



State of Wisconsin
2005 - 2006 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 750**

November 14, 2005 - Offered by Representative HINES.

1 **AN ACT** *to create* 145.12 (5) of the statutes; **relating to:** the assessment of
2 forfeitures by the Department of Commerce for violating certain licensing
3 requirements for persons engaged in plumbing activities and granting
4 rule-making authority.

Analysis by the Legislative Reference Bureau

The Department of Commerce (Commerce) administers various laws, including building codes, that promote safety in public and private buildings and in the subsystems of those buildings. To that end, Commerce issues various licenses, permits, registrations, and other credentials (licenses) to persons engaged in the construction trades such as electricians and plumbers.

Current law imposes penalties against persons who engage in certain plumbing activities without a license or registration required by Commerce. This substitute amendment authorizes Commerce, in lieu of any other penalty under current law, to directly assess a forfeiture by issuing an order against any person who engages in work at plumbing without a license, installs plumbing without having a master plumber in charge, allows a master plumber's license to be used by another person, or tests the performance of a cross-connection control device without being registered by Commerce as a cross-connection control tester issued by Commerce. The substitute amendment requires Commerce to promulgate rules that govern the procedures for assessing such forfeitures including the amount of the forfeitures.

The substitute amendment provides that a forfeiture that is not paid after all administrative and judicial reviews are exhausted accrues interest at the rate of 12 percent per year. The substitute amendment authorizes the attorney general to bring a legal action to collect a forfeiture, including accrued interest, if the forfeiture is not paid as required under the substitute amendment. The substitute amendment requires that all forfeitures under the substitute amendment be deposited in the school fund.

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

1 **SECTION 1.** 145.12 (5) of the statutes is created to read:

2 145.12 (5) (a) In lieu of any other penalty under this section, the department
3 may directly assess a forfeiture by issuing an order against any person who violates
4 s. 145.06. The department may not assess a forfeiture exceeding \$2,000 for each
5 violation.

6 (b) The department shall promulgate rules specifying the procedures
7 governing the assessment of forfeitures under this subsection including the
8 following:

9 1. The procedure for issuing an order for an alleged violation.

10 2. The amount of a forfeiture that the department may assess for an alleged
11 violation, subject to the limit under par. (a).

12 3. The procedure for contesting an order issued for an alleged violation.

13 4. The procedure for contesting the assessment of a forfeiture for an alleged
14 violation.

15 (c) The department shall remit all forfeitures paid under this subsection to the
16 secretary of administration for deposit in the school fund.

17 (d) All forfeitures that are not paid as required under this subsection shall
18 accrue interest at the rate of 12 percent per year.

1 (e) The attorney general may bring an action in the name of the state to collect
2 any forfeiture imposed, or interest accrued, under this subsection if the forfeiture or
3 interest has not been paid after the exhaustion of all administrative and judicial
4 reviews.

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(END)