

1993 Assembly Bill 860

Date of enactment: **April 15, 1994**
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1993 WISCONSIN ACT 322

AN ACT *to repeal* 145.02 (5) and 145.25; *to renumber* 145.02 (4); *to amend* 145.06 (title), 145.07 (title), 145.08 (2) and 145.10 (1) (intro.), (a) and (am), (2) and (3); and *to create* 145.01 (3m), 145.01 (3s), 145.02 (3) (h), 145.02 (4) (b), 145.06 (3m) and 145.07 (12) of the statutes, **relating to:** registration of persons who test certain plumbing devices, repealing the prohibition on the sale and installation of certain plumbing fixtures and granting rule-making authority.

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

SECTION 1. 145.01 (3m) of the statutes is created to read:

145.01 (3m) CROSS-CONNECTION CONTROL DEVICE. "Cross-connection control device" means any mechanical device that automatically prevents backflow from a contaminated source in or into a potable water supply system.

SECTION 2. 145.01 (3s) of the statutes is created to read:

145.01 (3s) CROSS-CONNECTION CONTROL TESTER. "Cross-connection control tester" means a person who conducts a performance test of an installed cross-connection control device.

SECTION 3. 145.02 (3) (h) of the statutes is created to read:

145.02 (3) (h) Promulgate rules concerning the testing of cross-connection control devices, including rules identifying the types of cross-connection control devices that may be tested only by a registered cross-connection control tester and the circumstances under which cross-connection control devices shall be tested.

SECTION 4. 145.02 (4) of the statutes is renumbered 145.02 (4) (a).

SECTION 5. 145.02 (4) (b) of the statutes is created to read:

145.02 (4) (b) The department may promulgate rules for the qualification and registration of cross-connection control testers.

SECTION 5m. 145.02 (5) of the statutes is repealed.

SECTION 6. 145.06 (title) of the statutes is amended to read:

145.06 (title) License or registration required; exemptions.

SECTION 7. 145.06 (3m) of the statutes is created to read:

145.06 (3m) No person may test the performance of cross-connection control devices when the test is required by the department unless he or she is registered with the department as a cross-connection control tester.

SECTION 8. 145.07 (title) of the statutes is amended to read:

145.07 (title) Licenses and registration; examinations.

SECTION 9. 145.07 (12) of the statutes is created to read:

145.07 (12) An applicant for registration as a cross-connection control tester shall submit an application and registration fee to the department as prescribed by the rules promulgated under s. 145.02 (4) (b).

SECTION 10. 145.08 (2) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

145.08 (2) No license or registration may be issued for longer than 2 years. Any license or registration may

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be renewed upon application made prior to the date of expiration. The department may renew licenses or registrations upon application made after the date of expiration if it is satisfied that the applicant has good cause for not applying for renewal prior to the date of expiration and upon payment of the renewal and additional fees prescribed.

SECTION 11. 145.10 (1) (intro.), (a) and (am), (2) and (3) of the statutes are amended to read:

145.10 (1) (intro.) The department may make investigations and conduct hearings and may, on its own or upon complaint in writing duly signed and verified by the complainant, and after providing not less than 10 days' notice to the licensee, suspend any master or journeyman plumber's license, cross-connection control tester's registration, utility contractor's license or temporary permit if it has reason to believe, and may revoke such license, registration or permit in the manner provided under this section, if it finds, that the holder of such license, registration or permit has:

(a) Made a material misstatement in the application for a license or registration or renewal thereof or for a temporary permit;

(am) Committed gross negligence or misconduct or is incompetent in the practice of plumbing covered by the person's license, registration or permit;

(2) A copy of the complaint with notice of the suspension of license, registration or permit shall be served on the person complained against, and the person's answer to the complaint shall be filed with the department and the

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complainant within 10 days after service. The department shall thereupon set the matter for hearing as promptly as possible and within 30 days after the date of filing the complaint. Either party may appear at the hearing in person or by attorney or agent. The department shall make its findings and determination within 90 days after the date that the hearing is concluded and send a copy to each interested party.

(3) No order revoking a license, registration or permit shall be made until after a public hearing to be held before the department at such place as the department designates. At least 10 days prior to the hearing the department shall send written notice of the time and place of the hearing to the licensee or permittee and to the person's attorney or agent of record by mailing the notice to the last-known address of such persons. The testimony presented and proceedings had at the hearing shall be recorded and preserved as the records of the department. The department shall as soon thereafter as possible make its findings and determination and send a copy to each interested party. One year after the date of revocation, application may be made for a new license or registration.

SECTION 11m. 145.25 of the statutes is repealed.

SECTION 12. Initial applicability. This act first applies to applications for registration as a cross-connection control tester, as defined in section 145.01 (3s) of the statutes, as created by this act, received by the department of industry, labor and human relations on the effective date of this SECTION.