

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Note: Chapters H 61 and 64 as they existed on April 30, 1983 were repealed and a new chapter ILHR 81 was created effective May 1, 1983.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

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 (1), Stats.

(3) "Automatic fire sprinkler fitter" means a person as defined in s. 145.01 (6), Stats.

(4) "Automatic fire sprinkler system" means an installation as defined in s. 145.01 (2), Stats.

(5) "Automatic fire sprinkler system apprentice" means a person as defined in s. 145.01 (3), 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 building water systems within the department of industry, labor and human relations.

(8) "Gross negligence" means a high degree of failure to exercise ordinary care or judgment 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 (7), Stats.

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(11) "Master plumber" means a person as defined in s. 145.01 (8), 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 87.

(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 as education, experience or certification; illegal entry of premises; misuse of funds; or misrepresentation of authority.

(13) "Pipe layer" means a person as defined in s. 145.01 (13), Stats.

(14) "Plumbing" means an installation as defined in s. 145.01 (1), Stats.

(15) "Plumbing apprentice" means a person as defined in s. 145.01 (4), Stats.

(16) "Registered learner" means a person as defined in s. 145.01 (7), Stats.

(17) "Restricted plumber license" means a person as defined in s. 145.01 (6), Stats.

(17m) "Secretary" means the secretary of the department of industry, labor and human relations.

(18) "Utility contractor" means a person as defined in s. 145.01 (12), Stats.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; cr. (11m) and (17m), Register, May, 1988, No. 389, eff. 6-1-88; correction in (7) and (11m) made under s. 13.93 (2m) (b) 6 and 7, Stats., Register, February, 1994, No. 458.

ILHR 81.02 Plumbing apprenticeship. (1) QUALIFICATIONS FOR REGISTRATION. All applicants for registration as plumbing apprentices shall have reached the age of 16 years and shall have completed the 12th grade in school or its equivalent.

(2) **REGISTRATION.** Every plumbing apprentice shall register with the department immediately. Registration forms shall be furnished by the department which shall require the applicants to indicate their name, age, preliminary schooling, beginning date of indenture, name and address of employer and such other information as the department may require. Persons beginning an accredited plumbing trade school approved by the department may also register.

(3) **RESPONSIBILITY OF EMPLOYER.** Registration as a plumbing apprentice may not be accepted unless the particular organization in which the apprentice is to work is equipped to have an apprentice. The master plumber in charge shall see that the requirements as to both practical and school training are complied with in accordance with subs. (5) and (6). The master plumber in charge shall re-

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port to the department any changes made in relation to the continued employment of an apprentice. All changes in relation to the continued employment of plumbing apprentices shall be subject to the joint approval of the divisions of the department of industry, labor and human relations having jurisdiction.

(4) **SUSPENSION OF REGISTRATION.** (a) Whenever a plumbing apprenticeship ceases to exist or whenever a registration is accepted under such conditions as would warrant an acceptance if the facts are presented, or when there is willful noncompliance with the shop and school training requirements, the department shall suspend such registration until the conditions are remedied or shall cancel such registration, if necessary.

(b) A registration which has lapsed either through suspension or cancellation may be renewed in the same manner as new registrations and the department may grant such credit toward completion of the 4-year apprenticeship as it may deem proper in each case.

(5) **PLUMBING INSTRUCTION.** A plumbing apprentice's education shall include both day school and night school instruction.

(a) *Day school instruction.* Unless a graduate of an accredited plumbing trade school approved by the department, a plumbing apprentice shall complete a minimum of 400 hours of day school in plumbing related instruction.

1. All day school courses shall be approved by the department and the state joint apprenticeship committee.

2. The 400 hours of day school shall include instruction in:

- a. The state uniform plumbing code;
- b. Related plumbing science; and
- c. Plumbing trade mathematics.

3. The 400 hours of day school instruction shall include at least 36 hours per year in each of the following:

- a. Related plumbing science; and
- b. Plumbing trade mathematics.

4. All day school courses shall include a final written competency examination.

a. Competency examinations shall be approved by the department and the state joint apprenticeship committee.

b. In order to receive the hourly credit for a day school course, a plumbing apprentice shall successfully pass the course's final competency examination.

c. In order to pass a competency examination, a grade of 75% or greater shall be obtained.

d. Failure to pass a competency examination shall necessitate the plumbing apprentice to repeat the day school course in order to receive credit for the course.

e. The results of the competency examinations shall be immediately forwarded to the jobs, employment and training services division of the department of industry, labor and human relations.

Note: The mailing address for the apprenticeship and training division is:

BUREAU OF APPRENTICESHIP STANDARDS
JOBS, EMPLOYMENT AND TRAINING SERVICES DIVISION
Department of Industry, Labor and Human Relations
P.O. Box 7972
Madison, WI 53707

(b) *Night school instruction.* A plumbing apprentice shall complete a minimum of 180 hours of night school instruction.

1. All night school courses shall be approved by the department and the state joint apprenticeship committee.

2. Every night school course shall include a final examination.

a. Final examinations shall be approved by the department.

b. Completion of each night school course shall be contingent upon the successful passage of the final examination.

c. The minimum passing grade for a final examination shall be established by the state joint apprenticeship committee.

d. Failure to pass a final examination shall necessitate the plumbing apprentice to repeat the night school instruction in order to receive credit for the course.

e. The results of the final examinations shall be immediately forwarded to the jobs, employment and training services division of the department of industry, labor and human relations.

Note: The mailing address for the apprenticeship and training division is:

BUREAU OF APPRENTICESHIP STANDARDS
JOBS, EMPLOYMENT AND TRAINING SERVICES DIVISION
Department of Industry, Labor and Human Relations
P.O. Box 7972
Madison, Wisconsin 53707

3. The 180 hours of night school shall include instruction in:

a. Welding;

b. First aid;

c. Transit;

d. Domestic water heating;

e. Related plumbing science;

f. Blueprint reading;

g. Basic properties of water including water conditioning;

h. State uniform plumbing code; or

i. Miscellaneous subjects whose courses have been requested by the local joint apprenticeship committee and approved by the department and the state joint apprenticeship committee.

4. Every plumbing apprentice shall complete night school courses in welding, first aid and transit.

5. Credit toward the required minimum 180 hours of night school instruction shall not include more than:

a. Sixty hours of courses in welding;

b. Fifteen hours of courses in first aid; and

c. Twenty hours of courses in transit.

(6) PRACTICAL TRAINING. A plumbing apprentice shall receive practical training in all phases of plumbing.

(a) *First 3 years.* During the first 3 years of apprenticeship plumbing apprentices shall be given the opportunity to install plumbing material as their skill may permit under the immediate supervision of a journeyman or master plumber licensed in Wisconsin.

(b) *Fourth year.* During the fourth year of apprenticeship plumbing apprentices may make plumbing installations as their acquired skill will permit under general supervision of a master plumber licensed in Wisconsin.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; r. and rec. (3), Register, May, 1988, No. 389, eff. 6-1-88; reprinted to correct error in (3), Register, August, 1988, No. 392; correction in (5) (a) 4. and (b) 2. made under s. 13.93 (2m) (b) 6, Stats., Register, February, 1994, No. 458.

ILHR 81.03 Registered learners. (1) QUALIFICATION FOR REGISTRATION. All applicants for registration as registered learners shall have reached the age of 16 years and shall have completed the 12th grade in school or its equivalent.

(2) REGISTRATION. Pursuant to s. 145.07 (7) (a), Stats., every plumbing learner shall register with the department. Registration forms shall be furnished by the department which shall require the applicants to indicate their name, age, schooling, beginning date of employment, name and address of employer, work classification and such other information as the department may require.

Note: See s. 145.14 (2), Stats., for type of work classifications and the work permitted under each.

(3) RESPONSIBILITY OF EMPLOYER. (a) Registration as a registered learner may not be accepted unless the particular organization in which the learner is to work is equipped to have a learner in the specific restricted classification for which learner is requesting registration and the master plumber in charge is qualified to train the learner in the specific restricted classification. The master plumber in charge shall see that the requirements as to both practical and school training are complied with in accordance with subs. (5) and (6). The master plumber in charge shall report to the department any changes made in the relation to the continued employment of a learner. All changes in relation to the continued employment of registered learners shall be subject to the approval of the department.

(b) For each registered learner there shall be at least one journeyman plumber or journeyman plumber-restricted. For this purpose, a master plumber or master plumber-restricted may act as a journeyman plumber or a journeyman plumber-restricted, respectively.

(4) SUSPENSION OR CANCELLATION OF REGISTRATION. (a) Whenever the employment of a registered learner is terminated or whenever a registration is accepted under such conditions as would not warrant an acceptance if the facts are presented, or when there is willful noncompliance with the shop and school training requirements, the depart-

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ment shall suspend such registration until the conditions are remedied or shall cancel such registration, if necessary.

(b) A registration which has lapsed either through suspension or cancellation may be renewed in the same manner as a new registration and the department may grant such credit toward completion of the 1-year learner program as it may deem proper in each case.

(c) A person's registration as a registered learner shall be cancelled if the registrant has not completed the plumbing instruction requirements of sub. (5) and has not applied and taken the initial examination for a journeyman plumber-restricted license within 18 months from the date of learner registration.

(d) A person whose learner registration is cancelled shall consult with the department and obtain department approval before re-registering. The department may permanently cancel a learner's registration.

(5) **PLUMBING INSTRUCTION.** Unless a graduate of an accredited plumbing trade school approved by the department, a registered learner shall complete a minimum of 100 units of educational credit in plumbing related instruction.

(a) All educational courses and their corresponding units of credit shall be approved by the department.

1. All approved courses shall be set up in a competency based instruction format.

2. Courses may be taken through a correspondence format with the approval of the department.

3. All approved courses shall include a final examination.

4. Completion of an approved course shall be contingent upon the successful passage of the final examination.

5. In order to pass a final examination, a grade of 75% or greater shall be obtained.

6. Failure to pass a final examination shall necessitate the registered learner to repeat the course.

a. Failure of a final examination shall result in the probation of a learner's registration for a period of not more than one year.

b. A second failure in the final examination of the same course shall result in the cancellation of a learner's registration.

7. The results of the final examinations shall be immediately forwarded to the department.

(b) A registered learner in a sewer service classification shall obtain a minimum of 100 units of educational credit in the courses specified in Table 81.03-1.

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Table 81.03-1

REGISTERED LEARNER-SEWER SERVICE

Subject Areas	Minimum Educational Credits in Units
State Uniform Plumbing Code	40
Blueprint Reading	20
Transit or Builder's Level	10
Construction Related Mathematics	20
First Aid and Safety	10
Other Approved Substitute Subjects	(As permitted by the department)

(c) A registered learner in an appliances, equipment and devices classification shall obtain a minimum of 100 units of educational credit in the courses specified in Table 81.03-2.

Table 81.03-2

REGISTERED LEARNER-APPLIANCE, EQUIPMENT AND DEVICES

Subject Areas	Minimum Educational Credits in Units
State Uniform Plumbing Code	40
Blueprint Reading	20
Plumbing Related Mathematics	10
Appliance & Equipment Servicing	30
Other Approved Substitute Subjects	(As permitted by the department)

(6) **PRACTICAL TRAINING.** The learner shall receive instruction and experience in all branches of the type of plumbing as restricted under registration. The learner shall be given the opportunity to install plumbing materials as the learner's skill will permit under the specific registration. All work shall be performed under the immediate supervision of a journeyman or master plumber or journeyman plumber or master plumber-restricted, licensed in Wisconsin.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; r. and recr. (3), Register, May, 1988, No. 389, eff. 6-1-88.

ILHR 81.04 Qualifications for licensure examinations. (1) GENERAL. Applicants for examination for licensure as a master plumber, master plumber-restricted, journeyman plumber, or journeyman plumber-restricted shall comply with the qualification requirements specified in s. 145.07, Stats.

(2) **MASTER PLUMBER APPLICANTS.** A person who has acquired a journeyman plumber license from the department and who has obtained, in less than 3 years from the acquisition date of the journeyman plumber license, a master plumber license from another state or a municipality outside the state shall acquire at least 1,000 hours of experience per year for 3 or more consecutive years as a licensed plumber to be eligible for licensure examination as a Wisconsin master plumber.

(3) **ENGINEERING GRADUATES.** Engineering graduates of an approved engineering school or college who are applying for examination for licensure as a master plumber shall have received a degree in civil engineering, mechanical en-

gineering, agricultural engineering or other approved engineering curriculum related to plumbing. Such applicants shall submit their college transcripts to the department along with their licensure applications. Department acceptance of such applications shall be contingent upon the approval of the applicant's college transcripts.

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

ILHR 81.05 Plumbing licensure examinations. (1) GENERAL. Not less than 4 examinations for the licensing of journeyman and master plumbers and journeyman plumber and master plumbers-restricted shall be conducted annually at such time and place as the department may direct. Application forms for examination for licensure may be obtained from the department.

(2) APPLICATIONS. (a) All applications for licensure examination shall be received by the department at least 4 weeks prior to the date of the examination. Failure to have the application on file with the department within the required time shall necessitate postponement of the applicant's appearance to the next examination.

(b) All applications shall expire after a period of one year from the date of filing.

(c) All applicants for licensure examinations shall submit the appropriate proof of experience, skill and proof of completion of the required educational instruction as required by either s. ILHR 81.02 (5) or 81.03 (5) including, but not limited to, grades for competency examinations and course examinations.

Note: See s. ILHR 81.04 and ss. 145.07 and 145.09, Stats., for the types of experience, skill and instruction required.

(3) FEES. Fees for the examinations are regulated by s. 145.08, Stats. Fees for licensure examination shall be nonrefundable.

(4) NOTICE OF EXAMINATION TO APPLICANTS. Notice of the time and place of examination shall be sent by first class mail to those who have approved applications on file. Such notice shall be mailed to the address given on the application form and shall be presented by the applicant to gain admittance to the examination room. Failure to receive the notice due to change in address shall not be the responsibility of the department.

(5) NONATTENDANCE AT EXAMINATION. Failure to appear at a scheduled licensure examination without giving prior notice to the department shall necessitate the submittal of a reexamination fee in order to maintain a valid examination application.

(6) CHARACTER OF EXAMINATIONS. (a) The examination shall be conducted by the plumbers' council. The examination shall consist of written and practical tests. No oral examinations shall be given. The examination shall cover the theory and practice of plumbing, the interpretation of charts, blueprints and plans of plumbing installations, and such other tests as the committee may deem necessary.

(b) Examinations shall consist of the following:

1. Written work based on the state uniform plumbing code;

2. Chart work based on the state uniform plumbing code; and

3. Practical plumbing work.

(c) Applicants shall participate in all portions of examination and shall acquire a passing grade in each portion to become eligible for licensure. A grade of 75% or greater in each portion shall be considered a passing grade.

(d) The department may conduct oral reviews with applicants after completion of the examination.

(7) MATERIALS USED IN EXAMINATION. Applicants shall furnish the necessary tools and material for the examination as requested by the examiners.

(8) REEXAMINATION. (a) Qualified applicants failing a licensure examination may apply for reexamination in accordance with the procedures of sub. (2).

Note: Pursuant to ss. 145.03, 145.06, and 145.14, Stats., after the expiration of an apprenticeship term or a learner's registration term, no apprentice or registered learner may engage in or work at plumbing, unless the person secures a journeyman plumber license, a journeyman plumber-restricted license or is re-indentured as an apprentice or is re-registered as a learner.

(b) Applicants failing a licensure examination shall be reexamined only in those portions failed.

(9) APPLICATION FOR LICENSE. An applicant who has successfully passed a licensure examination may submit an application for the appropriate license within 60 days from the date the department has mailed the examination results. Failure to apply for a license within this time period shall necessitate reexamination.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; r. (8) (b), renum. (8) (c) to be (8) (b), Register, May, 1988, No. 389, eff. 6-1-88.

ILHR 81.06 Temporary permits. The department may issue a temporary permit upon receipt of a completed application and the appropriate fee for a qualified person to engage in plumbing work as a master plumber, master plumber-restricted, journeyman plumber or journeyman plumber-restricted. Applicants for temporary permits shall comply with all other applicable rules and statutes.

(1) SPECIAL EXAMINATION. (a) The department shall require passage of a special examination to determine the qualifications of an applicant before a temporary permit may be issued.

(b) Special examinations for temporary permits shall be conducted in accordance with s. ILHR 81.05 (6).

(2) EXPIRATION. Temporary permits shall become void upon the date of the first corresponding licensure examination following issuance of a temporary permit and shall be surrendered to the department.

(3) LIMITATIONS. Not more than 2 temporary permits shall be issued to an individual in any 12-month period.

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

ILHR 81.07 Exchange of license without examination. An individual who possesses a valid master plumber license or master plumber-restricted license may upon application to the department exchange his or her license for a journeyman plumber license or journeyman plumber-restricted license, respectively. An individual who has exchanged his or her master plumber license or master plumber-restricted license for a journeyman plumber license or journeyman plumber-restricted license may apply

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to the department to reissue his or her respective master plumber license or master plumber-restricted license, provided:

(1) The individual possesses a valid journeyman license; and

(2) The individual submits a fee equivalent to the appropriate license renewal fee for either a master plumber license or master plumber-restricted license in accordance with s. ILHR 2.62 (1) (a) 2. or (d) 2., respectively.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; r. and recr. Register, May, 1994, No. 461, eff. 6-1-94.

ILHR 81.08 Plumber license-retiree. An individual who possesses a valid master plumber license, master plumber-restricted license, journeyman plumber license, or journeyman plumber-restricted license may upon application to the department exchange his or her license for a plumber license designate as a retiree in the respective category provided the individual is at least 62 years old or is physically unable to carry out the responsibilities of the profession.

(1) **ISSUANCE.** A plumber license-retiree shall be issued upon receipt of a completed application.

(2) **EXPIRATION.** A plumber license-retiree shall not have an expiration date, but may be suspended or revoked as specified in s. ILHR 81.14.

(3) **RESTRICTION.** A person holding a plumber license-retiree may not engage or offer to engage in any plumbing work except that which is permitted under s. 145.06 (4), Stats.

(4) **RENEWAL.** A person holding a plumber license-retiree may renew their old active license without licensure examination provided the appropriate license renewal fee as specified in ch. ILHR 2.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; correction in (1) and (4) made under s. 13.93 (2m) (b) 7, Stats., Register, June, 1992, No. 438; r. and recr. (intro.) and (1), Register, May, 1994, No. 461, eff. 6-1-94.

ILHR 81.09 Utility contractor license and registration of pipe layers. (1) **PROOF OF EXPERIENCE.** Proof of experience and skill in the planning, superintending and practical installation shall be provided by all persons making application for a utility contractor license. The application shall be presented to the department on forms provided by the department. The application shall be accompanied by the appropriate license fee specified in ch. ILHR 2. In addition, the following documents shall be provided to the department:

(a) At least 2 letters from municipalities, or metropolitan sewage districts, where utilities were installed, or an architect or engineer, evidencing skill in the planning, superintending and practical installation of sanitary sewers, storm sewers or water service piping installations;

(b) An indication of the length of skilled utility contracting experience;

(c) A description of all related experience and training of the person seeking licensure; and

(d) A document providing such other information the department may require.

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(2) **APPLICATION AND QUALIFICATION.** (a) All applicants for a utility contractor license, if not self-employed, shall provide the name of their employer.

(b) Should the licensed utility contractor leave the employ of a utility contracting firm, the firm may not be qualified to do business as a utility contracting firm after 30 days unless another employe becomes licensed as a utility contractor.

(3) **REGISTRATION.** The person who qualifies a utility contracting firm shall register with the department, on forms furnished by the department.

(4) **PIPE LAYERS.** The utility contractor shall be responsible for employing registered pipe layers.

(a) **Registration.** The utility contractor shall submit the names of employes to be registered as pipe layers with the department. Registration forms shall be furnished by the department. The name, age, education, beginning date of employment of each pipe layer and such other information as the department may require shall be submitted.

(b) **Qualifications for registration.** All applicants for registration as pipe layers shall be at least 18 years of age.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; correction in (1) (intro.) made under s. 13.93 (2m) (b) 7, Stats., Register, June, 1992, No. 438.

ILHR 81.10 Licensing of automatic fire sprinkler fitters and contractors. (1) **APPRENTICESHIP.** (a) **General.** The department may determine and prescribe the conditions under which any person may serve an automatic fire sprinkler system apprenticeship. Credit shall be granted for educational and training programs approved by the department. Every person, regardless of age, commencing an automatic fire sprinkler system apprenticeship after July 1, 1973, shall be indentured under ch. 106, Stats. The term of an automatic fire sprinkler system apprentice shall be 4 years, but the department may upon application of the apprentice or the apprentice's employer or both, extend the term, but an extension shall not exceed one year. After expiration of an apprenticeship term no apprentice may engage in the business of automatic fire sprinkler system work either as an apprentice or as journeyman automatic fire sprinkler fitter unless after the expiration of the apprenticeship term the apprentice secures a journeyman automatic fire sprinkler fitter's license. In case of failure to pass the examination for the license, the apprentice may continue to serve as an apprentice but not beyond the time for reexamination for a journeyman automatic fire sprinkler fitter's license, as prescribed in sub. (4) (f).

(b) **Registration.** Every automatic fire sprinkler system apprentice shall register with the department within 30 days after beginning the apprenticeship. Registration forms shall be furnished by the department. All applicants shall indicate their name, age, preliminary schooling, beginning date of indenture, name and address of employer and such other information as the department may require.

(c) **Qualifications.** All applicants for registration as apprentices shall have reached the age of 16 years and have completed the 12th grade in school or its equivalent. Applicants who have not completed the 12th grade or its equivalent shall attend part-time school at least 4 hours

per week during the entire period of their apprenticeship or until such time the apprentice graduates from 12th grade.

(d) *Practical training.* 1. The apprentice shall receive instruction and experience in all branches of automatic fire sprinkler system installations.

2. During the first 2 years of apprenticeship, the apprentice shall be given the opportunity to install automatic fire sprinkler system material as the apprentice's skill permits. The apprentice shall be under the immediate supervision of a journeyman automatic fire sprinkler fitter licensed in Wisconsin.

3. During the third and fourth years of apprenticeship an apprentice may, under general supervision of a licensed journeyman automatic fire sprinkler fitter, make only those automatic fire sprinkler system installations as the apprentice's skill permits.

(e) *School credits.* Apprentice applicants who have attended accredited trade school courses in automatic fire sprinkler systems may receive up to 6 months credit toward their apprenticeship for each school year completed. Any attendance of less than one year may not receive recognition.

(f) *Responsibility of employer.* The contractor for whom the apprentice is to work shall be equipped and qualified to train apprentices. Shop and school training requirements established in s. 106.01 (5) (d), Stats., shall be met. Any changes made in relation to the continued employment and training of apprentices shall be reported to the department.

(g) *Suspension.* If an apprenticeship ceases to exist, if registration is accepted with incomplete or inaccurate information, or if willful noncompliance with the shop and school training requirements exists, the department shall suspend a registration until the deficiencies are remedied. The department may cancel registration. A registration which has lapsed either through suspension or cancellation may be renewed in the same manner as new registrations. The department may grant credit toward completion of the 4-year apprenticeship.

(2) JOURNEYMAN AUTOMATIC FIRE SPRINKLER FITTER LICENSE. (a) *Application.* Application for a journeyman automatic fire sprinkler fitter license shall be made on forms provided by the department.

(b) *Proof of experience.* Proof of experience, skill and related instruction shall be provided by all applicants for licenses as part of the application. Proof shall consist of a completed accredited apprenticeship program in automatic fire sprinkler systems installation or a list of 5 installations installed in a one-year period prior to March 1, 1967, with the following items included for each specific installation listed:

1. Installation hours per job and number of sprinkler heads installed in each system. Sprinkler heads taken off domestic water supply shall not qualify;

2. A minimum of 1,000 hours per year engaged in automatic fire sprinkler systems installation; and

3. Other information the department may require.

(3) AUTOMATIC FIRE SPRINKLER CONTRACTOR LICENSE. (a) *Application.* Application for an automatic fire sprinkler contractor license shall be made on forms provided by the department.

(b) *Proof of experience.* Proof of experience, skill and background shall be provided by all applicants for an automatic fire sprinkler contractor license. Proof shall consist of a letter of past business contact from a general contractor, a customer, an architect or engineer and the approving agency, such as, but not limited to, an insurance company and a list of 5 installations of automatic fire sprinkler systems installed in a one-year period prior to March 1, 1967, with the following items included for each specific installation listed:

1. Installation hours per job and number of sprinkler heads installed in each system. Sprinkler heads taken off domestic water supply shall not qualify;

2. Approval agency for each installation listed; and

3. Other information the department may require.

(c) *Responsibility.* The individual making application or writing the examination for the automatic fire sprinkler contractor license shall be a principal or officer of the firm who shall be knowledgeable and responsible for the design, installation and certification of all automatic fire sprinkler systems or portions of systems installed by the licensed contractor.

(d) *Termination.* The individual who has qualified the contractor for licensure shall remain as a principal or officer of the firm. Upon separation of such individual for any reason from the contractor's employ, the firm shall be required to have the replacement show evidence of qualifications by application to the department. The change shall be registered with the department within 90 days. Where deemed necessary, the department may require a written or oral examination to evaluate the qualification of the replacement. An individual may qualify only one automatic fire sprinkler contracting firm at any one time.

(e) *Registration.* The automatic fire sprinkler contractor shall register with the department the principal or officer who qualifies the contractor for licensure on forms provided by the department.

(4) EXAMINATIONS. (a) *General.* At least 2 automatic fire sprinkler system examinations for the licensing of journeyman and contractors shall be conducted annually at such time and place as the department may direct. An apprentice shall be eligible to make application for examination 90 days prior to the expiration and completion date of the indentured apprenticeship. A license shall be issued upon receipt of a passing grade in the examination and expiration of the apprenticeship. Application forms for examination for licensure and renewal of licenses may be obtained from the department.

(b) *Date of filing application.* All applications for examination shall be received by the department at least 4 weeks prior to the date of examination. Failure to have the application on file with the department within the required time shall necessitate postponement of the applicant's appearance to the next examination. All applications shall expire after a period of one year from the date of filing.

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(c) *Notice of examination.* Notice of the time and place of examination shall be sent by first class mail to those who have approved applications on file. Such notice shall be mailed to the address given on the application form and shall be presented by the applicant to gain admittance to the examination room. Failure to receive the notice due to change in address shall not be the responsibility of the department.

(d) *Character of examinations.* 1. The examination shall be conducted by the automatic fire sprinkler system contractors and journeymen council. The examinations shall consist of written tests and may be practical or oral in part. The examination shall cover the theory and practice of automatic fire sprinkler systems, the interpretation of charts, blueprints and plans of automatic fire sprinkler system installations, and such other tests as the committee may deem necessary.

2. Applicants shall participate in all portions of the examination and shall acquire a grade of 75% or greater to be eligible for licensure. Applicants who fail to acquire a passing grade shall be required to rewrite the complete examination.

(e) *Materials used in examination.* Applicants shall furnish the necessary tools and materials for the examination as requested by the examiners.

(f) *Reexamination.* Applicants failing an initial examination may be reexamined within 3 months. Applicants may not be eligible for a second reexamination until the expiration of 6 months after the first reexamination, and not for the third and subsequent reexaminations until the expiration of one year after the last reexamination.

(5) **TEMPORARY PERMITS.** Temporary permits shall become void upon the date of the first examination following issuance of the permit and shall be surrendered to the department. Not more than 2 temporary permits may be issued to an individual or contractor in any 12-month period, or not more than 3 temporary permits shall be issued in a 5-year period. Applicants for temporary permits shall comply with all other applicable rules and statutes.

(6) **ALLOWABLE MAINTENANCE.** The weekly or monthly testing of sprinkler alarm equipment, fire pumps, valves, or appurtenances; the refilling of storage and pressure tanks; or the replacement of automatic fire sprinkler heads under emergency conditions, shall not require licensure under ch. 145, Stats.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; am. (1)(a), (d)2. and 3. and (g), Register, January, 1984, No. 337, eff. 2-1-84.

ILHR 81.11 Registration for the maintenance of automatic fire sprinklers. (1) **GENERAL.** Unless a temporary permit is secured in accordance with sub. (4), a business establishment shall obtain a registration certificate from the department prior to initiating any repair or maintenance activities to an existing automatic fire sprinkler system within its facilities.

(2) **APPLICATION FOR REGISTRATION CERTIFICATE.** A business establishment applying for an automatic fire sprinkler maintenance registration certificate shall:

(a) Submit to the department a completed application on forms furnished by the department;

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Note: Application for registration certificate is to be made on form SBD 6796.

(b) Submit to the department the registration fee specified in ch. ILHR 2; and

(c) Employ at least one person:

1. Who is to be responsible for the repair and maintenance activities to the existing automatic fire sprinkler system; and

2. Who has demonstrated a knowledge of repairing and maintaining an automatic fire sprinkler system by passing a department examination.

(3) **DEPARTMENT EXAMINATION.** (a) At least 3 department examinations for a person of a business establishment which is seeking an automatic fire sprinkler maintenance registration certificate shall be conducted annually at such time and place as the department may direct.

(b) All applications for examination shall be received by the department at least 4 weeks prior to the date of examination. Failure to have the application on file with the department within the required time shall necessitate postponement of the applicant's appearance until the next examination. All applications shall expire after a period of one year from the date of filing.

(c) An examination fee for each applicant shall be submitted to and received by the department prior to the date of the examination. Examination fees are specified in ch. ILHR 2.

(d) Notice of the time and place of examination shall be sent by first class mail to those who have approved applications on file. Such notice shall be mailed to the address given on the application form and shall be presented by the applicant to gain admittance to the examination room. Failure to receive the notice due to change in address shall not be the responsibility of the department.

(e) Applicants shall participate in all portions of the examination. A grade of 75% or better is required in order to pass the examination. Applicants who fail to acquire a passing grade shall be required to rewrite the complete examination.

(4) **TEMPORARY PERMIT.** (a) *General.* Prior to obtaining an automatic fire sprinkler maintenance registration certificate, the department may issue a temporary permit to a business establishment to engage in the repair and maintenance activities specified in sub. (5) upon submission of:

1. A completed application for an automatic fire sprinkler maintenance registration certificate;

2. Satisfactory evidence documenting the knowledge of automatic fire sprinkler systems of the person responsible for the repair and maintenance activities; and

3. The temporary permit fee specified in ch. ILHR 2.

(b) *Expiration.* A temporary permit shall be void upon the date of the first examination following issuance of the permit.

(5) **REPAIR AND MAINTENANCE ACTIVITIES.** A business establishment possessing a valid automatic fire sprinkler

maintenance registration certificate or a temporary permit may, within its facilities:

(a) Replace or repair any component of an existing automatic fire sprinkler system including daily maintenance and emergency repairs to underground fire mains and fire pumps; and

(b) Modify or extend an existing automatic fire sprinkler system by no more than 15 sprinkler heads per project.

Note: Section ILHR 51.23 requires that all installed automatic fire sprinkler systems be maintained for efficient service as specified in NFPA No. 25.

(6) **TERMINATION OF QUALIFYING PERSON.** If the person who is responsible for the repair and maintenance activities permitted under sub. (5) and who has qualified a business establishment for an automatic fire sprinkler maintenance registration certificate under sub. (2) (c) leaves the employment of the business establishment, the business establishment:

(a) Shall surrender to the department its automatic fire sprinkler maintenance registration certificate; and

(b) May apply for a new automatic fire sprinkler system registration certificate or a temporary permit.

(7) **FITTER MAINTENANCE REGISTRATION.** An employe of a business establishment possessing a valid automatic fire sprinkler maintenance registration certificate shall obtain from the department an automatic fire sprinkler fitter maintenance registration certificate before engaging in any of the repair or maintenance activities specified in sub. (5).

(a) *Limitations of registration certificate.* 1. A person possessing a valid automatic fire sprinkler fitter maintenance registration certificate may perform the repair and maintenance activities specified in sub. (5) for only one business establishment.

2. The automatic fire sprinkler fitter maintenance registration certificate shall indicate the specific business establishment for which a person may perform the repair and maintenance activities specified in sub. (5).

3. Upon the expiration, revocation or nonrenewal of the automatic fire sprinkler maintenance registration certificate of the business establishment, all automatic fire sprinkler fitter maintenance registration certificates issued under that business establishment shall become invalid.

(b) *Application.* A person seeking an automatic fire sprinkler fitter maintenance registration certificate shall submit to the department:

1. A completed application on forms furnished by the department; and

Note: Application for fitter registration certificate is to be made on form SBD 6796.

2. The registration certificate fee specified in ch. ILHR 2.

(c) *Termination of employment.* If for any reason an employe possessing a valid automatic fire sprinkler fitter maintenance registration certificate leaves the employment of the business establishment for which the person

may perform the repair and maintenance activities specified in sub. (5), the registration certificate shall expire on the day of termination.

(8) **REVOCATION OF CERTIFICATES.** Pursuant to s. ILHR 81.14, the department may revoke any automatic fire sprinkler maintenance registration certificate of a business establishment or any automatic fire sprinkler fitter maintenance registration certificate.

(9) **TESTING AND EMERGENCY REPAIRS.** The weekly or monthly testing of sprinkler alarm equipment, fire pumps, valves, or appurtenances; the refilling of storage and pressure tanks; or replacement of automatic fire sprinkler heads under emergency conditions, shall not require registration under this subchapter.

History: Cr Register, April, 1983, No. 328, eff. 5-1-83; corrections in (2) (b), (3) (c), (4) (a) and (7) (b), made under s. 13.93 (2m) (b) 7, Stats., Register, June, 1992, No. 438.

ILHR 81.115 Registration of cross connection control device testers. (1) **GENERAL.** An individual who conducts a performance test of a cross connection control device as required by s. ILHR 82.21 (3) shall be registered by the department in accordance with this section.

(2) **QUALIFICATIONS.** An applicant for registration as a cross connection control device tester shall have completed at least 32 hours in an approved course or courses in the theory of cross connection control, the operation, testing, and maintenance of cross connection control devices, and the national standards for these cross connection control devices. The course or courses shall include instruction in at least:

(a) Reduced pressure principle backflow preventers;

(b) Reduced pressure detector assembly backflow preventers;

(c) Vacuum breakers - anti-siphon, pressure type;

(d) Double check detector assembly backflow preventers; and

(e) Double check backflow prevention assemblies.

(3) **APPLICATIONS.** (a) An application for registration as a cross connection control device tester shall be made on forms prescribed by the department.

Note: Registered tester applications are available from the Bureau of Building Water Systems, P.O. Box 7969, Madison, WI 53707.

(b) An application for a registered tester shall be accompanied by a fee as specified in s. ILHR 2.62 (1) (o).

(4) **REVOCATIONS.** Pursuant to s. ILHR 81.15, the department may suspend or cancel the registration as a cross connection control device tester.

(5) **EXPIRATIONS.** All registrations for cross connection control device testers shall expire 2 years from the date of issuance and shall be invalid after that date unless renewed.

(a) 1. The department shall send a renewal notice to each individual registered under this section.

2. A renewal notice shall be sent to the address given on the latest registration form on file with the department.

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3. A registered tester shall be responsible for notifying the department of any change in his or her mailing address.

4. Failure to receive a notice for renewal shall not be considered as an excuse for failure to renew a registration.

(b) A tester registration may be renewed upon application and payment of a renewal fee as specified in s. ILHR 2.62 (1) (o).

(c) Whenever a person fails to renew a tester registration within 2 years after expiration, the department shall require evidence to show that the applicant for renewal is competent to perform the work of cross connection control tester before such a registration is renewed.

(6) **SUNSET OF LISTED RP TESTERS.** Individuals listed by the department to test reduced pressure principle back-flow preventers prior to the effective date of this section may submit a renewal application for registration as a cross connection control device tester to the department. Failure to submit a completed renewal application within 6 months after the effective date of this section shall be considered as a surrender of the listing to conduct performance tests of cross connection control devices as required by s. ILHR 82.21 (3).

(a) 1. The department shall send a renewal notice to each individual listed as a RP tester.

2. A renewal notice shall be sent to the address of each listed RP tester on file with the department.

3. Failure to receive a notice of renewal shall not be considered as an excuse for failure to apply for registration as a cross connection control tester under this subsection.

(b) A RP tester listing may be renewed as cross connector control device tester registration upon application and payment of a renewal fee as specified in s. ILHR 2.62 (1) (o).

History: Cr. Register, February, 1994, No. 453, eff. 3-1-94.

ILHR 81.12 Expiration of licenses and registrations. Except as provided in s. ILHR 81.08 (2), no license or registration issued under this subchapter shall be valid for longer than 2 years. Except as provided in sub. (4) and s. ILHR 81.08 (2), licenses or registrations issued under this subchapter shall expire on March 31 of the second year of the license or registration.

(1) A license or a registration may be renewed upon application and payment of a renewal fee received by the department prior to the date of expiration.

(2) Except as provided in sub. (4), a license or a registration may be renewed upon application and payment of a renewal fee received by the department prior to the date of expiration.

(3) The department may renew a license or a registration upon application and payment of a renewal fee and a late fee received by the department more than 3 months following the date of expiration, if it is determined that the applicant has good cause for not making an application for renewal within the 3 months following the date of expiration.

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(4) (a) Licenses and registrations which expire on December 31, 1994 and December 31, 1995, shall be automatically renewed by the department without applications and renewal fees provided the license or registration has not been revoked or suspended under s. ILHR 81.14 or 81.15.

(b) A license or registration which has been renewed under par. (a) shall expire on March 31 of the following year and may be renewed in accordance with s. ILHR 81.13.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; r. and recr. Register, May, 1988, No. 389, eff. 6-1-88; correction in (intro.) made under s. 13.93 (2m) (b) 7, Stats., Register, June, 1992, No. 438; am. (intro.), Register, May, 1994, No. 461, eff. 6-1-94; am. (intro.), (2), cr. (4), Register, September, 1994, No. 465, eff. 10-1-94.

ILHR 81.13 License and registration renewal. (1) **RENEWAL NOTICE.** Notice for the renewal of licenses and registrations issued under this subchapter shall be sent to all licensees and registrants whose licenses or registrations are about to expire at least 30 days prior to the date of expiration.

(a) A renewal notice shall be sent to the address given on the latest license or registration renewal form on file with the department.

(b) A licensee shall be responsible for notifying the department of any change in the licensee's mailing address.

(c) Failure to receive a notice for license or registration renewal shall not be an excuse for failure to renew.

Note: The 1993 Wis. Act 16 mandates that the department phase in the transition to a 2-year license cycle period by renewing half the licenses renewals for one year and the other half for 2 years. Therefore, the department has for the license period that begun on January 1, 1994 renewed renewal requests of those individuals whose last names begin with the letters A to M for one year and those individuals whose last names begin with the letters N to Z for 2 years.

(2) **RENEWAL QUALIFICATIONS.** (a) The renewal of a license or a registration by the department shall be dependent upon the applicant completing the appropriate renewal application and fee.

(b) The renewal of a license for a master plumber, master plumber-restricted, journeyman plumber or journeyman plumber-restricted shall be dependent upon the applicant completing the appropriate continuing education requirements under s. ILHR 81.135.

(c) An individual who fails to comply with the appropriate continuing education requirements under s. ILHR 81.135 shall take and pass the appropriate license examination in accordance with s. ILHR 81.05 in order to renew his or her license.

(3) **DELINQUENT OR ELAPSED LICENSES.** (a) *Plumber licenses.* 1. Except as provided in s. 145.05 (1), Stats., and subd. 2, an individual who does not renew his or her plumbing license in accordance with s. ILHR 81.12 shall take and pass the appropriate license examination in accordance with s. ILHR 81.05 again to qualify for licensure.

3. With respect to s. 145.05 (1), Stats., a person, who as a municipal plumbing inspector of a city of the first, second or third class, having a system of waterworks or sewerage, has not renewed his or her respective plumbing license, upon termination as a municipal plumbing inspector may renew their respective plumbing license without

payment of a late renewal fee and without licensure reexamination, if a renewal application is submitted within the licensure year when termination occurs. Failure to do so shall require reexamination to again qualify for licensure. Municipal plumbing inspectors who do not renew their respective plumbing licenses may not engage in the installation of plumbing in accordance with s. 145.06, Stats.

(b) *Utility contractor licenses.* Whenever a person fails to renew a utility contractor license for a period of 2 years, the department shall require evidence to show that the renewal applicant is competent to perform the work of utility contractor before such license is renewed.

(c) *Automatic sprinkler licenses.* Whenever a person fails to renew a sprinkler fitter or contractor license for a period of 2 years, the department shall require evidence to show that the applicant for renewal is competent to perform the work of either a contractor or journeyman fire sprinkler fitter before such a license is renewed.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; am. (3) (a) 1. and 2., Register, May, 1988, No. 389, eff. 6-1-88; am. (1) (intro.), Register, February, 1994, No. 458, eff. 3-1-94; am. (1) (intro.) and (3) (b), r. and recr. (3) (a) 1., r. (3) (a) 2., renum. (3) (a) 3. to be 2. and am., Register, May, 1994, No. 461, eff. 6-1-94; r. and recr. (2), Register, September, 1994, No. 465, eff. 10-1-94.

ILHR 81.135 Continuing education. (1) IMPLEMENTATION. This section applies to all master plumbers, master plumbers-restricted, journeyman plumbers and journeyman plumbers-restricted applying for renewal of their 1993 plumber licenses and each subsequent license renewal.

(2) **TYPES OF LICENSES. (a) Full-licensed plumbers.** The license renewal of each master plumber and journeyman plumber shall be contingent upon the plumber obtaining at least 12 hours of acceptable continuing education during the 2 calendar years immediately preceding the license expiration date, except as provided in sub. (3).

(b) *Restricted-licensed plumbers.* The license renewal of each master plumber-restricted and journeyman plumber-restricted shall be contingent upon the plumber obtaining at least 6 hours of acceptable continuing education during the 2-calendar years immediately preceding the license expiration date, except as provided in sub. (3)

Note: See s. ILHR 81.13 (2) as to the process for license renewal when continuing education requirements have not been fulfilled.

(3) **EXEMPTIONS.** A plumber may apply to the department for waiver of the continuing education requirements under sub. (2) on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

(4) **PROGRAM SPECIFICATIONS. (a) 1.** Only courses, programs and seminars approved in writing by the department shall be used for credit to fulfill continuing education requirements.

2. The department shall consult with the plumbers council as to the types or categories of courses, programs and seminars which are to be considered for continuing education credit.

(b) Requests for a course, program or seminar to be recognized for approval shall be submitted in writing to

the department at least 30 days prior to the first day the course, program or seminar is to be conducted.

1. Requests for approval shall include sufficient information to determine if the course, program or seminar complies with this subsection.

2. The department shall review and make a determination on a request for approval within 15 business days of receipt of the request and information necessary to complete the review.

(c) Thirty minutes of attendance in an approved course, program or seminar shall be deemed equal to 30 minutes of acceptable continuing education.

(d) Courses, programs and seminars to be considered for approval towards continuing education credit shall relate to:

1. The license classification or classifications;
2. The design, installation, maintenance, inspection, planning or superintending of plumbing; or
3. The plumbing code, chs. ILHR 81 to 87.

(e) 1. The individual or organization providing an approved continuing education course, program or seminar shall maintain an attendance record of those individuals who have attended and completed the course, program or seminar.

2. The attendance record shall include the names of each attendee along with the attendee's plumber license number and social security number.

3. A copy of the attendance record shall be forwarded by the person or party which had obtained the course or program approval to the department within 10 days of the completion of the course, program or seminar.

Note: The mailing address for the attendance records is:

Bureau of Building Water Systems
P.O. Box 7969
Madison, WI 53707

4. The individual or organization that holds an approved continuing education course shall provide to each person in attendance written documentation of his or her participation within 10 days of completion of the course or program.

(f) 1. The department may impose specific conditions in approving a course, program or seminar for continuing education credit.

2. The department may revoke the approval of a course, program or seminar for continuing education credit for any false statements, misrepresentation of facts or violation of the conditions on which the approval was based. The department may not revoke the approval of course, program or seminar less than 30 days prior to the course, program or seminar being held.

(g) For the purposes of this section, taking and completing a licensing examination under s. ILHR 81.05 shall be considered as:

1. Six hours of continuing education credit for a master plumber or journeyman plumber; and

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2. Three hours of continuing education credit for a master plumber-restricted or journeyman plumber-restricted.

(5) **EVIDENCE OF COMPLIANCE.** Each plumber shall retain evidence of compliance with continuing education requirements throughout the license period for which continuing education credit was required for license renewal.

(a) The department shall accept as evidence of compliance original or copies of documents, certified by the individual or organization providing the course, program or seminar, indicating attendance at and completion of the continuing education credit.

(b) The department may require a license holder to submit evidence of compliance for the continuing education credit which was required to renew the current license.

(6) **REEXAMINATION.** (a) *Full licensed plumbers.* Failure to obtain at least 12 hours of continuing education credit over 2 consecutive years may result in an individual having to take and pass the appropriate licensure examination in accordance with s. ILHR 81.05 in order to renew a master plumber license or journeyman plumber license.

(b) *Restricted-licensed plumbers.* Failure to obtain at least 6 hours of continuing education credit over 2 consecutive years may result in an individual having to take and pass the appropriate licensure examination in accordance with s. ILHR 81.05 in order to renew a master plumber-restricted license or journeyman plumber-restricted license.

History: Cr. Register, August, 1991, No. 428, eff. 1-1-92; correction in (4) (d) 3. made under s. 13.93 (2m) (b) 7, Stats., Register, June, 1992, No. 438; am. (1), r. and recr. (2) (a) and (b), r. (3) (b), renum. (3) (a) to be (b), cr. (4) (g), Register, May, 1994, No. 461, eff. 6-1-94; am. (2), (3), cr. (4) (e) 4., Register, September, 1994, No. 465, eff. 10-1-94.

ILHR 81.14 Suspension and revocation of licenses. Pursuant to ss. 145.10 and 145.17, Stats., the department may suspend or revoke the license of any master plumber, journeyman plumber, master plumber-restricted, journeyman plumber-restricted, utility contractor, automatic fire sprinkler contractor, or journeyman automatic fire sprinkler fitter.

(1) **GENERAL.** The department may suspend or revoke a license for any of the following reasons:

(a) The practice of fraud or deceit in obtaining a license;

(b) Gross negligence, incompetence or misconduct in the practice or work allowed by the license;

(c) Failure to correct an installation for which the licensee is responsible within the time prescribed by the department; and

Note: Section 145.10 (1) (b), Stats., indicates that the correction of an installation must take place within 30 days following notification by the department of a violation.

(d) Falsified information on an inspection form under s. 145.245 (3), Stats.

(2) **INVESTIGATIONS.** The department may conduct an investigation of any alleged violations of this chapter or chs. ILHR 82 and 83. If it is determined that no further action is warranted, the department shall notify the persons affected. If the department determines that there is

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probable cause, it shall order a hearing and notify the persons affected.

(3) **SUMMARY SUSPENSION.** In accordance with s. 145.10 (1), Stats., the department may summarily suspend any license after providing not less than 10 days notice to the licensee, if it has reason to believe that the allegations in the complaints are justified. The summary suspension shall remain in effect until after a hearing finding is reached.

(4) **HEARINGS.** Hearings for the suspension or revocation of licenses shall be conducted as contested case hearings in accordance with ch. 227, Stats., and s. 145.10, Stats.

(5) **FINDINGS.** The department may make findings and enter its order on the basis of the facts revealed by its investigation. Any findings as a result of petition or hearing shall be in writing and shall be binding unless appealed to the secretary.

(a) *Suspension.* The period for suspension shall be determined by the hearing examiner or the department. The period for suspension may not exceed one year. A person whose license has been suspended may have the license reinstated by filing a new application for licensure and payment of the appropriate fee specified in ch. ILHR 2.

(b) *Revocation.* The period for revocation shall be determined by the hearing examiner or the department. The period for revocation shall not exceed one year. A person whose license has been revoked shall be eligible for licensure only after the time set for revocation by department order has passed. A person whose license has been revoked may have the license reinstated only after submitting a completed application for licensure examination, payment of the examination fee, passing of the examination and payment of the license fee specified in ch. ILHR 2.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; corrections in (5) made under s. 13.93 (2m) (b) 7, Stats., Register, June, 1992, No. 438; correction in (1) (d) made under s. 13.93 (2m) (b) 7, Stats., Register, February, 1994, No. 458.

ILHR 81.15 Suspension and cancellation of registrations. The department may suspend or cancel the registration of any plumbing apprentice, registered learner, pipe layer, automatic fire sprinkler system apprentice, or cross connection control device tester, automatic fire sprinkler maintenance registration certificate or automatic fire sprinkler fitter maintenance registration certificate.

(1) **GENERAL.** The department may suspend or cancel a registration for any of the following reasons:

(a) The practice of fraud or deceit in obtaining registration;

(b) Failure to complete the apprenticeship or learner educational requirements of this subchapter;

(c) Gross negligence, incompetence or misconduct in the practice or work allowed by the registration; and

(d) Willful noncompliance with the apprenticeship or learner shop requirements needed to obtain registration.

(2) **COMPLAINTS TO JOBS, EMPLOYMENT AND TRAINING SERVICES DIVISION.** The department may file a complaint with the jobs, employment and training services division of the department of industry, labor and human relations

regarding violations of this chapter or chs. ILHR 82 and 83 and request that action be taken to terminate or reassign the apprenticeship contract or agreement.

(3) **NOTICE OF SUSPENSION OR CANCELLATION.** Upon suspension or cancellation of any registration, the department shall notify the affected persons in writing stating the reasons for suspension or cancellation. The notice shall be made by affidavit of mailing or certified mail sent to the address filed with the application for registration.

(4) **HEARINGS.** Upon receipt of notice of registration, suspension or cancellation, the registrant may submit a written request for a contested case hearing in accordance with ch. 227, Stats. The right to hearing shall be considered waived, if the registrant fails to submit the request within 30 days after notice of registration, suspension or cancellation. Hearings shall be conducted by the department.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; am. (intro.), Register, February, 1994, No. 458, eff. 3-1-94; corrections in (2) made under s. 13.93 (2m) (b) 6, Stats., Register, February, 1994, No. 458.

Subchapter II — Certification of Plumbing Inspectors

ILHR 81.301 Purpose. The purpose of this subchapter is to promote effective and uniform enforcement of the state uniform plumbing code for one-and 2-family dwellings, manufactured buildings for dwellings and private sewage systems. Pursuant to ch. 101, subchs. II and III, Stats., and ch. 145, Stats., this subchapter establishes the stan-

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dards and procedures for certification, including suspension and revocation, of plumbing inspectors and independent plumbing inspection agencies.

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

ILHR 81.302 Scope. The rules of this subchapter apply to all persons, independent inspection agencies, municipalities and state governmental agencies engaged in administering and enforcing the state uniform plumbing code for one- and 2-family dwellings, manufactured buildings for dwellings and private sewage systems, or engaged in educating, training and testing persons for state certification as a plumbing inspector.

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

ILHR 81.304 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 81.31 Definitions. For the purpose of this subchapter, the following terms are defined:

- (1) "Approved" means acceptable to the department.
- (2) "Certified inspection" means an inspection performed by a certified plumbing inspector.
- (3) "Certified plumbing inspector I" means an individual certified by the department to administer and enforce ch. ILHR 82.
- (4) "Certified plumbing inspector II" means an individual certified by the department to administer and enforce ch. ILHR 83. Inspection responsibilities may include building sewers where no certified plumbing inspector I is available.
- (5) "Certified plumbing inspector III" means an individual certified by the department to administer and enforce chs. ILHR 82 and 83.
- (6) "Conflict of interest" means a certified inspector inspecting plumbing work in which the inspector or the inspector's employer or employe has participated or has a monetary or personal interest.
- (7) "Department" means the department of industry, labor and human relations.
- (8) "Dwelling" as defined in s. ILHR 20.07 (25), means any building, the initial construction of which is commenced on or after June 1, 1980, which contains one or 2 dwelling units.
- (9) "Governmental unit responsible for regulation of private sewage systems" means a county or other governmental unit as defined in s. 145.01 (5), Stats.
- (10) "Gross negligence" means a high degree of failure to exercise ordinary care of judgment and failure by omission or commission to discharge the duty required to protect the health, safety and welfare of the public.
- (11) "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.

(12) "Independent inspection agency" means any person, firm, association, partnership or corporation, other than a municipal corporation, certified by the department to perform certified plumbing inspections under the state uniform plumbing code.

(13) "Manufactured building", as defined in s. ILHR 20.07 (52), means:

(a) Any structure or component thereof which is intended for use as a dwelling and:

1. Is of closed construction and fabricated or assembled on site or off site in manufacturing facilities for installation, connection or assembly and installation at the building site; or

2. Is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection or assembly and installation on the building site and for which certification is sought by the manufacturer.

(b) The term manufactured building does not include a building of open construction which is not subject to s. ILHR 20.07 (52) (a) 2. A single or double width mobile home is not considered a manufactured building.

(14) "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.

(15) "Municipality" means any city, village, town or county in this state.

(16) "Person" includes partnerships, associations and bodies politic or corporate.

(17) "Private sewage system" means a sewage treatment and disposal system as defined in s. 145.01 (12), Stats.

(18) "Secretary" means the secretary of the department of industry, labor and human relations.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; corrections in (8) and (13) made under s. 13.93 (2m) (b) 7, Stats., Register, June, 1992, No. 438; corrections in (9) and (17) made under s. 13.93 (2m) (b) 7, Stats., Register, February, 1994, No. 458.

ILHR 81.32 Administration and enforcement. (1) INSPECTIONS. All inspections of one- and 2-family dwellings for the purpose of administering and enforcing the state uniform plumbing code shall be performed by certified plumbing inspectors.

(2) **PRIVATE SEWAGE SYSTEMS.** In accordance with s. 145.20, Stats., all inspections of private sewage systems of

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one- and 2-family dwellings shall be performed by a certified plumbing inspector II or III.

(3) **RECORDS.** Each certified plumbing inspector shall record and keep on file, in numerical order, the number of plumbing inspections made. The inspector shall record the name of the owner of the premises, the location of each inspection, and note any violation. All records and files shall be accessible to the department for inspection and review.

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

ILHR 81.33 Authority. (1) DEPARTMENTAL AUTHORITY. Pursuant to chs. 101 and 145, Stats., the department has been granted the authority and jurisdiction over the certification, including suspension and revocation of certified inspectors or independent inspection agencies for the purpose of inspecting plumbing of one- and 2-family dwellings and manufactured buildings for dwellings.

(2) **MUNICIPALITY AUTHORITY.** Pursuant to ss. 59.065, 101.65 (1) (a), 101.66 (2), 101.76 (1) (a), 145.04 and 145.20, Stats., all municipalities exercising jurisdiction over the construction and inspection of one- and 2-family dwellings and manufactured buildings for dwellings shall provide for inspections performed by persons certified under the rules of this subchapter.

(a) Any termination of employment or disciplinary action against a certified plumbing inspector or independent inspection agency for cause directly related to the conditions of certification shall be reported to the department.

(b) Municipal termination of employment or disciplinary action shall not constitute suspension or revocation of the state certification.

(c) No certified plumbing inspector or independent inspection agency carrying a valid state certification may be required to obtain any municipal certification or license to enforce the state uniform plumbing code.

(d) 1. Certified plumbing inspectors of private sewage systems shall be employes of the respective local governmental unit responsible for the regulation of private sewage systems.

2. Inspections of private sewage systems may not be delegated to certified independent inspection agencies.

(e) Except for the regulation of private sewage systems, municipalities may jointly exercise jurisdiction, pursuant to ss. 66.30 (2), 101.65 (1) (b), 101.76 (1) (b), 145.04 and 145.13, Stats., by adopting the state uniform plumbing code and providing for inspections by certified inspectors or certified independent inspection agencies.

Note: These rules are not intended to prevent a municipality from enacting more restrictive hiring practices.

(3) **INDEPENDENT INSPECTION AGENCY AUTHORITY.** Pursuant to ss. 101.63 (2), 101.66 (2), 101.73 (3), (5) and (6), 101.75 (1), 101.76 (1) (a) and 145.04, Stats., certified independent inspection agencies may enter into contractual agreement with municipalities, building manufacturers or the department to provide the certified inspections required for the state uniform plumbing code.

(4) **CERTIFIED INSPECTOR AUTHORITY.** Pursuant to ss. 101.63 (2), 101.66 (2), 101.73 (3) and (5), 101.75 (1), Register, February, 1994, No. 458

101.76 (1) (a), 145.04 and 145.20, Stats., a certified inspector may perform certified inspections in accordance with the requirements of the state uniform plumbing code.

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

ILHR 81.34 Inspector certification. A person performing or offering to perform inspections for on-site dwellings or manufactured dwellings under the state uniform plumbing code shall be certified and shall satisfy the requirements of this section.

(1) **APPLICATION FOR CERTIFICATION OR RECERTIFICATION.** (a) All applicants shall be at least 18 years of age.

(b) Application for certification and recertification shall be made to the department together with the payment of the fee specified in ch. ILHR 2.

(c) Applications shall be made on forms provided by the department and may be obtained by writing to:

Certification Coordinator
Safety and Buildings Division
Department of Industry, Labor and Human Relations
P.O. Box 7969
Madison, Wisconsin 53707

(d) Upon receipt of the completed application form, the department shall review and evaluate the application and make all necessary notifications to the applicant. If it is determined that the applicant does not qualify for certification or recertification, the applicant shall be notified of the findings in writing.

(2) **REQUIREMENTS FOR CERTIFICATION OF PLUMBING INSPECTORS.** (a) Eligibility for certification shall be based upon acceptance of the application and successful completion of the approved educational training and testing programs required for the designated categories of certification and upon passage of the examination. Existing state or municipal inspectors who have the equivalent of one year of inspection experience shall be exempt from examination for initial certification.

(b) Credit shall be given for educational and training programs approved by the department.

(c) If an individual has one year of experience in plumbing inspections, the individual shall be exempt from examination but shall participate in and successfully complete the department's approved training program. A minimum of 20 units of continuing education shall be required annually.

(3) **EXAMINATION.** (a) *Application for examination.* All applications for examination shall be received by the department prior to examination. The applicant shall be advised by the department of the date and place of the examination.

(b) *Time and place of examinations.* Scheduled examinations shall be offered at least semiannually. Specific details regarding time and place are available from the department upon request.

(c) *Scope of examination.* The examination shall test the applicant's ability to inspect plumbing installations and designs to ascertain compliance with the rules of the state uniform plumbing code, and more specifically to test for:

1. Code knowledge;
2. Code administration;
3. Inspection and enforcement techniques; and
4. Skills such as, but not limited to, general mathematics, reading of plans and specifications, materials and methods of construction, construction safety and oral and written communications.

(d) *Grading of examinations.* The final grading of all examinations shall be by persons approved by the department. A grade of 75% or greater in each part shall be considered a passing grade for certification as an inspector.

(e) *Examination retake.* Applicants failing an examination, upon request and payment of the re-examination fee specified in ch. ILHR 2, may retake the examination within one year of the original examination. All applications for re-examination shall be received by the department at least 3 weeks prior to the scheduled date of the examination to be retaken. Failure to apply for re-examination requires successful completion of approved educational courses.

(4) **RECIPROCITY.** Inspector certification may be accomplished through reciprocity provided the certification program of the state in which the inspector is certified is approved by the department.

(5) **ISSUANCE OF CERTIFICATE.** Upon completing the requirements for certification, the department shall notify the applicant in writing and shall issue an inspection certificate. The certificate shall bear the name of the applicant, certificate number and expiration date. No certificate may be valid for longer than one year and all certifications shall expire on June 30 of each year.

(6) **RENEWAL OF CERTIFICATE.** The certification of an inspector may be renewed in accordance with the requirements of sub. (1). Certification renewal shall be contingent on participation and completion of 6 hours of credit annually in on-going approved education programs.

(7) **DENIAL OF CERTIFICATION.** (a) *Notice of denial.* Upon denial of certification or recertification, the department shall notify the applicant in writing stating the reasons for denial. The notice of denial shall be made by mail sent to the address filed with the application.

(b) *Hearing.* Upon receipt of denial, any applicant may submit a written request for hearing. The right to hearing shall be considered waived, if the applicant fails to submit the request within 30 days. Hearings shall be conducted by the department and the proceedings recorded.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; corrections in (1) (b) and (3) (e) made under s. 13.93 (2m) (b) 7, Stats., Register, June, 1992, No. 438; am. (6), Register, February, 1994, No. 458, eff. 3-1-94.

ILHR 81.35 Independent inspection agency certification — in-plant inspections. An independent inspection agency offering to perform in-plant plumbing inspections of manufactured dwellings and certify compliance for manufactured dwellings under the state uniform plumbing code shall be certified and shall satisfy the requirements of this section. In accordance with s. ILHR 82.25, the department shall review all plans for plumbing systems installed in factory constructed one- and 2-family dwellings.

(1) **APPLICATION FOR INDEPENDENT INSPECTION AGENCY CERTIFICATION OR RECERTIFICATION.** Application for certification and recertification shall be made to the department together with the payment of the fee specified in ch. ILHR 2.

(a) Applications shall be made on forms provided by the department and may be obtained by writing to:

Certification Coordinator
Safety and Buildings Division
Department of Industry, Labor and Human Relations
P.O. Box 7969
Madison, Wisconsin 53707

(b) All applications for certification shall be submitted in duplicate and shall contain the following information:

1. Location of offices;
2. Names and certification numbers and qualifications of all in-plant inspectors employed by the agency;
3. A list of structures which the agency has inspected;
4. A list of states in which the agency is authorized to inspect or evaluate manufactured dwellings or components;
5. An affidavit certifying independence and absence of conflicts of interest;
6. Procedures and facilities, including record-keeping used in providing services which assure compliance with the rules of ch. ILHR 82; and
7. A list of all certified inspectors having contracts with the independent inspection agency to perform certified inspections.

(c) Any independent inspection agency to be certified by the department shall agree in writing:

1. That the department may monitor by inspection and require verification of any or all conditions specified in par. (b);
2. To make all inspection records available to the department upon request;
3. To enforce all applicable rules of ch. ILHR 82; and
4. To provide the department, upon request, with a current list of all municipalities, manufacturers or others for which it is performing certified inspections.

(d) Upon receipt of the completed application form, the department shall review and evaluate the application and make all necessary notifications to the applicant. If it is determined that the applicant does not qualify for certification or recertification, the applicant shall be notified of the findings in writing and instructed of the appeals procedure.

(2) **RECIPROCITY.** Independent inspection agency certification may be accomplished through reciprocity provided the certification program of the state in which the agency is certified is approved by the department.

(3) **ELIGIBILITY FOR CERTIFICATION.** Eligibility for certification shall be based upon acceptance of the application and the applicant's ability to perform system analysis and develop and implement a compliance assurance program.

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(4) **ISSUANCE OF INDEPENDENT INSPECTION AGENCY CERTIFICATE.** Upon acceptance of the application and finding of eligibility, the department shall notify the agency in writing and shall issue an independent inspection agency certificate. The certificate shall bear the name of the independent inspection agency, certificate number and expiration date. No certificate may be valid for longer than one year and all certifications shall expire on June 30 of each year.

(5) **RENEWAL OF CERTIFICATE.** The certification of an independent inspection agency may be renewed in accordance with the requirements of sub. (1).

(6) **DENIAL OF CERTIFICATE.** (a) *Notice of denial.* Upon denial of certification or recertification, the department shall notify the applicant in writing stating the reasons for denial. The notice of denial shall be made by mail sent to the address filed with the application.

(b) *Hearing.* Upon receipt of denial, any applicant may submit a written request for hearing. The right to hearing shall be considered waived if the applicant fails to submit the request within 30 days. Hearings shall be conducted by the department and the proceedings recorded.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; correction in (1) (intro.) made under s. 13.93 (2m) (b) 7, Stats., Register, June, 1992, No. 438.

ILHR 81.36 Independent inspection agency certification — on-site inspections. An independent inspection agency offering to perform inspections for on-site dwellings under the state uniform plumbing code shall be certified and shall satisfy the requirements of this section.

(1) **APPLICATION FOR INDEPENDENT INSPECTION AGENCY CERTIFICATION.** Application for certification and recertification shall be made to the department together with the payment of the fee specified in ch. ILHR 2.

(a) Applications shall be made on forms provided by the department and may be obtained by writing to:

Certification Coordinator
Safety and Buildings Division
Department of Industry, Labor and Human Relations
P.O. Box 7969
Madison, Wisconsin 53707

(b) All applications for certification shall be submitted in duplicate and shall contain the following information:

1. Identification of agency entity; if an individual, the full name under which the agency intends to do business shall be submitted;

2. Name, address and qualifications of all officers, directors and management personnel responsible for the administration and enforcement of the agency;

3. Location of offices of the independent inspection agency;

4. Names of certified plumbing inspectors employed by the agency;

5. An affidavit certifying independence and absence of conflicts of interest;

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6. Programs, procedures and facilities, including record-keeping used in providing services which assure compliance with the rules of ch. ILHR 82; and

7. A list of all certified inspectors having contracts with independent inspection agencies to perform certified inspections.

(c) Any independent inspection agency to be certified by the department shall agree in writing:

1. That all inspections for compliance with the state uniform plumbing code shall be by certified plumbing inspectors and to make all records available to the department upon request;

2. That the department may monitor by inspection and require verification of any or all conditions specified in par. (b);

3. To enforce all applicable rules of ch. ILHR 82; and

4. To provide the department, upon request, with a current list of all municipalities, manufacturers or others for which it is performing certified inspections.

(d) Upon receipt of the completed application form, the department shall review and evaluate the application and make all necessary notifications to the applicant. If it is determined that the applicant does not qualify for certification or recertification, the applicant shall be notified of the findings in writing and instructed of the appeals procedure.

(2) **RECIPROCITY.** Independent inspection agency certification may be accomplished through reciprocity provided the certification program of the state in which the agency is certified is approved by the department.

(3) **ISSUANCE OF INDEPENDENT INSPECTION AGENCY CERTIFICATE.** Upon acceptance of the application and findings of eligibility, the department shall notify the agency in writing and shall issue an independent inspection agency certificate. The certificate shall bear the name of the independent inspection agency, certificate number and expiration date. No certificate shall be valid for longer than one year and all certifications shall expire on June 30 of each year.

(4) **RENEWAL OF CERTIFICATE.** The certification of an independent inspection agency may be renewed in accordance with the requirements of sub. (1).

(5) **DENIAL OF CERTIFICATE.** (a) *Notice of denial.* Upon denial of certification or recertification, the department shall notify the applicant in writing stating the reasons for denial. The notice of denial shall be made by mail sent to the address filed with the application.

(b) *Hearing.* Upon receipt of denial, any applicant may submit a written request for hearing. The right to the hearing shall be considered waived if the applicant fails to submit the request within 30 days. Hearings shall be conducted by the department and the proceedings recorded.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; correction in (1) (intro.) made under s. 13.93 (2m) (b) 7, Stats., Register, June, 1992, No. 438.

ILHR 81.37 Suspension or revocation of certification. (1) SUSPENSION OR REVOCATION. The department may sus-

pend or revoke the certification of any inspector or independent inspection agency for any of the following reasons:

(a) Fraud or deceit in obtaining certification;

(b) Knowingly aiding or abetting the unauthorized examination and inspection of dwellings by persons not certified by the department;

(c) Any gross negligence, incompetence or misconduct in the discharge of the duties required under this subchapter and the state uniform plumbing code;

(d) Conviction of a criminal charge, misdemeanor or local regulation substantially related to the circumstances of the certified inspection activity or adjudication of mental incompetence by the courts; and

(e) Conflict of interest.

(2) **FILING OF COMPLAINT.** Proceedings to revoke or suspend a certificate may be initiated by any person on a signed, written complaint filed with the department. Any alleged violation of the law or the administrative rules of the department shall be set forth in the complaint with particular reference to time, place and circumstance.

(3) **INVESTIGATION AND NOTIFICATION.** The department may investigate alleged violations on its own initiative or upon the filing of a complaint. If it is determined that no further action is warranted, the department shall notify the persons affected. If the department determines that there is probable cause, it shall order a hearing and notify the persons affected.

(4) **MAILING.** Unless otherwise provided by law, all orders, notices and other papers may be served by the department by mail addressed to the party at the last known address. If the service is refused, service may be made by a sheriff without amendment of the original order, notice or other paper.

(5) **RESPONSE.** Upon receipt of notification of hearing from the department, the charged party may submit to the department a written response within 30 days of the date of service. Failure to respond within the prescribed time limit, or failure to appear at the scheduled hearing, may result in the allegations specified in the complaint being taken as true.

(6) **HEARINGS.** (a) *Subpoenas; witness fees.* Subpoenas may be signed and issued by the department or the clerk of any court of record. Witness fees and mileage of witnesses subpoenaed on behalf of the department shall be paid at the rate prescribed for witnesses in circuit court.

Note: See s. 885.05, Stats., as to the specific amounts for witness and interpreter's fees.

(b) *Conduct of hearing.* All hearings shall be conducted by persons selected by the department. Persons so designated may administer oaths or affirmations and may grant continuances and adjournments for cause shown. The respondent shall appear in person and may be represented by an attorney-at-law. Witnesses may be examined by persons designated by the department.

(7) **FINDINGS.** The department may make findings and enter its order on the basis of the facts revealed by its investigation. Any findings as a result of petition or hearing

shall be in writing and shall be binding unless appealed to the secretary.

(a) *Suspension.* The period for suspension shall be determined by the hearing examiner or the secretary and may not exceed 2 years. The certification of an inspector or an independent inspection agency that has been suspended may be reinstated by filing a new application for certification and payment of the appropriate fee specified in ch. ILHR 2.

(b) *Revocation.* The period for revocation shall be determined by the hearing examiner or the secretary and may not exceed 5 years. An inspector or independent inspection agency whose certification has been revoked may be eligible for recertification only after that time set for revocation by departmental order has passed. Certification may be 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 ch. ILHR 2.

(8) **APPEAL ARGUMENTS.** Appeal arguments shall be submitted to the department in writing unless otherwise ordered.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; corrections in (7) (a) and (b) made under s. 13.93 (2m) (b) 7, Stats., Register, June, 1992, No. 438.

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 dispo-

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sal 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 81.603 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 judgment 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.
- (7) "Soil evaluation certification" means satisfactory completion of a course of instruction approved by the department and designed to qualify a certified soil tester to conduct soil evaluation procedures specified in s. ILHR 83.09 (4m) for the sizing and siting of soil absorption systems.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; cr. (7), Register, June, 1991, No. 426, eff. 7-1-91.

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.

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(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 as specified in ch. ILHR 2 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 application 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 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 re-examination.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; am. (1) and (4), Register, June, 1992, No. 438, eff. 7-1-92.

ILHR 81.645 Soil evaluation certification. (1) A certified soil tester shall obtain soil evaluation certification in order to use the soil evaluation procedures specified in s. ILHR 83.09 (4m) in lieu of percolation tests prior to using the procedures. The examination conducted by the department to certify a soil tester after July 1, 1991, shall constitute soil evaluation certification to use the procedures specified in s. ILHR 83.09 (4m).

(2) The department shall require evidence of soil evaluation certification for certified soil testers before the certified soil tester may perform the soil evaluation procedure specified in s. ILHR 83.09 (4m).

(3) County employes whose responsibilities include review of soil tester reports or onsite verification of reported soil conditions, or individuals contracted by a county to perform such verification or review of soil reports, shall comply with sub. (2) and shall be certified soil testers.

History: Cr. Register, June, 1991, No. 426, eff. 7-1-91.

ILHR 81.646 Soil mottling examination. (1) Any certified soil tester submitting written reports under s. ILHR 83.09 (7) (a) 1. in lieu of monitoring groundwater levels shall take and pass an examination provided by the department prior to conducting the evaluation. The examination shall measure the applicant's understanding of soil mottling and may examine the applicant's education and experience in evaluating soil mottling.

(2) Applications for the soil mottling examination shall be accompanied by an examination fee as specified in ch. ILHR 2.

(3) The department will schedule examinations and will notify applicants of scheduled examinations.

(4) Written notice of the examination results will be provided to each applicant.

History: Cr. Register, June, 1991, No. 426, eff. 7-1-91; am. (2), Register, June, 1992, No. 438, eff. 7-1-92.

ILHR 81.65 Issuance of certificate. 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 "Certi-

fied Soil Tester". No certification issued under this subchapter shall be valid for longer than 2 years. Certifications issued under this subchapter shall expire on June 30 of the second year of the certification.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; r. (2), Register, June, 1992, No. 438, eff. 7-1-92; am. Register, May, 1994, No. 461, eff. 6-1-94.

ILHR 81.66 Renewal of certificate; delinquency and reinstatement. (1) RENEWAL OF CERTIFICATE. 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.

Note: The 1993 Wis. Act 16 mandated that the department phase in the transition to a 2-year plumbing and fire sprinkler license cycle period by renewing half the licenses renewals for one year and the other half for 2 years. Therefore, in keeping the process similar for soil tester certifications, the department will for the certification period that begins on July 1, 1994 renew renewal requests for those individuals whose last names begin with the letters A to M for one year and those individuals whose last names begin with the letters N to Z for 2 years.

(2) DELINQUENCY AND REINSTATEMENT. Within 12 months after expiration, the department may reinstate an expired certificate upon receipt of a completed certification renewal application and payment of the renewal fee, plus a late filing fee as specified in ch. ILHR 2. 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 the application fee, passing an examination and payment of the certification fee. No certificate may be renewed by the department after July 1, 1994, unless the certified soil tester has been certified to use the soil evaluation procedures specified in s. ILHR 83.09 (4m).

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; am. Register, June, 1991, No. 426, eff. 7-1-91; r. and recr. Register, June, 1992, No. 438, eff. 7-1-92; am. Register, May, 1994, No. 461, eff. 6-1-94.

ILHR 81.665 Soil tests by county employes. County employes or contracted individuals who provide inspection services or review soil reports for the county may not perform soil testing services in the county of their employment or contract.

History: Cr. Register, June, 1991, No. 426, eff. 7-1-91.

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 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 ch. ILHR 2.

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(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 application fee, passing of the examination and payment of the certification fee specified in ch. ILHR 2.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; am. (2) and (3), Register, June, 1992, No. 438, eff. 7-1-92.