



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-4093/1  
MDK:ahe

## 2017 SENATE BILL 394

August 24, 2017 - Introduced by Senators LASEE, NASS and STROEBEL, cosponsored by Representatives JAGLER, JARCHOW, GANNON, BERNIER, HORLACHER, E. BROOKS and MURPHY. Referred to Committee on Insurance, Housing and Trade.

1     **AN ACT** *to repeal* 15.405 (1m), 15.407 (11), 101.596 (title), 101.596 (1), 101.596  
2           (2) and 101.596 (3) (title); *to renumber and amend* 101.596 (3) and 101.625;  
3           **to amend** 101.62 (title) of the statute, 101.63 (2) and 101.64 (3); and **to create**  
4           101.62 (1) (title), 101.62 (2) (title), 101.62 (3) (title), 101.62 (4) (title), 101.62 (5)  
5           (title), 101.62 (5) (a) and 101.62 (5) (b) of the statutes; **relating to:** eliminating  
6           the Building Inspector Review Board and the Contractor Certification Council  
7           and requiring the Uniform Dwelling Code Council to review complaints  
8           regarding the inspection of one-family or two-family dwelling construction.

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### ***Analysis by the Legislative Reference Bureau***

This bill eliminates the Building Inspector Review Board and the Contractor Certification Council and transfers their duties to the Uniform Dwelling Code Council.

***Building Inspector Review Board.*** Under current law, the Department of Safety and Professional Services promulgates rules for the certification of persons who inspect construction of the following: 1) public buildings and places of employment, which are subject to the Commercial Building Code; and 2) one-family or two-family dwellings, which are subject to the Uniform Dwelling Code. Current law requires the Building Inspector Review Board to review complaints and revoke

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the certification of a person who inspects either type of construction if the board finds that the person engaged in incompetent, negligent, or unethical conduct. Current law also requires the Uniform Dwelling Code Council to make recommendations to DSPS on certain matters relating to the Uniform Dwelling Code.

This bill eliminates the Building Inspector Review Board and requires the Uniform Dwelling Code Council to review complaints about a person who inspected the construction of a one-family or two-family dwelling. Under the bill, if the Uniform Dwelling Code Council determines that such a person engaged in incompetent, negligent, or unethical conduct, the bill requires the council to recommend that DSPS revoke the person's certification. Upon receipt of a recommendation, DSPS must revoke the certification if DSPS finds that the person engaged in incompetent, negligent, or unethical conduct.

***Contractor Certification Council.*** Under current law, the Contractor Certification Council makes recommendations for DSPS to promulgate rules for certifying the financial responsibility of contractors who obtain building permits for one-family or two-family dwellings. The Contractor Certification Council also makes recommendations to and advises DSPS on continuing education and examination requirements for such contractors. The bill eliminates the Contractor Certification Council and transfers all of its duties to the Uniform Dwelling Code Council.

For further information see the ***state*** 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.** 15.405 (1m) of the statutes is repealed.

2           **SECTION 2.** 15.407 (11) of the statutes is repealed.

3           **SECTION 3.** 101.596 (title) of the statutes is repealed.

4           **SECTION 4.** 101.596 (1) of the statutes is repealed.

5           **SECTION 5.** 101.596 (2) of the statutes is repealed.

6           **SECTION 6.** 101.596 (3) (title) of the statutes is repealed.

7           **SECTION 7.** 101.596 (3) of the statutes is renumbered 101.62 (5) (c), and 101.62  
8 (5) (c) 1. (intro.) and a., 2. and 3., as renumbered, are amended to read:

9           101.62 (5) (c) 1. (intro.) If a permittee makes a complaint to the ~~review board~~  
10 council concerning a building inspector, the permittee may do one of the following:

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1 a. Request that the complaint remain anonymous, subject to ~~par. (b)~~ subd. 2.

2 2. If the permittee chooses to request that the permittee's complaint remain  
3 anonymous, the ~~board~~ council may not review the complaint ~~or modify or revoke the~~  
4 ~~permit~~ unless the ~~board~~ council receives 2 additional anonymous complaints  
5 regarding the inspector. If 2 or more additional complaints are made, the review  
6 ~~board~~ council shall proceed with its review, and none of the complaints may continue  
7 to be anonymous.

8 3. If the permittee allows ~~his~~ the permittee's complaint to be presented to the  
9 building inspector without requesting anonymity, the ~~review board~~ council shall  
10 proceed with the review.

11 **SECTION 8.** 101.62 (title) of the statutes is amended to read:

12 **101.62 (title) Uniform dwelling code council; power.**

13 **SECTION 9.** 101.62 (1) (title) of the statutes is created to read:

14 101.62 (1) (title) CONSTRUCTION STANDARDS AND RULES.

15 **SECTION 10.** 101.62 (2) (title) of the statutes is created to read:

16 101.62 (2) (title) ACCESSIBILITY.

17 **SECTION 11.** 101.62 (3) (title) of the statutes is created to read:

18 101.62 (3) (title) OTHER MATTERS.

19 **SECTION 12.** 101.62 (4) (title) of the statutes is created to read:

20 101.62 (4) (title) REPORTS.

21 **SECTION 13.** 101.62 (5) (title) of the statutes is created to read:

22 101.62 (5) (title) BUILDING INSPECTOR COMPLAINTS.

23 **SECTION 14.** 101.62 (5) (a) of the statutes is created to read:

24 101.62 (5) (a) In this subsection:

**SENATE BILL 394****SECTION 14**

1           1. “Building inspector” means a person who is certified under rules  
2 promulgated by the department to make inspections under this subchapter.

3           2. “Council” means the uniform dwelling code council.

4           3. “Permittee” means a person who is issued a building permit under this  
5 subchapter.

6           **SECTION 15.** 101.62 (5) (b) of the statutes is created to read:

7           101.62 (5) (b) The council shall review complaints received from permittees  
8 concerning possible incompetent, negligent, or unethical conduct by building  
9 inspectors. After reviewing a complaint received under this paragraph, the council  
10 shall recommend that the department revoke the certification of a building inspector  
11 if the council determines that the building inspector has engaged in incompetent,  
12 negligent, or unethical conduct.

13           **SECTION 16.** 101.625 of the statutes is renumbered 101.62 (6), and 101.62 (6)  
14 (intro.) and (a), as renumbered, are amended to read:

15           101.62 (6) ~~CONTRACTOR CERTIFICATION COUNCIL; DUTIES~~ CONTRACTORS. (intro.)  
16 The ~~contractor certification~~ uniform dwelling code council shall do all of the  
17 following:

18           (a) Recommend for promulgation by the department rules for certifying the  
19 financial responsibility of contractors under s. 101.654. These rules shall include  
20 rules providing for the assessment of fees upon applicants for certification of  
21 financial responsibility under s. 101.654 and for the suspension and revocation of  
22 that certification. The amount of the fees recommended under this ~~subsection~~  
23 paragraph may not exceed an amount that is sufficient to defray the costs incurred  
24 in certifying the financial responsibility of applicants under s. 101.654.

25           **SECTION 17.** 101.63 (2) of the statutes is amended to read:

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1           101.63 (2) Adopt rules for the certification, including provisions for suspension  
2 and revocation thereof, of inspectors for the purpose of inspecting building  
3 construction, electrical wiring, heating, ventilating, air conditioning and other  
4 systems, including plumbing, as defined in s. 145.01 (10), of one- and 2-family  
5 dwellings under sub. (1). The rules shall specify that the department may suspend  
6 or revoke the certification of an inspector under this subsection for knowingly  
7 authorizing the issuance of a building permit to a contractor who is not in compliance  
8 with s. 101.654. Upon receipt of a recommendation of the uniform dwelling code  
9 council under s. 101.62 (5) (b) to revoke the certification of a building inspector, the  
10 department shall revoke the certification if the department determines the building  
11 inspector has engaged in incompetent, negligent, or unethical conduct. Persons  
12 certified as inspectors may be employees of the department, a city, village, town,  
13 county, or an independent inspection agency. The department may not adopt any  
14 rule ~~which~~ that prohibits any city, village, town, or county from licensing persons for  
15 performing work on a dwelling in which the licensed person has no legal or equitable  
16 interest.

17           **SECTION 18.** 101.64 (3) of the statutes is amended to read:

18           101.64 (3) Revise the rules under this subchapter after consultation with the  
19 uniform dwelling code council ~~or with the contractor certification council,~~ as  
20 appropriate.

21           **SECTION 19. Nonstatutory provisions.**

22           (1) PENDING MATTERS.

23           (a) *Building inspector review board.* Any matter pending with the building  
24 inspector review board on the effective date of this paragraph that is related to the  
25 inspection of construction of a one-family or two-family dwelling is transferred to

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1 the uniform dwelling code council, and all materials submitted to or actions taken  
2 by the board with respect to the pending matter are considered as having been  
3 submitted to or taken by the council.

4 (b) *Contractor certification council.* Any matter pending with the contractor  
5 certification council on the effective date of this paragraph is transferred to the  
6 uniform dwelling code council, and all materials submitted to or actions taken by the  
7 contractor certification council with respect to the pending matter are considered as  
8 having been submitted to or taken by the uniform dwelling code council.

9 (END)