

STATE OF WISCONSIN  
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF RULE-MAKING : NOTICE OF TIME PERIOD  
PROCEEDINGS BEFORE THE : FOR COMMENTS FOR THE  
DEPARTMENT OF SAFETY : ECONOMIC IMPACT ANALYSIS  
AND PROFESSIONAL SERVICES :

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NOTICE IS HEREBY GIVEN of the time period for public comment on the economic impact of this proposed rule of the Department relating to renewal date, including how this proposed rule may affect businesses, local government units and individuals. The comments will be considered when the Department of Safety and Professional Services prepares the Economic Impact Analysis pursuant to § 227.137. Written comments may be submitted to:

Shawn Leatherwood  
Division of Policy Development  
Department of Safety and Professional Services  
PO Box 8935  
Madison, WI 53708-8935  
[Shancethea.Leatherwood\\*@wisconsin.gov](mailto:Shancethea.Leatherwood*@wisconsin.gov)

The deadline for submitting economic impact comments is March 15, 2013.

PROPOSED ORDER

An order of the Department of Safety and Professional Services to amend SPS132.05 relating to biennial renewal dates.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:**

440.08 (2) 38g.

**Statutory authority:**

ss. 227.11 (2) (a) and 440.03 (7m), Stats

**Explanation of agency authority:**

The Department is empowered to promulgate rules interpreting the provision of any statute it enforces or administers pursuant to s. 227.11 (2) (a), Stats. The Department is

further authorized by s. 440.03(7m), Stats. to establish rules regarding credential renewal. Section 440.08 (2) 38g., Stats. is administered by the Department and sets forth the renewal period and fee for home inspectors. Therefore the Department is authorized both generally and specifically to promulgate these proposed rules.

**Related statute or rule:**

None

**Plain language analysis:**

The sole purpose of this proposed rule is to correct an inconsistency regarding the renewal date for home inspectors. Currently, Wis. Admin. Code ch. SPS 132.05 (1) states the renewal date for home inspectors is January 1, of each odd-numbered year. Section 440.08 (2) 38g, Stats., states that the renewal date is December 15 of each even-numbered year. The statute is controlling. Therefore, the proposed rule seeks to correct Wis. Admin. Code ch. 132.05 (1) to reflect the correct date. There are no new policies proposed by the rule.

**Summary of, and comparison with, existing or proposed federal regulation:**

None

**Comparison with rules in adjacent states:**

**Illinois:** Home inspectors in Illinois may renew their license for a period of 2 years following the expiration date of their original license. 68 Ill. Adm. Code 1410.140 (2012).

**Iowa:** Iowa does not regulate home inspectors.

**Michigan:** There are no specific renewal dates for home inspectors in Michigan.

**Minnesota:** Minnesota does not regulate home inspectors.

**Summary of factual data and analytical methodologies:**

None

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

This rule will not have any effect on small businesses.

**Fiscal Estimate and Economic Impact Analysis:**

The department is currently soliciting information and advice from businesses, local government units and individuals in order to prepare the Economic Impact Analysis.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Greg.Gasper@wisconsin.gov, or by calling (608) 266-8608.

**Agency contact person:**

Shawn Leatherwood Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4438; email at Shancethea.L Leatherwood\*@wisconsin.gov.

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TEXT OF RULE

SECTION 1. SPS 132.05 (1) is amended to read:

SPS 132.05 (1) Except as provided in s. SPS 132.04, to renew a home inspector registration a registrant shall by ~~January 1 of each odd-numbered year~~ December 15 of each even-numbered year following initial registration, provide all of the following to the department:

SECTION 2. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

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The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated \_\_\_\_\_

Agency \_\_\_\_\_  
Board Chairperson or Secretary  
(Board or Department)