

RULES CERTIFICATE

Department of Commerce

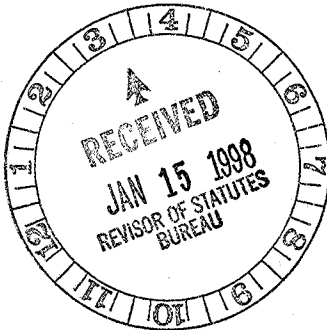
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, William J. McCoshen, Secretary of the Department of Commerce,
and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to
credentials

(Subject)

were duly approved and adopted by this department.

I further certify that said copy has been compared by me with the original on file in the department and
that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set
my hand at 201 West Washington Avenue
in the city of Madison, this January
day of 13th A.D. 19 98

William J. McCoshen
Secretary

ORDER OF ADOPTION

Department of Commerce

Pursuant to authority vested in the Department of Commerce by chapters 101, 145 and 167, and section

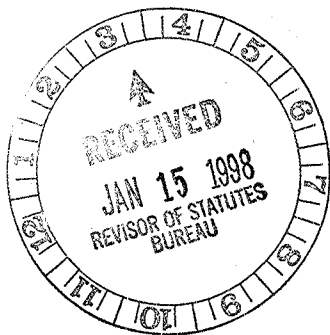
227.51, Stats., the Department of Commerce creates; amends;

repeals and recreates; repeals and adopts rules of Wisconsin Administrative Code chapter(s):

<u>Comm 5</u>	<u>Credentials</u>
<u>Comm 17</u>	<u>Electrical Inspection</u>
<u>ILHR 20-25</u>	<u>Uniform Dwelling</u>
<u>ILHR 41-42</u>	<u>Boiler and Pressure Vessel</u>
(number)	(Title)

The attached rules shall take effect on the first day of the month following publication in the Wisconsin

Administrative Register pursuant to section 227.22, Stats.



Adopted at Madison, Wisconsin this

date: 1/13/98

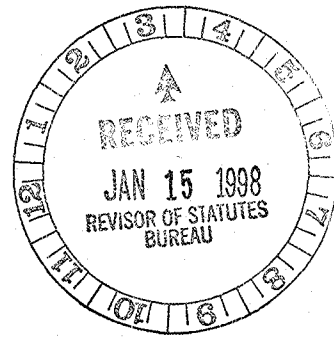
DEPARTMENT OF COMMERCE

[Signature]
Secretary



State of Wisconsin \ Department of Commerce

RULES in FINAL DRAFT FORM



Rule No.: Chapter Comm 5

Relating to: Credentials

Clearinghouse Rule No.: 97-115

The Wisconsin Department of Commerce proposes an order to repeal s. Comm 5.003 (11) and ch. Comm 17 subch. VI;

to renumber ss. Comm 5.02 Table 5.02 lines 11 to 63, Comm 5.06 Table 5.06 lines 11 to 63, Comm 5.41 (1)(b) 6. Note and Comm A5.70 (4);

to amend ss. Comm 5.003 (7), Comm 5.003 (15), Comm 5.003 (16), Comm 5.003 (33), Comm 5.003 (34) Note, Comm 5.003 (36), Comm 5.003 (37), Comm 5.003 (38), Comm 5.003 (42), Comm 5.003 (44) Note, Comm 5.003 (45) Note, Comm 5.003 (47) Note, Comm 5.004 (4), Comm 5.06 Table 5.06, Comm 5.08 (3)(a), Comm 5.10 (1)(a)(intro.), Comm 5.10 (1)(b) 2. Note, Comm 5.12, Comm 5.30 (3)(b), Comm 5.31, Comm 5.34 (3)(a)(intro.), Comm 5.34 (3)(b), Comm 5.34 (5)(c), Comm 5.41 (3), Comm 5.43 (2)(b), Comm 5.43 (5)(b) 1., Comm 5.44 (1)(b), Comm 5.44 (3)(b), Comm 5.44 (5)(b) 2., Comm 5.44 (6)(b) 3., Comm 5.50 (1)(a), Comm 5.55 (2)(b), Comm 5.56 (2)(b), Comm 5.56 (4), Comm 5.60 (3)(a) 2. a., Comm 5.60 (4)(b), Comm 5.61 (6)(a) 2., Comm 5.61 (6)(b) 2., Comm 5.62 (1), Comm 5.62 (3), Comm 5.62 (4), Comm 5.62 (7)(b) 2., Comm 5.63 (1)(a)(intro.), Comm 5.63 (5)(a), Comm 5.63 (6)(b) 2., Comm 5.64 (5)(c), Comm 5.66 (6)(a) 2., Comm 5.66 (6)(b) 2., Comm 5.67 (5)(c), Comm 5.67 (6)(b) 2., Comm 5.68 (2)(b), Comm 5.70 (1)(b) 3., Comm 5.70 (1)(b) 4. Note, Comm 5.72 (1), Comm 5.82 (5)(a) 2., Com 5.87 (1)(b), Comm 5.87 (6)(a) 2., Comm 5.88 (5)(b), Comm 5.92 (7)(b)(intro.), Comm 5.93 (6)(a) 2., Comm 5.95 (5)(b), Comm 5.98 (2)(a) and (b), Comm A5.12, ILHR 20.09 (5)(a), ILHR 20.10 (intro.), and ILHR 41.16 (2)(c);

to repeal and recreate ss. Comm 5.003 (18) Note, Comm 5.10 (1)(e), Comm 5.10 (2)(c), Comm 5.68 (4), Comm 5.68 (7)(a), Comm 5.72 (4), Comm 5 Subch. VIII title and Comm A5.31;

and to create ss. Comm 5.003 (1m), Comm 5.003 (32m), Comm 5.02 Table 5.02 line 11, Comm 5.06 Table 5.06 line 11, Comm 5.10 (1)(f), Comm 5.11 (3), Comm 5.20 (2)(c), Comm 5.21 (3m), Comm 5.32 (3m), Comm 5.42 (2)(c), Comm 5.53 (1)Note, Comm 5.61 (1)Note 2, Comm 5.63(1)(a)5.Note, Comm 5.67 (6)(c) and Comm 5.95 (1)Note, relating to credentials.

Analysis of Proposed Rules

Statutory Authority: Chapters 101, 145 and 167, and section 227.51, Stats.

Statutes Interpreted: Chapters 101, 145 and 167, and section 227.51, Stats.

The Division of Safety and Buildings within the Department of Commerce is responsible for adopting and enforcing rules relative to the protection of the life, health, safety and welfare of employes, frequenters and occupants in public buildings, places of employment and one- and 2-family dwellings. As part of that responsibility, the Division administers the issuance of numerous credentials that individuals and businesses are either mandated or permitted to obtain. These credentials are licenses, certifications and registrations that mostly relate to activities associated with the construction and inspection of buildings and structures or specific components and elements that serve buildings and structures. Chapter Comm 5 of the Wisconsin Administrative Code contains the rules for the issuance of the credentials.

The proposed rules consist of revisions to chapter Comm 5 and several other chapters as a result of recent statutory changes and existing rule inconsistencies discovered since chapter Comm 5 became effective. The following is a summary of the major changes being proposed.

1. Several informational notes that contain statutory reprints are updated with the current statutory wording.

2. The rules covering reinstatement of suspended or revoked non-plumbing-related credentials are revised and clarified.

3. The dwelling contractor financial responsibility certification rules are revised to be consistent with the statutory changes in 1995 Wisconsin Act 392. These changes expand the scope of the certification to include work on all one- and 2-family dwellings regardless of the date of construction of the dwelling. Also, a dwelling contractor financial responsibility-restricted certification is added for individuals using a bond of less than \$25,000.

4. A rule is added requiring the applicant to submit a copy of his or her criminal history record when applying for an initial or a renewal blaster's license.

5. Rules are added requiring fireworks manufacturers and manufactured home manufacturers to post their license at the manufacturing plant.

6. The rules relating to the certifications of electricians and commercial electrical inspectors are revised. The definition of "electrical construction" is clarified as it relates to the required qualifying experience for electricians, and the required qualifying experience for inspector certification may be in any type of electrical work.

7. After June 30, 1999, the renewal of the rental weatherization inspector certification will be contingent upon completion of a minimum number of continuing education hours.

8. The redundant rules for suspensions and revocations of electrician certifications are removed from chapter Comm 17.

9. For plan review and inspections of one- and 2-family dwellings, rules are added to clarify the type of inspector certification required.

SECTION 1. Comm 5.003 (1m) is created to read:

Comm 5.003 (1m) "ASME" means American Society of Mechanical Engineers.

SECTION 2. Comm 5.003 (7) is amended to read:

Comm 5.003 (7) "Building permit" means an official document or certificate granting permission to perform construction or erosion control work, except for electrical, plumbing or HVAC, on a one- or 2-family dwelling covered under chs. ILHR 20 to 25.

SECTION 3. Comm 5.003 (11) is repealed.

SECTION 4. Comm 5.003 (15) is amended to read:

Comm 5.003 (15) "Dwelling contractor" means any person, firm or corporation engaged in the business of performing construction or erosion control work on a one- or 2-family dwelling ~~covered under chs. ILHR 20 to 25.~~

SECTION 5. Comm 5.003 (16) is amended to read:

Comm 5.003 (16) "Electrical construction" means the ~~design, installation, inspection or supervision~~ of electrical wiring. "Electrical construction" does not include the maintenance, repair or fabrication of electrical equipment or the installation of electrical wiring and equipment covered by ch. PSC 114.

SECTION 6. Comm 5.003 (18) Note paragraphs (i) to (n) are repealed and recreated to read:

Comm 5.003 (18) Note: (i) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.

(j) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.

(k) A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.

(L) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects.

(m) A cylindrical fountain that consists of one or more tubes and that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

(n) A cone fountain that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

SECTION 7. Comm 5.003 (32m) is created to read:

Comm (32m) "PECFA" means petroleum environmental cleanup fund act.

SECTION 8. Comm 5.003 (33) is amended to read:

Comm 5.003 (33) ~~"Pipe layer"~~ "Pipelayer" has the meaning specified under s. 145.01 ~~(13)~~ (9), Stats.

Note: Under s. 145.01 ~~(13)~~ (9), Stats., ~~"pipe layer"~~ "pipelayer" means a person registered under s. 145.07 (11).

(NOTE TO REVISOR: The above correction for "pipelayer" should be made in the entire chapter Comm 5.)

SECTION 9. Comm 5.003 (34) Note paragraphs (b), (d) and (e) are amended to read:

Comm 5.003 (34) Note: (b) The construction, connection or installation of any drain or waste piping system from the outside or proposed outside foundation walls of any building to the mains or other sewage system terminal ~~with~~ within bounds of, or beneath an area subject to easement for highway purposes, including private sewage systems, and the alteration of any such systems, drains or waste piping.

(d) The water pressure system other than municipal systems as provided in ch. ~~144,~~ Stats. 281.

(e) A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circulation and movement; to prevent with a margin of safety unequal air pressures of such force as might blow, siphon or affect trap seals, or retard the discharge from plumbing fixtures, or permit sewer air to escape into the building; to prohibit cross-connection, contamination or pollution of the potable water supply and distribution systems; and to provide an adequate supply of water to properly serve, cleanse and operate all fixtures, equipment, appurtenances and appliances served by the plumbing system.

SECTION 10. Comm 5.003 (36) is amended to read:

Comm 5.003 (36) "Plumbing apprentice" has the meaning specified under s. 145.01 ~~(4)~~ (11), Stats.

SECTION 11. Comm 5.003 (37) and Note is amended to read:

Comm 5.003 (37) "Place of employment" has the meaning specified under s. 101.01 ~~(1)(f)~~ (11), Stats.

Note: Under s. 101.01 ~~(1)(f)~~ (11), Stats., "place of employment" includes every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming. "Farming" includes those activities specified in s. 102.04 (3), and also includes the transportation of farm products, supplies or equipment directly to the farm by the operator of said farm or employes for use thereon, if such activities are directly or indirectly for the purpose of producing commodities for market, or as an accessory to such production. When used with relation to building codes, "place of employment" does not include an adult family home, as defined in s. 50.01 (1), or, except for the purposes of s. 101.11, a previously constructed building used as a community-based residential facility, as defined in s. 50.01 (1g), which serves 20 or fewer unrelated residents ~~or an adult family home, as defined in s. 50.01 (1)~~.

SECTION 11M. Comm 5.003 (38) is amended to read:

Comm 5.003 (38) "POWTS" means ~~privately owned~~ private onsite wastewater treatment system and has the meaning specified under s. 145.01 (12), Stats., for "private sewage system".

SECTION 12. Comm 5.003 (42) is amended to read:

Comm 5.003 (42) "Public building" has the meaning specified under s. 101.01 ~~(1)(g)~~ (12), Stats.

Note: Under s. 101.01 ~~(1)(g)~~ (12), Stats., "public building" means any structure, including exterior parts of such building, such as a porch, exterior platform or steps providing means of ingress or egress, used in whole or in part as a place ~~or~~ of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation to building codes, "public building" does not include a previously constructed building used as a community-based residential facility as defined in s. 50.01 (1g) which serves 20 or fewer unrelated residents or an adult family home, as defined in s. 50.01 (1).

SECTION 13. Comm 5.003 (44) Note is amended to read:

Comm 5.003 (44) Note: Under s. 145.01 (13), Stats., “registered learner” means a person, other than a restricted plumber licensee, who is learning a limited type of plumbing and is engaged in assisting a restricted plumber licensee.

SECTION 14. Comm 5.003 (45) Note paragraph 3. is amended to read:

Comm 5.003 (45) Note: 3. Any building constructed after April 15, 1976, which contains ~~up to~~ more than 2 dwelling units and which is less than 10 years old.

SECTION 15. Comm 5.003 (47) Note is amended to read:

Comm 5.003 (47) Note: Under s. Comm 82.11 (39) “sanitary building sewer” means a building sewer ~~that~~ which conveys sewage only.

SECTION 16. Comm 5.004 (4) is amended to read:

Comm 5.004 (4) ADOPTION OF STANDARDS. The standards referenced in ~~Tables 51.25-1 to 51.25-21~~ Table 5.004 are hereby incorporated by reference into this chapter.

SECTION 17. Comm 5.02 Table 5.02 lines 11 to 63 are renumbered lines 12 to 64.

SECTION 18. Comm 5.02 Table 5.02 line 11 is created to read:

**Table 5.02
FEES
(partial table)**

	Credential Category	Type	Application Fee	Examination Fee	Credential Fee
11.	Dwelling Contractor Financial Responsibility-Restricted	Certification	\$10	NA	\$30

SECTION 19. Comm 5.06 Table 5.06 lines 11 to 63 are renumbered lines 12 to 64.

SECTION 20. Comm 5.06 Table 5.06 line 11 is created to read:

**Table 5.06
CREDENTIAL EXPIRATIONS
(partial table)**

	Credential Category	Term	Expiration Date	Continuing Education Cycle
11.	Dwelling Contractor Financial Responsibility-Restricted	1 year	Date of Issuance	NA

SECTION 21. Comm 5.06 Table 5.06 lines 21 and 39, as renumbered, are amended to read:

**Table 5.06
CREDENTIAL EXPIRATIONS
(partial table)**

	Credential Category	Term	Expiration Date	Continuing Education Cycle
21.	Beginner Beginning Electrician	3 years	June 30	NA
39.	Rental Weatherization Inspector	2 years	June 30	NA March 30

SECTION 22. Comm 5.08 (3)(a) is amended to read:

Comm 5.08 (3)(a) For those credential categories which require continuing educational credit for renewal, the credential holder shall obtain the necessary amount of continuing educational credit at least 3 months prior to the expiration date of the credential as specified in ~~Table 5.02~~ 5.06.

SECTION 23. Comm 5.10 (1)(a)(intro.) is amended to read:

Comm 5.10 (1)(a)(intro.) Reasons. The department may deny, suspend or revoke a credential under this chapter if the department determines ~~for any of the following reasons~~ that an applicant or holder of the credential:

SECTION 24. Comm 5.10 (1)(b) 2. Note is amended to read:

Comm 5.10 (1)(b) 2. Note: See ~~s. Comm 5.31 (3)~~ the appendix under A5.31 for a reprint of s. 101.654 (4), Stats.

SECTION 25. Comm 5.10 (1)(e) is repealed and recreated to read:

Comm 5.10 (1)(e) Surrender of credential. A person whose credential has been suspended or revoked shall surrender the credential to the department upon request.

SECTION 26. Comm 5.10 (1)(f) is created to read:

Comm 5.10 (1)(f) Reinstatement. 1. 'Suspension'. a. A person whose credential has been suspended may apply to have the credential reissued only after the time set for suspension by the department or hearing examiner has passed and by complying with the conditions set forth in the suspension order.

b. The request to the department to have a suspended credential reissued shall be made in writing.

c. The department may require a person whose credential has been suspended to apply for the credential by complying with all of the requirements for a new applicant, including paying the application fees and successfully passing an examination.

d. The department may impose conditions on the reissued credential to assure compliance with this chapter.

2. 'Revocation'. A person whose credential has been revoked may not apply to ever receive such a credential.

SECTION 27. Comm 5.10 (2)(c) is repealed and recreated to read:

Comm 5.10 (2)(c) Summary suspension. Under s. 227.51 (3), Stats., the department may summarily suspend any credential if the department finds that immediate action is necessary for public health, safety or welfare. The summary suspension of a credential shall remain in effect until after a final decision is issued following a hearing.

SECTION 28. Comm 5.11 (3) is created to read:

Comm 5.11 (3) The requirements of this section apply to credentials issued to an individual and not to a business.

SECTION 29. Comm 5.12 is amended to read:

Comm 5.12 PENALTIES. Penalties for violation of the provisions of this chapter shall be assessed in accordance with ~~ss. 101.02 (12) or (13), 101.143 or 145.12, Stats., the respective penalty provisions in the statutes,~~ depending upon the credential category or activity involved.

Note: See appendix for ~~further explanatory material~~ a partial reprint of the penalty provisions in the statutes.

SECTION 30. Comm 5.20 (2)(c) is created to read:

Comm 5.20 (2)(c) A copy of the applicant's criminal history record from the state department of justice.

SECTION 31. Comm 5.20 (6)(c) is created to read:

Comm 5.20 (6)(c) The renewal of a blaster license shall be contingent upon the applicant providing a copy of his or her criminal history record from the state department of justice.

SECTION 32. Comm 5.21 (3m) is created to read:

Comm 5.21 (3m) RESPONSIBILITIES. A person who holds a fireworks manufacturer license shall post the license at the plant where the fireworks are to be manufactured.

SECTION 33. Comm 5.30 (3)(b) is amended to read:

Comm 5.30 (3)(b) Possess a quality control manual and program which has been approved by the department and includes welding procedures in accordance with ASME code ~~specification~~ section IX as adopted by reference in ch. ILHR 41.

SECTION 34. Comm 5.31 is amended to read:

Comm 5.31 DWELLING CONTRACTOR FINANCIAL RESPONSIBILITY. (1) GENERAL. Pursuant to s. 101.654 (1) (a), Stats., no person may obtain a building permit for a one- or 2-family dwelling unless the person holds a credential issued by the department as a dwelling contractor financial responsibility certification or a dwelling contractor financial responsibility-restricted certification, except as provided under s. 101.654 (1) (b), Stats.

Note: Section 101.654 (1) (b), Stats., exempts an owner of a dwelling who resides or will reside in the dwelling and who applies for a building permit to perform work on the dwelling from obtaining a dwelling contractor financial responsibility certification.

Note: A dwelling contractor financial responsibility-restricted certification will be issued to an individual who applies using a bond of less than \$25,000. The credential card issued by the department for a dwelling contractor financial responsibility-restricted certification will read "Financial Responsibility-by a bond under \$25,000 Certification".

(2) APPLICATION FOR CREDENTIAL. A person applying for a dwelling contractor financial responsibility certification or a dwelling contractor financial responsibility-restricted certification shall submit all of the following:

(a) An application in accordance with s. Comm 5.01.

(b) An application fee and a credential fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR CREDENTIAL. (a) A person applying for a dwelling contractor financial responsibility certification or a dwelling contractor financial responsibility-restricted certification shall provide evidence that the person complies with the worker's compensation requirements, unemployment compensation requirements and liability or bond insurance requirements as specified under s. 101.654 (2) and (2m), Stats.

Note: See the appendix for a reprint of the requirements under s. 101.654 (2) and (2m), Stats.

(b) The person applying for a dwelling contractor financial responsibility certification or a dwelling contractor financial responsibility-restricted certification shall be the owner of the contracting business, a partner in the contracting business applying on behalf of a partnership, or the chairman of the board or chief executive officer applying on behalf of the contracting corporation.

(4) RESPONSIBILITIES. A person who holds a dwelling contractor financial responsibility certification or a dwelling contractor financial responsibility-restricted certification shall comply with the responsibilities under s. 101.654 (4), Stats.

~~Note: Section 101.654 (4), Stats., indicates that the bond or insurance policy required for the certification may not be canceled by the person insured under the bond or policy or by the surety company or insurer except on 30 days' prior written notice served on the department in person or by certified mail. The person insured by the bond or policy shall file with the department proof to the satisfaction of the department of a replacement bond or replacement insurance within the 30-day notice period and before the expiration of the bond or policy. The department shall suspend without prior notice or hearing the certificate of financial responsibility of a person who does not file satisfactory proof of a replacement bond or replacement insurance as required by this subsection.~~

Note: See the appendix for a reprint of the requirements under s. 101.654 (4), Stats.

(5) RENEWAL. (a) Pursuant to s. 101.654 (3), Stats., a dwelling contractor financial responsibility certification or a dwelling contractor financial responsibility-restricted certification shall be valid for no longer than one year after the date of issuance.

(b) 1. A person may renew his or her dwelling contractor financial responsibility certification or a dwelling contractor financial responsibility-restricted certification.

2. A dwelling contractor financial responsibility certification or a dwelling contractor financial responsibility-restricted certification shall be renewed in accordance with s. Comm 5.07.

SECTION 35. Comm 5.32 (3m) is created to read:

Comm 5.32 (3m) RESPONSIBILITIES. A person who holds a manufactured home/mobile home seller license shall post the license at the plant which manufactures homes to be sold or distributed for sale in the state.

SECTION 35M. Comm 5.34 (3)(a)(intro.) is amended to read:

Comm 5.34 (3)(a)(intro.) The person applying for a welder registration shall have taken and passed not more than ~~60 days~~ one year before the date the application is received by the department one or more welding tests in accordance with:

SECTION 36. Comm 5.34 (3)(b) is amended to read:

Comm 5.34 (3)(b) The test under par. (a) shall have been conducted by a person who is a certified weld test conductor in accordance with s. Comm ~~5.34~~ 5.35 or is under the general supervision of a certified weld test conductor.

SECTION 37. Comm 5.34 (5)(c) is amended to read:

Comm 5.34 (5)(c) The renewal of a welder registration shall be contingent upon the welder having taken and passed not more than ~~60 days~~ one year before the date of the renewal application a welding test in accordance with sub. (3).

SECTION 38. Comm 5.41 (1)(b) 6. Note is renumbered Comm 5.40 (1) Note.

SECTION 39. Comm 5.41 (3) is amended to read:

Comm 5.41 (3) RESPONSIBILITIES. Pursuant to s. 101.87 (1), Stats., a person who holds an electrical contractor certification shall be a certified master electrician or employ one or more certified master electricians.

SECTION 40. Comm 5.42 (2) (c) is created to read:

Comm 5.42 (2) (c) Proof of municipal licensure and the date the municipal ordinance changed to require certification under s. Comm 5.41.

SECTION 41. Comm 5.43 (2) (b) is amended to read:

Comm 5.43 (2) (b) Relative to the experience required under par. (a), each semester spent full-time in a school of electrical engineering or other accredited college, university, technical or vocational school in an electrical-related program shall be considered equivalent to 500 hours of experience, with no more than 3,000 hours and 3 years of experience through education being credited toward the required experience.

SECTION 42. Comm 5.43 (5)(b) 1. is amended to read:

Comm 5.43 (5)(b) 1. The renewal of a certification as a master electrician which has an expiration date after June 30, 1999 shall be contingent upon the master electrician obtaining at least 18 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

SECTION 43. Comm 5.44 (1) (b) is amended to read:

Comm 5.44 (1) (b) Completing an electrical construction apprenticeship.

SECTION 44. Comm 5.44 (3) (b) is amended to read:

Comm 5.44 (3) (b) Relative to the experience required under par. (a), each semester spent full-time in a school of electrical engineering or other accredited college, university, technical or vocational school in an electrical-related program shall be considered equivalent to 500 hours of experience, with no more than 2,000 hours and 2 years of experience through education being credited toward the required experience.

SECTION 45. Comm 5.44 (5) (b) 2. is amended to read:

Comm 5.44 (5) (b) 2. Evidence of completing an electrical construction apprenticeship program and the program has been recognized by the department under ch. 106, Stats., and the federal department of labor.

SECTION 46. Comm 5.44 (6) (b) 3. is amended to read:

Comm 5.44 (6) (b) 3. A person who initially obtained his or her journeyman electrician certification by completing an electrical construction apprenticeship and whose request to renew his or her certification is denied because of the failure to fulfill the continuing education requirements of subd. 1., shall be required to take and pass the certification examination under sub. (3) in order to reacquire the journeyman electrician certification.

SECTION 47. Comm 5.50 (1)(a) is amended to read:

Comm 5.50 (1)(a) Except as provided in par. (b), pursuant to ss. 145.15 (4), 145.165 and 145.175, Stats., no person may install, maintain or repair automatic sprinkler systems unless the ~~persons~~ person holds a credential issued by the department as a licensed automatic fire sprinkler contractor, a licensed journeyman sprinkler fitter, a registered automatic fire sprinkler system apprentice, a registered automatic fire sprinkler contractor-maintenance, or a registered automatic fire sprinkler fitter-maintenance.

SECTION 48. Comm 5.53 (1)Note is created to read:

Comm 5.53 (1)Note: The Department of Workforce Development, Bureau of Apprenticeship Standards has additional supervision standards for apprentices for the purpose of training and education.

SECTION 49. Comm 5.55 (2)(b) is amended to read:

Comm 5.55 (2)(b) ~~A~~ An application fee and a credential fee in accordance with s. Comm 5.02, Table 5.02.

SECTION 50. Comm 5.56 (2)(b) is amended to read:

Comm 5.56 (2)(b) An application fee and ~~a credential~~ examination fee in accordance with s. Comm 5.02, Table 5.02.

SECTION 51. Comm 5.56 (4) is amended to read:

Comm 5.56 (4) APPLICATION FOR CREDENTIAL. Upon notification of the successful passage of the examination for an automatic fire sprinkler system tester registration, a person may obtain the registration by submitting an application ~~an a~~ and the credential fee in accordance with ss. Comm 5.01 and 5.09 (7)(c).

SECTION 52. Comm 5.60 (3)(a) 2. a. is amended to read:

Comm 5.60 (3)(a) 2. a. A degree in engineering from an accredited college or university and at least 1,000 hours ~~for~~ in one year of experience in the design, construction, operation or inspection of boilers or pressure vessels.

SECTION 53. Comm 5.60 (4)(b) is amended to read:

Comm 5.60 (4)(b) Provide a copy of the inspection report to ~~the owner of the property~~ owner or his or her agent; and

SECTION 53M. Comm 5.61 (1)Note 2 is created to read:

Comm 5.61 (1)Note 2: Pursuant to s. 101.14 (2), Stats., deputies of the department may perform fire prevention inspections of public buildings and places of employment without holding the credential as a certified commercial building inspector.

SECTION 54. Comm 5.61 (6)(a) 2. is amended to read:

Comm 5.61 (6)(a) 2. A commercial building inspector certification shall be renewed in accordance with s. Comm 5.07.

SECTION 55. Comm 5.61 (6)(b) 2. is amended to read:

Comm 5.61 (6)(b) 2. The credential fee for the renewal of an inspector certification under subd. 1. to expire on June ~~1~~ 30, 1998 shall be 50% of the amount specified in Table 5.02.

SECTION 56. Comm 5.62 (1) is amended to read:

Comm 5.62 (1) GENERAL. Pursuant to s. ~~101.66~~ 101.88 (2), Stats., no person may conduct the inspection of electrical installations in public buildings and places of employment for the purpose of administering and enforcing ch. Comm 16 unless the person holds a credential issued by the department as a certified commercial electrical inspector.

SECTION 57. Comm 5.62 (3) is amended to read:

Comm 5.62 (3) QUALIFICATIONS FOR EXAMINATION. A person applying to take a commercial electrical inspector certification examination shall have:

(a) 1. At least 1,000 hours per year for at least 6 years of experience in electrical ~~construction~~ work, except as provided in subd. 2.

2. Relative to the experience required under subd. 1., each full-time semester spent in a school of electrical engineering or other accredited college, university, technical or vocational school in an electrical-related program shall be considered equivalent to 500 hours of experience, with no more than 3,000 hours and 3 years of experience through education being credited toward the required experience. ;

(b) At least 1,000 hours per year for at least 3 years of experience in electrical ~~construction~~ work and has a degree in electrical engineering from an accredited college or university; or

(c) At least 1,000 hours per year ~~of~~ for at least 3 years of experience in electrical ~~construction~~ work and holds a credential under ch. 443, Stats., as a registered professional engineer, a registered architect or a certified designer of electrical systems.

SECTION 58. Comm 5.62 (4) is amended to read:

Comm 5.62 (4) EXAMINATION. Except as provided in sub. (5)(b), a person seeking to obtain a commercial electrical inspector certification shall take and pass an examination in accordance with s. Comm 5.09.

SECTION 59. Comm 5.62 (7)(b) 2. is amended to read:

Comm 5.62 (7)(b) 2. The credential fee for the renewal of an inspector certification under subd. 1. to expire on June ~~4~~ 30, 1998 shall be 50% of the amount specified in Table 5.02.

SECTION 60. Comm 5.63 (1)(a)(intro.) is amended to read:

Comm 5.63 (1)(a)(intro.) Pursuant to s. ~~101.88~~ 101.66 (2), Stats., no person may conduct the inspection of one- and 2-family dwellings for the purpose of administering and enforcing ~~the~~ chs. ILHR 20 to 25 unless the person holds a credential issued by the department as a:

SECTION 60M. Comm 5.63 (1)(a) 5. Note is created to read:

Comm 5.63 (1)(a) 5. Note: Pursuant to s. 101.14 (1)(bm), Stats., deputies of the department may perform inspections for smoke detector installation and maintenance without holding a credential issued by the department.

SECTION 61. Comm 5.63 (5)(a) is amended to read:

Comm 5.63 (5)(a) Maintain a record of the inspections made ~~relative~~ including the ~~date~~ dates and the findings of the inspections;

SECTION 62. Comm 5.63 (6)(b) 2. is amended to read:

Comm 5.63 (6)(b) 2. The credential fee for the renewal of an inspector certification under subd. 1. to expire on June ~~1~~ 30, 1998 shall be 50% of the amount specified in Table 5.02.

SECTION 63. Comm 5.64 (5)(c) is amended to read:

Comm 5.64 (5)(c) Make available to the department upon request his or her inspection records.

SECTION 64. Comm 5.66 (5)(c) is amended to read:

Comm 5.66 (5)(c) Make available to the department upon request his or her inspection records.

SECTION 65. Comm 5.66 (6)(a) 2. is amended to read:

Comm 5.66 (6)(a) 2. A POWTS inspector certification shall be renewed in accordance with s. Comm 5.07.

SECTION 66. Comm 5.66 (6)(b) 2. is amended to read:

Comm 5.66 (6)(b) 2. The credential fee for the renewal of an inspector certification under subd. 1. to expire on June ~~1~~ 30, 1998 shall be 50% of the amount specified in Table 5.02.

SECTION 67. Comm 5.67 (5)(c) is amended to read:

Comm 5.67 (5)(c) Make available to the department upon request his or her inspection records.

SECTION 68. Comm 5.67 (6)(b) 2. is amended to read:

Comm 5.67 (6)(b) 2. The credential fee for the renewal of an inspector certification under subd. 1. to expire on June ~~1~~ 30, 1998 shall be 50% of the amount specified in Table 5.02.

SECTION 69. Comm 5.67 (6)(c) is created to read:

Comm 5.67 (6)(c) 1. The renewal of a certification as a rental weatherization inspector which has an expiration date after June 30, 1999 shall be contingent upon the inspector obtaining at least 6 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a credential as a certified rental weatherization inspector may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

SECTION 70. Comm 5.68 (2)(b) is amended to read:

Comm 5.68 (2)(b) An application fee and examination fee in accordance with s. Comm 5.02, Table 5.02.

SECTION 71. Comm 5.68 (4) is repealed and recreated to read:

Comm 5.68 (4) EXAMINATION. A person seeking to obtain a tank system inspector certification shall take and pass an examination in accordance with s. Comm 5.09.

SECTION 72. Comm 5.68 (7)(a) is repealed and recreated to read:

Comm 5.68 (7) RENEWAL. (a) 1. A person may renew his or her certification as a tank system inspector.

2. A tank system inspector certification shall be renewed in accordance with s. Comm 5.07.

SECTION 73. Comm 5.70 (1)(b) 3. is amended to read:

Comm 5.70 (1)(b) 3. A person, entity or business which holds, prior to November 1, 1996, either a letter issued by the department acknowledging registration of their business to handle ozone-depleting refrigerants or to ~~sale~~ sell used ozone-depleting refrigerants or a valid credential as a registered HVAC contractor may engage in all of the business activities listed in par. (a) until the expiration of the registration.

SECTION 74. Comm 5.70 (1)(b) 4. Note is amended to read:

Comm 5.70 (1)(b) 4. Note: See sub. ~~(5)~~ (4) and s. Comm 5.07 as to the renewal procedures of a credential.

SECTION 75. Comm 5.72 (1) is amended to read:

Comm 5.72 (1) GENERAL. Pursuant to s. 101.177 ~~(4)(a)~~ (2), Stats., no person may install or service a piece of refrigeration equipment that would release or may release an ozone-depleting refrigerant unless the person holds a credential issued by the department as a certified refrigerant handling technician.

SECTION 76. Comm 5.72 (4) is repealed and recreated to read:

Comm 5.72 (4) RESPONSIBILITIES. A person who installs or services a piece of refrigeration equipment as a certified refrigerant handling technician shall comply with the responsibilities under s. 101.177 (2), Stats.

Note: See the appendix for a reprint of s. 101.177 (2), Stats.

SECTION 77. Comm 5 Subch. VIII title is repealed and recreated to read:

Subchapter VIII - Storage Tanks

SECTION 78. Comm 5.82 (5)(a) 2. is amended to read:

Comm 5.82 (5)(a) 2. A ~~special~~ specialty tank firm registration shall be renewed in accordance with s. Comm 5.07.

SECTION 79. Comm 5.87 (1)(b) is amended to read:

Comm 5.87 (1)(b) The person is under the direct supervision of another person who ~~the person~~ holds a credential issued by the department as a certified tank system remover-cleaner.

SECTION 80. Comm 5.87 (6)(a) 2. is amended to read:

Comm 5.87 (6)(a) 2. A tank system remover-cleaner certification shall be renewed in accordance with s. Comm 5.07.

SECTION 81. Comm 5.88 (5)(b) is amended to read:

Comm 5.88 (5)(b) A tank system tightness tester certification shall be renewed in accordance with s. Comm 5.07.

SECTION 82. Comm 5.92 (7)(b)(intro.) is amended to read:

Comm 5.92 (7)(b) A person who has exchanged his or her master plumber-restricted license for a journeyman plumber-restricted license may, upon application to the department, exchange his or her journeyman plumber-restricted license for the appropriate master ~~plumber~~ plumber-restricted license provided:

SECTION 83. Comm 5.93 (6)(a) 2. is amended to read:

Comm 5.93 (6)(a) 2. A journeyman plumber license shall be renewed in accordance with s. Comm 5.07.

SECTION 84. Comm 5.95 (1)Note is created to read:

Comm 5.95 (1)Note: The Department of Workforce Development, Bureau of Apprenticeship Standards has additional supervision standards for apprentices for the purpose of training and education.

SECTION 85. Comm 5.95 (5)(b) is amended to read:

Comm 5.95 (5)(b) The renewal of a registration as a plumbing apprentice is contingent upon the person submitting evidence that the person is indentured in a plumbing apprenticeship recognized under ch. 106, Stats.

SECTION 86. Comm 5.98 (2)(a) and (b) are amended to read:

Comm 5.98 (2)(a) An application ~~fee and a credential fee~~ in accordance with s. Comm 5.01.

(b) ~~A~~ An application fee and a credential fee in accordance with s. Comm 5.02, Table 5.02.

SECTION 87. Comm A5.12 Section 145.12 (1) and (3), Stats., reprint is amended to read:

Comm A5.12 Section 145.12 (1) Any person who engages in or follows the business or occupation of, or advertises or holds himself or herself out as or acts temporarily or otherwise as

a master plumber, as an automatic fire sprinkler contractor or as a business establishment holding an automatic fire sprinkler-maintenance only registration certificate without first having secured the required license or certificate, or who otherwise violates any provisions of this chapter, shall be fined not less than \$100 nor more than \$500 or imprisoned for 30 days or both. Each day such violation continues shall be a separate offense.

(3) Any master plumber who shall employ an apprentice on plumbing representing ~~him~~ the apprentice to be a journeyman, or who shall charge for an apprentice a journeyman's wage, shall be punished by a fine of not more than ~~twenty-five dollars~~ \$25, or by imprisonment in the county jail for not more than ~~thirty~~ 30 days. Each day of violation shall be a separate offense.

SECTION 88. Comm A5.31 is repealed and recreated to read:

Comm A5.31 DWELLING CONTRACTOR FINANCIAL RESPONSIBILITY CERTIFICATION. Section 101.654 (2), (2m) and (4) of the statutes reads:

101.654 (2) An applicant for a certificate of financial responsibility shall provide to the satisfaction of the department proof of all of the following:

(a) That the applicant has in force one of the following:

1. A bond endorsed by a surety company authorized to do business in this state of not less than \$5,000, conditioned upon the applicant complying with all applicable provisions of the one- and 2-family dwelling code and any ordinance enacted under s. 101.65 (1) (a).

2. A policy of general liability insurance issued by an insurer authorized to do business in this state insuring the applicant in the amount of at least \$250,000 per occurrence because of bodily injury to or death of others or because of damage to the property of others.

(b) If the applicant is required under s. 102.28 (2) (a) to have in force a policy of worker's compensation insurance or if the applicant is self-insured in accordance with s. 102.28 (2) (b), that the applicant has in force a policy of worker's compensation insurance issued by an insurer authorized to do business in this state or is self-insured in accordance with s. 102.28 (2) (b).

(c) If the applicant is required to make state unemployment compensation contributions under ch. 108 or is required to pay federal unemployment compensation taxes under 26 USC 3301 to 3311, that the applicant is making those contributions or paying those taxes as required.

(2m) If an applicant wishes to use a bond under sub. (2) (a) 1. of less than \$25,000 to comply with sub. (2) (a), the applicant shall agree not to perform any work on a dwelling for which the estimated cost of completion is greater than the amount of the bond. The department shall indicate any restriction under this subsection on the certificate of financial responsibility issued under sub. (3).

(4) (a) A bond or insurance policy required under sub. (2) may not be canceled by the person insured under the bond or policy or by the surety company or insurer except on 30 days' prior written notice served on the department in person or by 1st class mail or, if the cancellation is for nonpayment of premiums to the insurer, on 10 days' prior written notice served on the department in person or by 1st class mail. The person insured under the bond or policy shall file with the department proof to the satisfaction of the department of a replacement bond or replacement insurance within the 30-day notice period or 10-day notice period, whichever is applicable, and before the expiration of the bond or policy. The department shall suspend without prior notice or hearing the certificate of financial responsibility of a person who does not file satisfactory proof of a replacement bond or replacement insurance as required by this subsection.

(b) A bond under sub. (2) (a) 1. shall be executed in the name of the state for the benefit of any person who sustains a loss as a result of the person insured under the bond not complying with an applicable provision of the one- and 2-family dwelling code or any ordinance enacted under s. 101.65 (1) (a), except that the aggregate liability of the surety to all persons may not exceed the amount of the bond.

SECTION 89. Comm A5.70 (4) is renumbered Comm A5.72 (4) and the title is changed to read:

Comm A5.72 (4) REFRIGERANT HANDLING TECHNICIAN RESPONSIBILITIES.

SECTION 90. Chapter Comm 17 subch. VI is repealed.

SECTION 91. ILHR 20.09 (5)(a) is amended to read:

ILHR 20.09 (5)(a) Plan approval. If the department, or the municipality administering and enforcing the code, determines that the plans, including the plans indicating the erosion control procedures as specified in sub. (4), submitted for a one- or 2-family dwelling substantially conform to the provisions of this code and other legal requirements, an approval shall be issued. The plans shall be stamped "conditionally approved" by a certified inspector who holds the respective credential for the plans reviewed. One copy shall be returned to the applicant; one copy shall be retained by the department or the municipality administering and enforcing the code. The conditions of approval shall be indicated by a letter or on the permit. All conditions of the approval shall be met during construction.

SECTION 92. ILHR 20.10 (intro.) is amended to read:

ILHR 20.10 INSPECTIONS. (intro.) All inspections, for the purpose of administering and enforcing this code, shall be performed by a certified inspector who holds the respective credential for the inspection performed.

SECTION 93. ILHR 41.16 (2)(c) is amended to read:

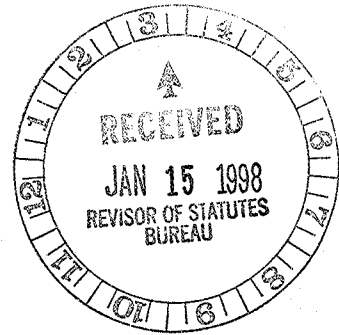
ILHR 41.16 (2)(c) The installer shall notify the certified inspector prior to the start of construction of the power piping system so that inspections may be arranged. ~~The department or the city~~ certified inspector shall be given a minimum of 2 business days notice to arrange for inspection.

(END)

EFFECTIVE DATE

Pursuant to s. 227.22 (2)(intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

RA:h:\ruledraftcomm5f.doc



January 13, 1998

Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 West Wilson Street
Madison, Wisconsin 53703-3233

Douglas LaFollette
Secretary of State
10th Floor
30 West Mifflin Street
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO.: 97-115

RULE NO.: Chapter Comm 5

RELATING TO: Credentials

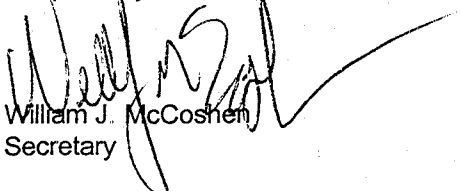
Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,


William J. McCoshen
Secretary

