

Clearinghouse Rule 06-031

The Department of Commerce proposes an order to repeal ss. Comm 5.62 (3), Comm 5.625 (4) (c), and Comm 5.72 (5); to renumber and amend ss. Comm 5.51 (6) (c) 1., Comm 5.52 (6) (c) 1., Comm 5.54 (5) (c) 1., Comm 5.91 (8) (b) 1., Comm 5.92 (8) (b) 1., Comm 5.93 (6) (b) 1., and Comm 5.94 (6) (b) 1.; to amend ss. Comm 5.003 (22), Comm 5.02 Table 5.02 lines 22. to 27. and 55. to 66., Comm 5.06 Table 5.06 lines 22. to 27. and 55. to 66., and Comm 5.323 (1); to repeal and recreate s. Comm 5.70 (1); and to create ss. Comm 5.51 (6) (c) 1. b., Comm 5.52 (6) (c) 1. b., Comm 5.54 (5) (c) 1. b., Comm 5.91 (8) (b) 1. b., Comm 5.92 (8) (b) 1. b., Comm 5.93 (6) (b) 1. b., Comm 5.94 (6) (b) 1. b., and Comm 5.97 (7) (c), relating to licenses, certifications and registrations, and affecting small businesses.

Analysis of Proposed Rules

1. Statutes Interpreted.

Sections 101.177, 101.178, 101.82, 101.951, 145.02, 145.08, 145.15, and 145.175, Stats., and 2005 Wisconsin Act 25

2. Statutory Authority.

Sections 101.177, 101.178, 101.82, 101.951, 145.02, 145.08, 145.15, and 145.175, Stats., and 2005 Wisconsin Act 25

3. Related Statute or Rule.

None.

4. Explanation of Agency Authority.

Chapter 101, Stats., authorizes the Department of Commerce to adopt reasonable and proper rules relative to the exercise of its powers and authorities, including the issuance and renewal of various credentials to businesses and individuals. Chapter 145, Stats., grants the Department authority to promulgate rules governing plumbers and automatic fire sprinkler system installers. 2005 Wisconsin Act 25 contains revisions to the credential terms for plumbers and automatic fire sprinkler system installers.

5. Summary of Proposed Rules.

Chapter Comm 5 of the Wisconsin Administrative Code contains the Department's rules for the issuance and renewal of numerous credentials which businesses and individuals are either mandated or permitted to obtain. These credentials are licenses, certifications and registrations that relate to activities associated with the construction and inspection of buildings and structures or specific components and elements that serve buildings and structures.

The proposed rules consist of revisions in chapter Comm 5 in order to address some administrative issues that have occurred since the last update of chapter Comm 5. The definition of HVAC equipment and an exception for obtaining the HVAC contractor registration are being revised in order to clarify who must obtain the registration. The credential terms for automatic fire sprinkler system installers and plumbers are changed to 4 years. The respective credential fees and any required continuing education hours are adjusted accordingly. The experience requirements for qualifying for the examination for the commercial electrical inspector certification are removed. The proposed rules also include the creation of continuing education requirements for the renewal of the license as a utility contractor. The proposal also removes dates and date-dependent requirements which are no longer relevant.

6. Summary of, and Comparison with, Existing or Proposed Federal Regulations.

The proposed rules address administrative issues unique to the department's rules. There are no existing or proposed federal regulations that address the activities to be regulated by the proposed rules.

7. Comparison with Rules in Adjacent States.

The proposed rules address administrative issues unique to the department's rules. There are no similar rules in the states of Illinois, Iowa, Michigan and Minnesota.

8. Summary of Factual Data and Analytical Methodologies.

The rules transitioning plumbing and sprinkler credential terms from 2 years to 4 years, were developed by assessing the Safety and Buildings Division resources, particularly staffing levels, with the current and projected workloads. The Division currently issues over 55,000 licenses, certifications and licenses. The other rule revisions were developed by evaluating their application or the licensing processes in order to either clarify or provide consistency across the licensing categories.

9. Analysis and Supporting Documents Used to Determine Effect on Small Business or in Preparation of Economic Impact Report.

The proposed rules should have a minimal effect on small business in that most of the credentials under chapter Comm 5 involve individuals and not businesses. The rules lengthening the plumbing and sprinkler credential terms to 4 years will result in the fees and the continuing educational obligations

being raised proportionally. An economic impact report has not been required pursuant to s. 227.137, Stats.

SECTION 1. Comm 5.003 (22) is amended to read:

Comm 5.003 (22) “HVAC equipment” means materials, piping, fittings, devices, appliances, apparatus, controls and control wiring used as part of or in connection with permanent heating, ventilating, or air conditioning ~~installations in or exhausting systems serving buildings.~~ HVAC equipment includes furnaces, ventilation ductwork, baseboard heaters, bathroom fans and kitchen hoods. HVAC equipment does not include residential bathroom fans and kitchen hoods, water heaters, process heating equipment, and space heaters such as masonry fireplaces and chimneys, factory-built fireplaces and venting systems, decorative gas fireplaces, water heaters and process heating equipment and wood-burning stoves.

SECTION 2. Comm 5.02 Table 5.02 lines 22. to 27. and 55. to 66. are amended to read:

**Table 5.02
(Partial Table)
FEES**

	License, Certification or Registration Category	Type	Application Fee	Examination Fee	License, Certification or Registration Fee
	Subchapter V				
22.	Automatic Fire Sprinkler Contractor	License	\$25	\$100	\$1000 <u>\$2000</u>
23.	Journeyman Automatic Fire Sprinkler Fitter	License	\$10	\$20	\$90 <u>\$180</u>
24.	Automatic Fire Sprinkler System Apprentice	Registration	none	NA	\$15
25.	Automatic Fire Sprinkler Contractor-Maintenance	Registration	\$25	\$50	\$200 <u>\$400</u>
26.	Automatic Fire Sprinkler Fitter-Maintenance	Registration	\$10	NA	\$30 <u>\$60</u>
27.	Automatic Fire Sprinkler System Tester	Registration	\$10	\$20	\$180
	Subchapter IX				
55.	Master Plumber	License	\$20	\$30	\$250 <u>\$500</u>
56.	Master Plumber-Restricted Service	License	\$20	\$30	\$250 <u>\$500</u>
57.	Master Plumber-Restricted Appliance	License	\$20	\$30	\$250 <u>\$500</u>
58.	Journeyman Plumber	License	\$10	\$20	\$90 <u>\$180</u>
59.	Journeyman Plumber-Restricted Service	License	\$10	\$20	\$90 <u>\$180</u>
60.	Journeyman Plumber-Restricted Appliance	License	\$10	\$20	\$90 <u>\$180</u>
61.	Plumbing Apprentice	Registration	none	NA	\$15
62.	Plumbing Learner-Restricted Appliance	Registration	none	NA	\$15
63.	Plumbing Learner-Restricted Service	Registration	none	NA	\$15
64.	Utility Contractor	Registration License	\$10	\$30	\$250 <u>\$500</u>
65.	Pipelayar	Registration	\$10	NA	\$90 <u>\$180</u>
66.	Cross Connection Control Tester	Registration	\$10	NA	\$90 <u>\$180</u>

NA means Not Applicable.

SECTION 3. Comm 5.06 Table 5.06 lines 22. to 27. and 55. to 66. are amended to read:

**Table 5.06
(partial Table)
TERMS**

	License, Certification or Registration Category	Term	Expiration Date	Continuing Education Cycle
	Subchapter V			
22.	Automatic Fire Sprinkler Contractor	2 4 years	June 30	March 30
23.	Journeyman Automatic Fire Sprinkler Fitter	2 4 years	June 30	March 30
24.	Automatic Fire Sprinkler System Apprentice	1 year	Date of Issuance	NA
25.	Automatic Fire Sprinkler Contractor-Maintenance	2 4 years	June 30	March 30
26.	Automatic Fire Sprinkler Fitter-Maintenance	2 4 years	June 30	NA
27.	Automatic Fire Sprinkler System Tester	4 years	Date of Issuance	NA
	Subchapter IX			
55.	Master Plumber	2 4 years	March 31	December 31
56.	Master Plumber-Restricted Service	2 4 years	March 31	December 31
57.	Master Plumber-Restricted Appliance	2 4 years	March 31	December 31
58.	Journeyman Plumber	2 4 years	March 31	December 31
59.	Journeyman Plumber-Restricted Service	2 4 years	March 31	December 31
60.	Journeyman Plumber-Restricted Appliance	2 4 years	March 31	December 31
61.	Plumbing Apprentice	1 year	Date of Issuance	NA
62.	Plumbing Learner-Restricted Appliance	2 years	Date of Issuance	NA
63.	Plumbing Learner-Restricted Service	2 years	Date of Issuance	NA
64.	Utility Contractor	2 4 years	March 31	NA December 31
65.	Pipelayer	2 4 years	March 31	NA
66.	Cross Connection Control Tester	2 4 years	Date of Issuance	NA
NA means Not Applicable.				

SECTION 4. Comm 5.323 (1) is amended to read:

Comm 5.323 (1) GENERAL. Under s. 101.951 (1), Stats., no person may engage in the business of selling manufactured homes to a consumer or to the retail market unless the person holds a license issued by the department as a licensed manufactured home dealer. A branch license shall also be obtained for each branch operated by the licensed manufactured home dealer to sell homes.

SECTION 5. Comm 5.51 (6) (c) 1. is renumbered 1. a. and amended to read:

Comm 5.51 (6) (c) 1. a. The renewal of a license as an automatic fire sprinkler contractor which has an expiration date ~~after~~ on or before June 30, ~~2002~~ 2010 shall be contingent upon the automatic fire sprinkler contractor obtaining at least 12 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 6. Comm 5.51 (6) (c) 1. b. is created to read:

Comm 5.51 (6) (c) 1. b. The renewal of a license as an automatic fire sprinkler contractor which has an expiration date after June 30, 2010 shall be contingent upon the automatic fire sprinkler contractor obtaining at least 24 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 7. Comm 5.52 (6) (c) 1. is renumbered 1. a. and amended to read:

Comm 5.52 (6) (c) 1. a. The renewal of a license as a journeyman automatic fire sprinkler fitter which has an expiration date ~~after~~ on or before June 30, ~~2002~~ 2010 shall be contingent upon the journeyman automatic fire sprinkler fitter obtaining at least 12 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 8. Comm 5.52 (6) (c) 1. b. is created to read:

Comm 5.52 (6) (c) 1. b. The renewal of a license as a journeyman automatic fire sprinkler fitter which has an expiration date after June 30, 2010 shall be contingent upon the journeyman automatic fire sprinkler fitter obtaining at least 24 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 9. Comm 5.54 (5) (c) 1. is renumbered 1. a. and amended to read:

Comm 5.54 (5) (c) 1. a. The renewal of a registration as an automatic fire sprinkler contractor-maintenance which has an expiration date ~~after~~ on or before June 30, ~~2002~~ 2010 shall be contingent upon the automatic fire sprinkler contractor-maintenance obtaining at least 12 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 10. Comm 5.54 (5) (c) 1. b. is created to read:

Comm 5.54 (5) (c) 1. b. The renewal of a registration as an automatic fire sprinkler contractor-maintenance which has an expiration date after June 30, 2010 shall be contingent upon the automatic fire sprinkler contractor-maintenance obtaining at least 24 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 11. Comm 5.62 (3) is repealed.

SECTION 12. Comm 5.625 (4) (c) is repealed.

SECTION 13. Comm 5.70 (1) is repealed and recreated to read:

Comm 5.70 (1) GENERAL. (a) Pursuant to ss. 101.177 (2) and (3) (a) and 101.178 (2), Stats., no person, entity or business may engage or offer to engage in the following activities, unless the person, entity or business holds a registration issued by the department as a registered HVAC contractor, except as provided in par. (b):

1. Installing or servicing heating, ventilating or air conditioning equipment.
2. Installing or servicing refrigeration or air conditioning equipment that would release or may release ozone-depleting refrigerant.
3. Selling for reuse used ozone-depleting refrigerant from refrigeration or air conditioning equipment.

(b) 1. A person, entity or business is not required to hold a registration as a registered HVAC contractor to service existing heating, ventilating, air conditioning, or refrigeration equipment within facilities or properties owned by the person, entity or business provided the air conditioning or refrigeration equipment does not involve ozone-depleting refrigerants.

2. A person, entity or business is not required to hold a registration as a registered HVAC contractor to install or service heating, ventilating, air conditioning, or refrigeration equipment within a dwelling owned by the person, entity or business and in which the person, entity or business resides or will reside provided the air conditioning or refrigeration equipment does not involve ozone-depleting refrigerants.

3. A person, entity or business is not required to hold a registration as a registered HVAC contractor for electrical or plumbing work associated with the installation or servicing of the HVAC equipment or systems.

SECTION 14. Comm 5.72 (5) is repealed.

SECTION 15. Comm 5.91 (8) (b) 1. is renumbered 1. a. and amended to read:

Comm 5.91 (8) (b) 1. a. The renewal of a license as a master plumber which has an expiration date on or before March 31, 2010 shall be contingent upon the master plumber obtaining at least 12 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 16. Comm 5.91 (8) (b) 1. b. is created to read:

Comm 5.91 (8) (b) 1. b. The renewal of a license as a master plumber which has an expiration date after March 31, 2010 shall be contingent upon the master plumber obtaining at least 24 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 17. Comm 5.92 (8) (b) 1. is renumbered 1. a. and amended to read:

Comm 5.92 (8) (b) 1. a. The renewal of a license as a master plumber-restricted service or master plumber-restricted appliance which has an expiration date on or before March 31, 2010 shall be contingent upon the plumber 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.

SECTION 18. Comm 5.92 (8) (b) 1. b. is created to read:

Comm 5.92 (8) (b) 1. b. The renewal of a license as a master plumber-restricted service or master plumber-restricted appliance which has an expiration date after March 31, 2010 shall be contingent upon the plumber obtaining at least 12 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 19. Comm 5.93 (6) (b) 1. is renumbered 1. a. and amended to read:

Comm 5.93 (6) (b) 1. a. The renewal of a license as a journeyman plumber which has an expiration date on or before March 31, 2010 shall be contingent upon the journeyman plumber obtaining at least 12 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 20. Comm 5.93 (6) (b) 1. b. is created to read:

Comm 5.93 (6) (b) 1. b. The renewal of a license as a journeyman plumber which has an expiration date after March 31, 2010 shall be contingent upon the journeyman plumber obtaining at least 24 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 21. Comm 5.94 (6) (b) 1. is renumbered 1. a. and amended to read:

Comm 5.94 (6) (b) 1. a. The renewal of a license as a journeyman plumber-restricted service or journeyman plumber-restricted appliance which has an expiration date on or before March 31, 2010 shall be contingent upon the journeyman plumber 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.

SECTION 22. Comm 5.94 (6) (b) 1. b. is created to read:

Comm 5.94 (6) (b) 1. b. The renewal of a license as a journeyman plumber-restricted service or journeyman plumber-restricted appliance which has an expiration date after March 31, 2010 shall be contingent upon the journeyman plumber obtaining at least 12 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 23. Comm 5.97 (7) (c) is created to read:

Comm 5.97 (7) (c) 1. The renewal of a license as a utility contractor which has an expiration date after March 31, 2010 shall be contingent upon the utility contractor obtaining at least 12 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 license as a utility contractor 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.

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.
