



DAVE MAXEY

STATE REPRESENTATIVE • 83RD ASSEMBLY DISTRICT

Testimony on Assembly Bill 175 Assembly Committee on Housing and Real Estate May 8, 2025

Thank you, Chairman Brooks and committee members, for hearing my testimony on Assembly Bill 175.

When a three-story parking garage at the Bayshore Mall partially collapsed, it could have been a tragedy. The collapse happened during the lunch rush. Two vehicles were crushed, and more than 50 others were stranded inside. Thankfully, no one was hurt. But that incident raised a basic question: why don't we require regular inspections of parking garages in Wisconsin?

The answer is simple—our current laws don't require them. Once a garage is built and passes its initial inspection, there's no requirement to check its structural safety again unless someone files a complaint or it's altered. That means a parking structure can go decades without any formal review.

This bill fixes that oversight. It requires parking garage owners to have their structures inspected every five years by a professional engineer. Inspection reports would be submitted to DSPS, or to the appropriate local authority. If an owner doesn't follow through, there's a six-month grace period. After that, they face fines. If no inspection happens within a year of the deadline, the structure would be closed until it's brought into compliance.

We already inspect our bridges every two to four years because we know how important routine maintenance and oversight are to public safety. This bill brings that same level of responsibility to parking garages, which hold hundreds of vehicles and thousands of people every day.

Last session, this exact legislation was introduced as Assembly Bill 1121. Because it was introduced so late, it was never given an opportunity for a hearing. I appreciate working with Senator Tomczyk, Senator Wanggaard, Representative Donovan, and Representative Madison to get this done this session, and I'm hopeful we can move it forward.

This bill is a reasonable, preventive step to keep people safe. I respectfully ask for your support, and I'm happy to answer any questions.



Testimony on Assembly Bill 175

Assembly Committee on Housing and Real Estate

May 8, 2025

Thank you Chairman Brooks, Vice-Chair Murphy, and members of the Housing and Real Estate Committee, for hearing my testimony today.

On February 23rd, 2023, there was a partial collapse at the 3-story parking garage at Bayshore Mall in Glendale, WI. The partial collapse crushed two cars and trapped 56 other cars for a few days. Thankfully, no one was hurt, even though it occurred during the lunch rush at 12:15 PM.

The partial collapse at Bayshore Mall was specifically due to improper snow management. The snow removal contractor incorrectly piled too much snow in one place, which exceeded the load-bearing weight of the structure.

Importantly, this is not the first parking garage incident in recent Wisconsin history - in 2010, a panel fell off a parking garage in Milwaukee killing 15-year-old Jared Kellner and hurting two others.

Current Law

After the partial collapse in my district, my office began working with Mayor Kennedy in Glendale to look into potential gaps in state law that could help avoid collapse in the future. We found a key safety concern in state law - which is that parking garages are not required to be inspected for structural integrity after construction.

Parking structures are classified as "public buildings" and governed by the Commercial Building Code. Currently, building inspections of public buildings must occur when a building is constructed or altered, or following a complaint about a building's safety. There is no requirement for public buildings, including parking garages, to have their structural integrity periodically inspected post-construction. Inspections are only required after alterations, if a public complaint is filed, or for certain specific cases, such as periodic elevator inspection.

Unlike most public buildings, parking garages are exposed to high levels of vehicle usage, are often exposed directly to the elements, and their structural integrity is open to easy inspection by the naked eye. In these respects, parking garages are similar to bridges, which are currently required to be inspected every 2-4 years depending on circumstances.

Assembly Bill 175

AB 175 is a common-sense and bipartisan piece of legislation that closes a gap in state law to ensure parking structure safety across Wisconsin. I am grateful to Rep. Maxey for his commitment to working on this common-sense public safety bill.

The bill would require periodic inspection of parking garages every 5 years and for the owner to submit an inspection report to DSPS or a city, village, town, or county that is authorized to perform commercial building plan examinations. If a parking-structure owner fails to complete an inspection within 5 years, DSPS will notify them and give them a six-month grace period followed by six months of \$200 fines per month. If a parking-structure owner fails to submit an inspection within the additional 12 months, then DSPS will close the parking garage until an inspection is filed.

The Legislative Reference Bureau has drafted a memo that describes the responsibilities for each actor under Assembly Bill 2025. I have included that memo in my testimony today.

Aligning with Industry Standards

In drafting this legislation, my office has engaged many organizations and governmental entities to learn more about the best industry standards related to parking garage inspections. I can confirm that requiring inspections on a 3-5 year basis is the industry best practice.

Additionally, every local government we have talked to already inspects parking garages on a time frame of under 5 years, which will ensure that this bill does not create a large new burden on local governments.

StructureCare is an engineering-led national organization that focuses on the construction, design, repair, and structural inspection of parking garages. They could not be here today, but attached to my testimony is a page from their website which details the benefits of inspection laws and the places around the country that have enacted periodic inspection requirements.

The benefits of requiring periodic inspection requirements include:

- increasing public safety and public confidence in parking structures
- increasing preventative maintenance and thereby reducing the need for private owners or public entities to pay for more extensive repairs in the future,
- and reducing the liability for garage owners and operators by demonstrating a proactive approach to safety.

Additionally, as it relates to the partial collapse at Bayshore Mall, I have confirmed with licensed structural engineers in Wisconsin and the American Council of Engineering Companies of Wisconsin that it is an industry standard to ensure that structural inspections of parking garages include a snow removal plan that must be provided by the owner.

In conclusion, Assembly Bill 175 aligns with industry standards while increasing public safety. I want to thank Rep. Maxey, Sen. Tomczyk, and the bipartisan list of legislators who have signed onto the bill. Thank you for your time and I would be happy to answer any questions.



WISCONSIN LEGISLATIVE REFERENCE BUREAU

MEMORANDUM

TO: Representative Darrin Madison
FROM: Richard Loeza, legislative analyst
DATE: April 10, 2025
SUBJECT: 2025 Senate Bill 155

Per your request, this memorandum reviews the types of entities that would be directly affected by the passage of 2025 Senate Bill 155 and describes those effects. The bill imposes requirements on parking structure owners and “plan review authorities.” A plan review authority is the entity charged with approving building plans and performing building inspections for public buildings and places of employment in each political subdivision (a county, city, village, or town). By default, those services are performed by the Wisconsin Department of Safety and Professional Services (DSPS). However, political subdivisions (counties, cities, villages, and towns) can be appointed as agents of DSPS and can examine building plans and perform building inspections within the boundaries of the political subdivision on behalf of DSPS.¹

Parking structure owners

SB 155 requires the owner of a parking structure to engage professional engineers every five years to inspect the structural integrity of parking structures. This requirement can be met by inspections or investigations conducted by the plan review authority or DSPS, as well as inspections contracted for by the parking structure owner.² The results of inspections not conducted by DSPS or plan review authority must be submitted to the plan review authority.

There are no penalties for failure to obtain a quinquennial inspection until the inspection is six months late. After that, the parking structure owner may be penalized \$200 a month until they obtain the inspection. If the inspection is more than a year late, DSPS must close the parking structure until it meets the inspection requirements.

¹ Wis. Stat. § 101.12 (3g). Lists of political subdivisions that are appointed DSPS’s agents for particular types of building plans and inspections can be found at “Division of Industry Services Delegated Agents,” Wisconsin Department of Safety and Professional Services, <https://dsps.wi.gov/>.

² This includes inspections and investigations conducted by DSPS or by authorized political subdivisions under Wis. Stat. §§ 101.02 (5) and (15) or 101.12.

The Department of Safety and Public Services

In addition to the requirements on parking structure owners, SB 155 creates four requirements on DSPS:

1. DSPS must receive inspection reports and track compliance with the requirements of SB 155.
2. If the owner of a parking structure fails to get the quinquennial inspection and the parking structure is in area where a political subdivision is the plan review authority, DSPS must provide the parking structure owner with notice of the requirements and penalties under SB 155.
3. DSPS is responsible for enforcing forfeitures on parking structure owners who don't meet inspection requirements for six months.
4. DSPS must close parking structures that have failed to meet the inspection requirement for a year. If DSPS closes a parking structure, the department must notify a delegated plan review authority of that closure. DSPS must also notify the political subdivision if the inspection requirement is subsequently met and the structure reopened.

Political subdivisions with delegated authority

SB 155 only imposes two requirements on political subdivisions with delegated authority:

1. Political subdivisions must receive inspection reports and track compliance with the requirements of SB 155.
2. Political subdivisions must notify DSPS of a parking structure owner's failure to obtain a quinquennial inspection.

If you have any questions about this memo or require any additional information, feel free to call me at 608-504-5890 or email at richard.loeza@legis.wisconsin.gov.

Parking Garage Laws in the US

 structurecareus.com/about/parking-garage-laws-in-the-us/

Parking garage laws in the US are enacted to prevent potential hazards, such as collapses, and ensure general public safety. These structures are built to last, but without proper maintenance, they can deteriorate over time from traffic and environmental factors.

[Contact Our Team](#)

What is a Parking Garage Inspection Law?

A parking garage inspection law mandates periodic evaluations of parking structures to assess their structural integrity, safety, and compliance with building codes and standards. These laws typically require professional engineers or certified inspectors to examine certain aspects of the garage, including the condition of concrete, steel reinforcement, and waterproofing.

The goal of these laws is to identify and address potential issues before they pose significant risks to users or the environment. Benefits of parking garage inspection laws include:

- **Public Safety:** Regular inspections help identify and mitigate risks to the public, such as overhead and tripping hazards or lack of structural integrity.
- **Preventive Maintenance:** Early detection of issues can lead to timely repairs, preventing more extensive and costly damage in the future.
- **Liability Reduction:** Regular inspections can reduce the liability of garage owners and operators by demonstrating a proactive approach to safety and maintenance.

When Do Jurisdictions Enact Parking Garage Laws?

Jurisdictions typically enact parking garage inspection laws in response to several factors:

- **Local Structural Failures:** Structural failures or collapses within the confines of a jurisdiction often prompt legislative action to prevent similar incidents.
- **High-Profile Structural Failures:** High-profile structural failures or collapses may prompt other jurisdictions to enact legislation.
- **Regulatory Updates:** Changes in building codes and standards may necessitate new inspection requirements to ensure compliance.

Requirements of Parking Garage Inspection Laws

While laws will vary by jurisdiction, common parking garage law requirements include:

- **Frequency of Inspections:** Inspections are required at predetermined intervals. Common intervals include: annually, biennially, or every three to five years.
- **Scope of Inspections:** Inspections generally cover structural elements, waterproofing systems, drainage, and safety features. Inspectors look for cracks, spalling, corrosion, and other signs of deterioration.
- **Reporting and Documentation:** Inspectors must provide detailed reports documenting their findings, including photos, descriptions of any issues, and recommendations for repairs.

Who Typically Performs a Parking Garage Inspection?

Parking garage inspections must be conducted by qualified professionals, examples of which include:

- **Licensed Professional Engineers (PEs):** Engineers specializing in structural evaluation of parking garages.
- **Certified Structural Inspectors:** Some jurisdictions may require specific qualifications beyond state licensing.
- **Specialized Contractors:** In some cases, contractors with specific experience in parking structure maintenance and repair may conduct inspections.

What Happens If You Fail To Comply?

There are consequences of not abiding by parking garage laws, including:

- **Safety Hazards:** Unaddressed issues can result in accidents, injuries, or even fatalities.
- **Legal and Financial Penalties:** Non-compliance can result in fines and legal action.
- **Loss of Revenue:** Garages that are deemed unsafe may be closed temporarily or permanently.

Parking Garage Laws By State

Even if your city or state hasn't enacted parking garage laws at this time, it's still crucial that you conduct regular inspections and assessments to stay ahead of potential structural issues.

Explore parking garage laws by state to see how they affect you and what you can do to prepare for your next inspection or assessment.

Minnesota

Duluth

Edina

Minneapolis

Saint Paul

St. Louis Park

Missouri

Kansas City

New Jersey

Hackensack

New York

New York State

Buffalo

New York City

Syracuse

Ohio

Beachwood