



## 2005 SENATE BILL 505

January 18, 2006 – Introduced by Senators BROWN, ZIEN, GROTHMAN and REYNOLDS, cosponsored by Representatives MUSSER, TOWNSEND, GRONEMUS and SUDER. Referred to Committee on Housing and Financial Institutions.

1     **AN ACT to renumber** 101.615; **to amend** 59.43 (1) (a), 101.615 (title) and 101.66  
2           (1) and (2); and **to create** 59.43 (1) (ar) and 101.615 (2m) of the statutes;  
3           **relating to:** construction of one- and 2-family dwellings by dwelling owners  
4           who are members of bona fide religious denominations.

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### *Analysis by the Legislative Reference Bureau*

Under current law, any one- or two-family dwelling for which initial construction began on or after December 1, 1978, must comply with the one- and two-family dwelling code. Under current law, the Department of Commerce promulgates rules for this code which includes standards for heating, ventilation, plumbing, electricity, and other systems. One- and two-family dwellings for which initial construction began before that date are not covered by this code but are subject to the state electrical and plumbing code and other applicable local building codes.

This bill provides an exemption from the one- and two-family dwelling code for one- and two-family dwellings covered by the code if the dwelling is located in a city, town, or village having a population of 2,500 or less, if the dwelling is constructed or added to by its owner without the use of contractors or subcontractors, and if the owner is a member of a religious denomination that prohibits the use of certain tools, devices, or designs that are necessary to comply with the one- and two-family dwelling code. The bill does not provide any exemption from building codes for a one- and two-family dwelling for which initial construction began before December 1, 1978.

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The bill requires an owner of one of these exempt dwellings to record with the register of deeds a statement stating that the dwelling was not inspected for compliance with the one- and 2-family dwelling code. The bill also requires that if a building inspector subsequently inspects the dwelling for compliance with the dwelling code, the owner of the dwelling must record with the register of deeds a statement signed by the inspector as to whether the dwelling was found to be in compliance.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 59.43 (1) (a) of the statutes is amended to read:

2           59.43 (1) (a) Record or cause to be recorded in suitable books to be kept in his  
3 or her office, correctly and legibly all deeds, mortgages, instruments and writings  
4 authorized by law to be recorded in his or her office and left with him or her for that  
5 purpose, provided such documents have plainly printed or typewritten thereon the  
6 names of the any grantors, grantees, witnesses and notary. The register of deeds  
7 shall record and file or cause to be recorded and filed all plats and certified survey  
8 maps that are authorized to be accepted for recording and filing in his or her office.  
9 Any county, by a resolution duly adopted by the board, may combine the separate  
10 books or volumes for deeds, mortgages, miscellaneous instruments, attachments, lis  
11 pendens, sales and notices, certificates of organization of corporations, plats or other  
12 recorded or filed instruments or classes of documents as long as separate indexes  
13 may be produced. Notwithstanding any other provisions of the statutes, any county  
14 adopting a system of microfilming or like process or a system of recording documents  
15 by optical imaging or electronic formatting under ch. 228 may substitute the  
16 headings, reel, disk or electronic file name and microfilm image (frame) for volume  
17 and page where recorded and different classes of instruments may be recorded,

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1 reproduced or copied on or transferred to the same reel, disk or electronic file or part  
2 of a reel or disk. All recordings made prior to June 28, 1961, which would have been  
3 valid under this paragraph, had this paragraph then been in effect, are hereby  
4 validated. In this subsection, "book", if automated recording or indexing equipment  
5 is used, includes the meaning given under sub. (12) (d).

6 **SECTION 2.** 59.43 (1) (ar) of the statutes is created to read:

7 59.43 (1) (ar) Record or cause to be recorded instruments relating to compliance  
8 with the one- and 2- family dwelling code pursuant to s. 101.615 (2m) (b) provided  
9 the instruments are plainly printed or typewritten and are signed as required under  
10 s. 101.615 (2m) (b).

11 **SECTION 3.** 101.615 (title) of the statutes is amended to read:

12 **101.615** (title) **Application; exemptions.**

13 **SECTION 4.** 101.615 of the statutes is renumbered 101.615 (1m).

14 **SECTION 5.** 101.615 (2m) of the statutes is created to read:

15 101.615 (2m) (a) No construction or inspection standard, rule, order, code, or  
16 regulation that is adopted, promulgated, enforced, or administered by the  
17 department under this subchapter and no enforcement or inspection ordinance or  
18 other regulation that is enacted or enforced by the department, a county, or a  
19 municipality under s. 101.651 apply to a dwelling if all of the following are satisfied:

20 1. The dwelling is located in a municipality, as defined in s. 101.651 (1).

21 2. The dwelling, or addition to the dwelling, is being constructed by the owner  
22 who resides or will reside in the dwelling and who does not engage any contractors  
23 or subcontractors for purposes of the construction or addition.

24 3. The owner of the dwelling is a member of a bona fide religious denomination.

