

Chapter ILHR 81

APPRENTICESHIPS, LICENSURES, REGISTRATIONS AND
CERTIFICATIONS

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Note: Chapters H 61 and 64 as they existed on April 30, 1983 were repealed and a new chapter ILHR 81 was created effective May 1, 1983.

Subchapter I — Apprenticeships, Licensures and Registrations

ILHR 81.001 Purpose. The purpose of this subchapter is to protect the health of the public by establishing minimum standards as to the qualification, activities and responsibilities of persons engaging or offering to engage in plumbing work or the installation of automatic fire sprinkler systems.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

ILHR 81.002 Scope. The provisions of this subchapter apply to any person engaging or offering to engage in the construction, installation or maintenance of plumbing or automatic fire sprinkler systems.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

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ILHR 81.004 Permit processing times. Licenses, permits and registrations issued under this subchapter shall be granted or denied by the department within 30 business days after passage of examination or receipt of the applicable application and fees.

History: Cr. Register, February, 1985, No. 350, eff. 3-1-85.

ILHR 81.01 Definitions. For the purpose of this subchapter, the following terms are defined:

- (1) "Approved" means acceptable to the department.
- (2) "Automatic fire sprinkler contractor" means an individual, firm or corporation as defined in s. 145.01 (9), Stats.
- (3) "Automatic fire sprinkler fitter" means a person as defined in s. 145.01 (10), Stats.
- (4) "Automatic fire sprinkler system" means an installation as defined in s. 145.01 (8), Stats.
- (5) "Automatic fire sprinkler system apprentice" means a person as defined in s. 145.01 (11), Stats.
- (6) "Business establishment" means any industrial or commercial organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.
- (7) "Department" means the bureau of plumbing within the department of industry, labor and human relations.
- (8) "Gross negligence" means a high degree of failure to exercise ordinary care of judgement and failure by omission or commission to discharge the duty required to protect the public health, safety and welfare.
- (9) "Incompetence" means conduct which evidences a lack of competence or ability to discharge the duty required to protect the health, safety and welfare of the public, lack of knowledge of the fundamental principles of plumbing or an inability to apply those principles, or failure to maintain competency in the current practices and methods applicable to plumbing and the state uniform plumbing code.
- (10) "Journeyman plumber" means a person as defined in s. 145.01 (3), Stats.
- (11) "Master plumber" means a person as defined in s. 145.01 (2), Stats.
- (11m) "Master plumber in charge" means a master plumber who assumes the responsibility for the installation of plumbing and training of apprentices and registered learners in accordance with ch. 145, Stats., and chs. ILHR 81 to 86.

(12) "Misconduct" means an act performed in the discharge of enforcement duties which jeopardizes the interests of the public, including violation of federal or state laws, local ordinances or administrative rules relating to the position; preparation of deficient or falsified reports; failure to submit information or reports required by law or contract when requested by the municipality or the department; conduct which evidences a lack of trustworthiness; misrepresentation of qualifications such

ILHR 81.38 Certification fees. All applicants for certification as a certified plumbing inspector, shall submit, with the application form, the following fees:

(1) **APPLICATION AND INITIAL CERTIFICATION.** Persons applying for certification in one or more of the categories specified in s. Ind 69.20 (1) (b) shall submit a fee of \$25.00.

(2) **EXAMINATION.** Upon determination of eligibility for examination for certification as a certified plumbing inspector, fees shall be submitted for examination and reexamination as follows:

- (a) Initial examination..... \$10.00 per category
- (b) Examination retakes \$10.00 per examination

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; r. and recr. Register, April, 1985, No. 352, eff. 5-1-85.

ILHR 81.39 Petition for rules or declaratory rulings. Petitions for the adoption, repeal or amendment of rules and for declaratory rulings shall be in accordance with ch. 227, Stats.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

ILHR 81.40 Private sewage system inspections. All inspections of private sewage systems shall be performed by inspectors certified by the department.

(1) **CERTIFICATION.** Inspectors for private sewage systems shall be certified in accordance with the requirements of this subchapter.

(2) **LOCAL GOVERNMENTAL EMPLOYEES.** Pursuant to s. 145.20, Stats., certified plumbing inspectors of private sewage systems shall be employees of the respective local governmental unit responsible for the regulation of private sewage systems.

(3) **INDEPENDENT INSPECTION AGENCIES.** Inspections of private sewage systems may not be delegated to certified independent inspection agencies.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

SUBCHAPTER III — CERTIFICATION OF SOIL TESTERS

ILHR 81.601 Scope. The provisions of this subchapter as authorized by s. 145.045, Stats., apply to all persons engaged in the conducting and reporting of percolation tests, other tests required by applicable rules of the state uniform plumbing code and the evaluation of bore holes or soil exposures for the purpose of determining the suitability of soils on a parcel of land for the installation of private sewage systems. The tests and soil evaluations and reporting thereof on forms supplied by the department shall apply to individual parcels on which a private sewage disposal system is proposed for installation and to lands proposed for subdivision not served by public sewers.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

ILHR 81.602 Saving and severable clauses. History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; r. under s. 13.93 (2m) (b) 16, Stats., Register, February, 1985, No. 350.

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ILHR 81.603 Certification processing times. Certifications issued under this subchapter shall be granted or denied by the department within 30 business days after passage of examination or receipt of the applicable application and fees.

History: Cr. Register, February, 1985, No. 350, eff. 3-1-85.

ILHR 81.61 Definitions. For the purpose of this subchapter, the following terms are defined:

- (1) "Approved" means acceptable to the department.
- (2) "Department" means department of industry, labor and human relations.
- (3) "Certified soil tester" means a person satisfactorily passing the examination offered to achieve certification and possessing a current certificate.
- (4) "Gross negligence" means a high degree of failure to exercise ordinary care of judgement and failure by omission or commission to discharge the duty required to protect the health, safety and welfare of the public.
- (5) "Incompetence" means conduct which evidences a lack of competence or ability to discharge the duty required to protect the health, safety and welfare of the public, lack of knowledge of the fundamental principles of plumbing inspection or an inability to apply those principles, or failure to maintain competency in the current practices and methods applicable to inspection services and the state uniform plumbing code.
- (6) "Misconduct" means an act performed in the discharge of enforcement duties which jeopardizes the interests of the public, including violation of federal or state laws, local ordinances or administrative rules relating to the position; preparation of deficient or falsified reports; failure to submit information or reports required by law or contract when requested by the municipality or the department; conduct which evidences a lack of trustworthiness; misrepresentation of qualifications such as education, experience or certification; illegal entry of premises; misuse of funds; or misrepresentation of authority.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

ILHR 81.62 Reports. Reports for individual parcels on which a private sewage disposal system is proposed for installation shall be received by the department and the appropriate local authority on all sites investigated within 30 days of completion of testing.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

ILHR 81.63 Examining committee. (1) **CREATION.** The secretary of the department or designee shall appoint an examining committee.

(2) **MEMBERSHIP.** The committee shall consist of 7 members. One member shall be an employe of the department and shall serve as committee secretary. One member shall be a Wisconsin registered engineer, architect or designer; one shall be a Wisconsin registered land surveyor or sanitarian; one shall be a Wisconsin licensed plumber having experience in the installation of private sewage disposal systems; one shall be a person educated and experienced in the field of soil science; and 2 shall be public members. All members except the 2 public members shall be certified soil testers. The department shall appoint the members for terms of 3 years.

(3) **LIMITATION.** Members, other than the secretary, shall not be appointed for more than 2 successive terms.

(4) **ORGANIZATION.** The committee shall elect from its membership, not including the secretary, a chairperson and vice-chairperson. Such election shall be held at the first meeting of each calendar year.

(5) **DUTIES.** It shall be the duty of the examining committee to advise the department on a continuing basis on program considerations and on examination content relative to this subchapter.

(6) **MEETINGS.** The committee shall hold meetings as deemed necessary to fulfill its responsibilities. Meetings shall be called by the committee secretary.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

ILHR 81.64 Application and examination. (1) **APPLICATION.** Any person seeking certification as a soil tester shall be at least 18 years old and shall submit a completed application for examination on the form supplied by the department. A nonreturnable fee of \$25 shall accompany each application that is submitted to the department.

(2) **EXAMINATION.** To be eligible for certification, an applicant shall be required to pass an examination conducted by the department. Examinations shall be conducted at such frequency as the department shall decide. All applications for examination shall be received by the department at least 4 weeks prior to the date of the examination.

(3) **NOTICE OF EXAMINATION TO APPLICANTS.** Notice of the time and place of examination shall be sent by the department by first class mail to those who have completed and approved applications on file. At least 2 weeks' notice of examination shall be given to applicants. Such notice shall be mailed to the address given on the application on file and shall be presented by the applicant to gain admittance to the examination room. It shall be the applicant's responsibility to inform the department of a change in address. Failure of an applicant to receive the examination notice due to a change in address shall not be the responsibility of the department.

(4) **NONATTENDANCE AT EXAMINATION.** Failure to appear at a scheduled examination without giving prior notice to the department shall necessitate the submittal of an additional \$25 fee in order to maintain a valid examination application.

(5) **NOTICE OF EXAMINATION RESULTS.** Each person taking the examination shall receive notice of their examination grade. This notice shall be sent by the department by first class mail to the address given on the

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application. The department shall keep certification examinations on file for the purpose of applicant review for no longer than 30 days after the department has mailed notification of the results of the examination.

(6) **REVIEW.** Any applicant for certification may review their examination results by appearing in person before the department. Request for review shall be in writing and received by the department within 30 days after the department has mailed notification of the results of the examination. Unless requested otherwise, examination papers may be destroyed after the 30-day review period.

(7) **APPLICATION FOR CERTIFICATE.** A person who has successfully passed a certification examination may submit an application for certificate within 60 days from the date the department has mailed the examination results. Failure to apply for a certificate within this time period shall necessitate reexamination.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

ILHR 81.65 Issuance of certificate. (1) **SCORE AND FEE.** Each person receiving an examination grade of at least 75 of a possible score of 100 shall upon receipt of the appropriate fee by the department be issued a certificate stating that they are a "Certified Soil Tester". Certificates shall expire on June 30 of each year commencing on July 1, 1983, unless duly renewed.

(2) **FEE AND ADJUSTMENTS.** The fees for certification and renewal commencing on July 1, 1983, shall be \$30. The fees may be increased by the department in \$5 increments every year after fiscal year 1983-1984 if necessary to support the program.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

ILHR 81.66 Renewal of certificate; delinquency and reinstatement. Renewal of the certificate shall be submitted by July 1 of every year commencing on July 1, 1983. Notice for the renewal of certificate and the renewal application shall be sent to all certified soil testers whose certificates were in force during the previous applicable certification period. Such notice and application shall be sent by the department by first class mail to the address given on the latest renewal application on file unless written notice of another address has been given. Failure to receive the notice for renewal of certificate may not be an excuse for failure to renew. If the renewal application and appropriate fee under s. ILHR 81.65 (2) are not postmarked by July 1, the certificate shall be revoked automatically. Within 12 months after revocation, the department may reinstate a revoked certificate upon receipt of a completed certification renewal application and payment of the appropriate renewal fee under s. ILHR 81.65 (2), plus a late filing fee of \$10. A certificate which has lapsed for a period of more than 12 months shall be reinstated by the department only after filing a new application, payment of \$25 examination fee, passing an examination and payment of the appropriate certification fee.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

ILHR 81.67 Revocation or suspension of certificate. (1) **GENERAL.** The department may conduct an investigation of any alleged violation of the state uniform plumbing code. In accordance with s. 145.045 (2), Stats., the department may revoke or suspend the certificate of any soil tester after a formal hearing under ch. 227, Stats., for the practice of any fraud

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or deceit in obtaining the certificate or any gross negligence, incompetence or misconduct related to soil testing.

(2) **SUSPENSION.** The period for suspension shall be determined by the department and may not exceed 2 years. A person whose certificate has been suspended may have the certificate reinstated by filing a new application for certification and payment of the appropriate fee specified in s. ILHR 81.66.

(3) **REVOCATION.** The period for revocation shall be determined by the department and may not exceed 5 years. A person whose certificate has been revoked shall be eligible for recertification only after the time set for revocation by departmental order has passed. A person whose certificate has been revoked shall have the certification reinstated only after submitting a completed application for examination, payment of the examination fee, passing of the examination and payment of the certification fee specified in ss. ILHR 81.64 and 81.65.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.