

STATEMENT OF SCOPE

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Rule No.: SPS 305 and 320

Relating to: Dwelling Contractor education requirements

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A.

2. Detailed description of the objective of the proposed rule:

The objective of the rule is to implement 2021 Wisconsin Act 237 to department rules concerning education requirements for Dwelling Contractor's licenses.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Chapter SPS 305 establishes licensing, certification, and registration programs for a variety of building related trades, both for individuals and businesses. The current rules establish provisions for the activities, qualifications, exams, responsibilities, and renewal obligations for the various credentials. Chapter 320 has provisions that refer to dwelling contractors credentials, which might need to be updated per the new standards. 2021 Wisconsin Act 237 has made a statutory update to certification requirements for building contractors.

This proposed rule will update SPS 305 and 320 to implement 2021 Wisconsin Act 237. The policy alternative is to leave SPS 305 and SPS 320 unchanged. This would leave the rules inconsistent with statutory provisions, which could create confusion among contractors, which could jeopardize the health, safety, or welfare of the occupants and owners of one- and two-family dwellings.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 227.11 (2) (a), Stats. provides "[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute..."

Section 101.60, Stats., reads, in part, "...establish statewide construction standards and inspection procedures for one- and 2-family dwellings and to promote interstate uniformity in construction standards by authorizing the department to enter into reciprocal agreements with other states which have equivalent standards."

Section 101.63 (1), Stats., reads, in part, "Adopt rules which establish standards for the construction and inspection of one- and 2-family dwellings and components thereof."

Section 101.64 (1) (f), Stats., reads, "Adopt rules prescribing procedures for approving new building materials, methods and equipment."

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

100 hours

6. List with description of all entities that may be affected by the proposed rule:

The rule revisions would potentially impact the providers of continuing education courses for dwelling contractor credentials and dwelling contractors credentialed under SPS 305.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule is likely to have minimal or no economic impact on small businesses and the state's economy as a whole.

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