "Permanently installed" means attached or connected to an item in a manner which requires tools to remove.

(23) "Primary" means an item such as a window or door designed to remain in the same place year-round.

(24) "Reasonably competent and diligent home inspection" means an inspection that complies with the standards established under subch. X of ch. 440, Stats., and ch. SPS 134.

(25) "Recreational facilities" means spas, saunas, steam baths, swimming pools, tennis courts, playground equipment, and other exercise, entertainment, or athletic facilities.

(26) "Roof drainage systems" means gutters, downspouts, leaders, splashblocks, and similar components used to carry water off a roof and away from a building.

(27) "Safety glazing" means tempered or laminated glass, or rigid plastic.

(28) "Solid fuel heating device" means any wood, coal, or other similar solid organic fuel burning device including, but not limited to, fireplaces, fireplace inserts and stoves, wood stoves, and central furnaces, or any combination of those devices.

(29) "Structural component" means a component which supports a load bearing member.

(30) "System" means a combination of interacting or interdependent components, assembled to carry out one or more functions.

(31) "Technically exhaustive" means the extensive use of measurements, instruments, testing, calculations, and other means to develop scientific or engineering findings, conclusions or recommendations.

**History:** Cr. Register, July, 1999, No. 523, eff. 8-1-99; correction in (intro.), (7), (24) made under s. 13.92 (4) (b) 6., 7., Stats., Register November 2011 No. 671.

**SPS 131.03 Applicability.** As used in s. 440.9712, Stats., the terms "act as a home inspector" and "provide home inspection services" do not include individuals or business enti-

ties who inspect the energy-related components of a dwelling unit in order to assess or rate a home's energy performance, provided that the inspection is performed solely for this purpose and the individual or business entity is not described as a home inspector or does not convey the impression of being a home inspector.

**History:** Cr. Register, July, 1999, No. 523, eff. 8-1-99.