



2013 SENATE BILL 148

April 18, 2013 - Introduced by Senators OLSEN and SCHULTZ, cosponsored by Representatives RIPP, BERNIER, KLEEFISCH, A. OTT, SCHRAA, SPIROS and BALLWEG. Referred to Committee on Agriculture, Small Business, and Tourism.

1 **AN ACT** *to renumber* 101.61 (1), 101.615 (intro.) and 101.615 (1), (1m), (2) and
2 (3); *to amend* 101.14 (4m) (a) 2., 101.647 (1) (am), 101.971 (1), 134.81 (intro.),
3 227.137 (3) (f), 227.19 (4) (d) 7., 709.001 (2), 799.01 (1) (am) and 799.01 (1) (cm);
4 **to repeal and recreate** 101.615 (title); and *to create* 101.61 (1c), 101.615
5 (2m), 145.01 (10) (br) 4. and 145.01 (10) (br) 5. of the statutes; **relating to:** the
6 applicability of the one-family and two-family dwelling code to certain
7 structures used for camping and the exclusion of certain recreational vehicles
8 and portable toilet systems from the definition of plumbing.

Analysis by the Legislative Reference Bureau

Under current law, any one-family or two-family dwelling for which initial construction began on or after December 1, 1978, must comply with the one-family and two-family dwelling code (dwelling code). Under current law, the Department of Safety and Professional Services promulgates rules for this code which includes standards for heating, ventilation, plumbing, electricity, and other systems. One-family 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 codes.

This bill excludes from the dwelling code cabins and other structures that are used for camping and that are located in a campground, camping resort, or

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recreational or educational camp for which a permit has been issued by the Department of Health Services (DHS); that are occupied in a manner consistent with certain rules promulgated by DHS; that are vacant at least 180 days each year; and that do not have a porch or deck that extends more than 12 feet out from an exterior wall.

This bill also excludes portable toilet systems and holding or transfer tanks used to collect wastewater from camping units and recreational vehicles from the definition of plumbing, which is used in the statutory provisions regulating the plumbing trade and for purposes of the state plumbing code.

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

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

1 **SECTION 1.** 101.14 (4m) (a) 2. of the statutes is amended to read:

2 101.14 (**4m**) (a) 2. “Dwelling unit” has the meaning given in s. 101.61 (~~1~~) (**1f**).

3 **SECTION 2.** 101.61 (1) of the statutes is renumbered 101.61 (1f).

4 **SECTION 3.** 101.61 (1c) of the statutes is created to read:

5 101.61 (**1c**) “Camping unit” means a structure that is used for seasonal
6 camping and includes a cabin, cottage, yurt, gazebo, or pergola.

7 **SECTION 4.** 101.615 (title) of the statutes is repealed and recreated to read:

8 **101.615 (title) Applicability; exemption.**

9 **SECTION 5.** 101.615 (intro.) of the statutes is renumbered 101.615 (1d) (intro.).

10 **SECTION 6.** 101.615 (1), (1m), (2) and (3) of the statutes are renumbered 101.615
11 (1d) (a), (b), (c) and (d).

12 **SECTION 7.** 101.615 (2m) of the statutes is created to read:

13 101.615 (**2m**) (a) A camping unit is exempt from this subchapter if all of the
14 following apply:

15 1. The camping unit is located in a campground for which a permit is issued
16 under s. 254.47.

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1 2. The camping unit is occupied in a manner consistent with rules promulgated
2 by the department of health services under s. 250.04 (1) or 254.47.

3 3. The camping unit is vacant at least 180 days each year.

4 4. The camping unit does not have a porch or deck that extends more than 12
5 feet out from any exterior wall of the camping unit.

6 **SECTION 8.** 101.647 (1) (am) of the statutes is amended to read:

7 101.647 (1) (am) Notwithstanding s. 101.61 (~~1~~) (1f), “dwelling” does not include
8 a tourist rooming house, as defined in s. 254.61 (6).

9 **SECTION 9.** 101.971 (1) of the statutes is amended to read:

10 101.971 (1) “Dwelling unit” has the meaning given in s. 101.61 (~~1~~) (1f).

11 **SECTION 10.** 134.81 (intro.) of the statutes is amended to read:

12 **134.81 Water heater thermostat settings.** (intro.) No person who
13 manufactures water heaters may sell any new water heater designed for use in a
14 dwelling unit, as defined in s. 101.61 (~~1~~) (1f), unless that person does all of the
15 following:

16 **SECTION 11.** 145.01 (10) (br) 4. of the statutes is created to read:

17 145.01 (10) (br) 4. A self-contained portable toilet that retains sewage in a
18 holding tank for disposal to a sewage system that is approved by the department.

19 **SECTION 12.** 145.01 (10) (br) 5. of the statutes is created to read:

20 145.01 (10) (br) 5. A holding or transfer tank used to collect, hold, or transfer
21 wastewater discharges generated by a camping trailer, recreational vehicle, or
22 camping unit to which s. 101.615 (2m) applies.

23 **SECTION 13.** 227.137 (3) (f) of the statutes is amended to read:

24 227.137 (3) (f) Except as provided in this paragraph, if the economic impact
25 analysis relates to a proposed rule of the department of safety and professional

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1 services under s. 101.63 (1) establishing standards for the construction of a dwelling,
2 as defined in s. 101.61 (1) to which subch. II of ch. 101 applies, an analysis of whether
3 the proposed rule would increase the cost of constructing or remodeling such a
4 dwelling by more than \$1,000. This paragraph applies notwithstanding that the
5 purpose of the one- and 2-family dwelling code under s. 101.60 includes promoting
6 interstate uniformity in construction standards. This paragraph does not apply to
7 a proposed rule whose promulgation has been authorized under s. 227.19 (5) (fm).

8 **SECTION 14.** 227.19 (4) (d) 7. of the statutes is amended to read:

9 227.19 (4) (d) 7. In the case of a proposed rule of the department of safety and
10 professional services under s. 101.63 (1) establishing standards for the construction
11 of a dwelling, ~~as defined in s. 101.61 (1) to which subch. II of ch. 101 applies~~, the
12 proposed rule would increase the cost of constructing or remodeling such a dwelling
13 by more than \$1,000. This subdivision applies notwithstanding that the purpose of
14 the one- and 2-family dwelling code under s. 101.60 includes promoting interstate
15 uniformity in construction standards. This subdivision does not apply to a proposed
16 rule whose promulgation has been authorized under sub. (5) (fm).

17 **SECTION 15.** 709.001 (2) of the statutes is amended to read:

18 709.001 (2) "Dwelling unit" has the meaning given in s. 101.61 (1) (1f).

19 **SECTION 16.** 799.01 (1) (am) of the statutes is amended to read:

20 799.01 (1) (am) *Return of earnest money.* Actions for the return of earnest
21 money tendered pursuant to a contract for purchase of real property, including a
22 condominium unit, as defined in s. 703.02 (15), and time-share property, as defined
23 in s. 707.02 (32), that includes 1 to 4 dwelling units, as defined in s. 101.61 (1) (1f),
24 by sale, exchange or land contract unless the transfer is exempt from the real estate
25 transfer fee under s. 77.25 regardless of the amount claimed.

