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Chapter SPS 305

LICENSES, CERTIFICATIONS AND REGISTRATIONS

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Note: Corrections made in this chapter were made under s. 13.93 (2m) (b) 1., 7. and 14. Stats., Register, October, 1996, No. 490 and February, 1997, No. 494. Sections Comm 5.003 (10g), (27y) and (32s), 5.37, 5.38, 5.383, 5.385 and 5.387 were created as emergency rules, effective June 1, 2007, but were not adopted as permanent rules. Chapter Comm 5 was renumbered chapter SPS 305 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672.

SPS 305.001 Purpose. This chapter is to protect public and employee health, safety and welfare by establishing minimum standards for the qualifications and responsibilities of persons and businesses that are required or permitted to obtain licenses, certifications or registrations under chs. 101, 145 and 167, Stats.

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96.

SPS 305.002 Scope. This chapter applies to any person or business engaging or offering to engage in an activity or provide a service for which a license, certification or registration is required or desired under chs. 101, 145 and 167, Stats.

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. Register, April, 2000, No. 532, eff. 5−1−00.

SPS 305.003 Definitions. In this chapter:

(1) "Approved" means accepted by the department.

(2) "ASME" means American society of mechanical engineers.

(3) "Automatic fire sprinkler contractor" has the meaning specified under s. 145.01 (1), Stats.

Note: Under section 145.01 (1), Stats., "automatic fire sprinkler contractor" means any individual, firm or corporation who has paid the annual license fee and obtained a license to conduct a business in the design, installation, maintenance or repair of automatic fire sprinkler systems.

(4) "Automatic fire sprinkler system" has the meaning specified under s. 145.01 (2), Stats.

Note: Under s. 145.01 (2), Stats., "automatic fire sprinkler system", for fire protection purposes, means an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The system includes a suitable water supply, such as a gravity tank, fire pump, reservoir or pressure tank or connection beginning at the supply side of an approved gate valve located at or near the property line where the pipe or piping system provides water used exclusively for fire protection and related appurtenances and to standpipes connected to automatic sprinkler systems. The portion of the sprinkler system above ground is a

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network of specially sized or hydraulically designed piping installed in a building, structure or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area.

(5) "Automatic fire sprinkler system apprentice" has the meaning specified under s. 145.01 (3), Stats.

Note: Under s. 145.01 (3), Stats., "automatic fire sprinkler system apprentice" means any person other than an automatic fire sprinkler system contractor or a journeyman automatic fire sprinkler system fitter who is engaged in learning and assisting in the installation of automatic fire sprinkler systems and who is indentured under ch. 106, Stats.

(6) "Blasting" means any method of loosening, moving or shattering masses of solid matter by use of an explosive.

(7) "Blasting operation" means any enterprise or activity involving blasting.

(8) "Branch" means an office, other than the main business office, involved in the sales of manufactured homes that advertises as a sales location, displays new or used homes, takes sales calls, is staffed by licensed salespersons, has signage of a licensed dealer, and accepts offers or contracts on manufactured homes.

(9) "Broker" means a manufactured home dealer who has no sales lot, no inventory and no ownership interest in the manufactured homes being sold.

(10) "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.

(11) "Business establishment" means any industrial or commercial organization or enterprise, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.

(12) "Cash price" means the manufactured home dealer asking price including dealer installed options and accessories and additional dealer mark−up, profit and transportation charges, minus the dollar value of cash discounts.

(13) "Cathodic protection tester" means a person who demonstrates an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping systems and metal tanks.

(14) "Conflict of interest" means a certified inspector inspecting work in which the inspector or the inspector's employer, other than the state or a municipality, has participated or has a monetary or personal interest.

(15) "Conveyance" has the meaning defined in ch. SPS 318.

(16) "Corrosion expert" means a person who is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience.

(17) "Damage" means defects caused by reasons other than normal wear through home age and usage.

(18) "Department" means the department of safety and professional services.

(19) "Direct supervision" means to assume the responsibility of an activity of others and its results by providing oversight and guidance at the site where the activity is being conducted.

(20) "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.

Note: Pursuant to s. 101.654 (1) (b), Stats., "dwelling contractor" does not include an owner of a dwelling who resides or will reside in the dwelling.

(21) "Electrical construction" means the installation 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.

(22) "Electrical wiring" has the meaning given in s. 101.80 (1m), Stats.

Note: Under s. 101.80 (1m), Stats., "electrical wiring" means all equipment, wiring, material, fittings, devices, appliances, fixtures, and apparatus used for the production, modification, regulation, control, distribution, utilization, or safeguarding of electrical energy for mechanical, chemical, cosmetic, heating, lighting, or similar purposes, as specified under the state electrical wiring code. "Electrical wiring" does not include the equipment, wiring, material, fittings, devices, appliances, fixtures, and apparatus used by a public utility, an electric cooperative, or a wholesale merchant operator for the purpose of generating, transmitting, distributing, or controlling heat, light, power, or natural gas to its customers or members.

(23) "Financial statement" means a balance sheet showing assets, liabilities and net worth.

(24) "Fireworks" has the meaning specified under s. 167.10 (1), Stats.

Note: Under s. 167.10 (1), Stats., "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

(a) Fuel or a lubricant.

(b) A firearm cartridge or shotgun shell.

(c) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.

(d) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.

(e) A cap containing not more than one−quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.

(f) A toy snake which contains no mercury.

(g) A model rocket engine.

(h) Tobacco and a tobacco product.

(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.

(25) "General supervision" means to assume the responsibility of an activity of others and its results without being present at the site where the activity is being conducted.

(26) "HVAC" means heating, ventilating and air conditioning.

(27) "HVAC equipment" means materials, piping, fittings, devices, appliances, apparatus, controls and control wiring used as part of or in connection with permanent heating, ventilating, air conditioning or exhausting systems serving buildings. 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, and wood−burning stoves.

(28) "Incompetence" means conduct which evidences a lack of competence or ability to discharge the duty required to protect the health, safety and welfare of the public, lack of knowledge of the fundamental principles of a particular trade or practice, or an inability to apply those principles, or failure to maintain competency in the current practices and methods applicable to the activity and the state statutes and rules governing the activity.

(29) "Journeyman automatic fire sprinkler fitter" has the meaning specified under s. 145.01 (6), Stats.

Note: Under s. 145.01 (6), Stats., "journeyman automatic fire sprinkler fitter" means any person other than an automatic fire sprinkler contractor who is engaged in the practical installation of automatic fire sprinkler systems.

(30) "Journeyman plumber" has the meaning specified under s. 145.01 (7), Stats.

Note: Under s. 145.01 (7), Stats., "journeyman plumber" means any person other than a master plumber, who is engaged in the practical installation of plumbing.

(31) "Journeyman plumber−restricted" means a person licensed under s. 145.14, Stats.

Note: See appendix for further explanatory material.

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(32) "Licensee" means any manufactured home dealer or manufactured home salesperson or any person who is both a manufactured home dealer and a manufactured home salesperson.

(33) "Lift" means a conveyance device covered under the scope of American Society of Mechanical Engineers (ASME) A18.1a – Safety Standard for Platform Lifts and Stairway Chairlifts.

(34) "Liquefied petroleum gas" has the meaning specified under s. 101.16 (1) (b), Stats.

Note: Section 101.16 (1) (b), Stats., reads: " 'Liquefied petroleum gas' means any material which is composed predominantly of, or any mixtures of, any of the following hydrocarbons including their isomers:

1. Propane.
2. Propylene.
3. Butane.
4. Butylene."

(35) "Listed device" has the meaning specified under s. 167.10 (1) (e), (f) and (i) to (n), Stats.

Note: See the note after the definition of "fireworks", sub. (18), for the statutory language of s. 167.10 (1) (e), (f) and (i) to (n).

(36) "Main business office" means an office involved in the sales of manufactured homes that is the primary management location of the licensed manufactured home dealer.

(37) "Manufactured home" has the meaning given in s. 101.91 (2), Stats.

Note: Under s. 101.91 (2), Stats., "manufactured home" means any of the following:

(am) A structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under 42 USC 5401 to 5425.

(c) A mobile home, unless a mobile home is specifically excluded under the applicable statute.

(38) "Manufactured home dealer" has the meaning given in s. 101.91 (3), Stats., except for a person who sells no more than one new or used manufactured home in any one calendar year.

Note: Under s. 101.91 (3), Stats., "manufactured home dealer" means a person who, for a commission or other thing of value, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale or exchange of an interest in, manufactured homes or who is engaged wholly or partially in the business of selling manufactured homes, whether or not the manufactured homes are owned by the person, but does not include:

(a) A receiver, trustee, personal representative, guardian, or other person appointed by or acting under the judgment or order of any court.

(b) Any public officer while performing that officer's official duty.

(c) Any employee of a person enumerated in par. (a) or (b).

(d) Any lender, as defined in s. 421.301 (22).

(e) A person transferring a manufactured home used for that person's personal, family or household purposes, if the transfer is an occasional sale and is not part of the business of the transferor.

(39) "Manufactured home community" has the meaning given in s. 101.91 (5m), Stats.

Note: Under s. 101.91 (5m), Stats., "manufactured home community" means any plot or plots of ground upon which 3 or more manufactured homes that are occupied for dwelling or sleeping purposes are located. "Manufactured home community" does not include a farm where the occupants of the manufactured homes are the father, mother, son, daughter, brother or sister of the farm owner or operator or where the occupants of the manufactured homes work on the farm.

(40) "Material hoist" has the meaning as given in s. 101.981 (1) (g), Stats.

Note: Section 101.981 (1) (g), Stats., reads: "Material hoist" means a hoist, other than a personnel hoist, that is used to raise or lower materials during construction, alteration, or demolition of a building or structure.

(41) "Master plumber" has the meaning specified under s. 145.01 (8), Stats.

Note: Under s. 145.01 (8), Stats., "master plumber" means any person skilled in the planning, superintending and the practical installation of plumbing and familiar with the laws, rules and regulations governing the same.

(42) "Master plumber−restricted" means a person licensed under s. 145.14, Stats.

Note: See appendix for further explanatory material.

(43) "Misconduct" means an act performed by an individual relating to the responsibilities or duties for which the individual has been licensed, registered or certified that jeopardizes the interests of the public, including violation of federal or state laws, local ordinances or administrative rules; preparation of deficient or falsified reports; failure to submit information or reports required by law or contract when requested by the municipality or the department; conduct which evidences a lack of trustworthiness; misrepresentation of qualifications such as education, experience or certification; illegal entry of premises; misuse of funds; or misrepresentation of authority.

(44) "Multipurpose piping system" means a type of water distribution system conveying potable water to plumbing fixtures and appliances and automatic fire sprinklers with the intention of serving both domestic water needs and fire protection needs within a one− or 2−family dwelling or manufactured dwelling.

(45) "Municipality" means a city, village, town or county.

(46) "Negligence" means the failure to exercise the degree of care and judgment to protect public health and safety normally expected of an individual performing activities within the scope of a license, certification or registration category.

(47) "Net worth" means the difference between the asset and liability values on a financial statement. Negative net worth is the excess of liabilities over assets.

(48) "New manufactured home" has the meaning given in s. 101.91 (11), Stats.

Note: Under s. 101.91 (11), Stats., "new manufactured home" means a manufactured home that has never been occupied, used or sold for personal or business use.

(49) "Non−broker" means a manufactured home dealer who has a sales lot, inventory or ownership interest in the manufactured homes being sold.

(50) "PECFA" means petroleum environmental cleanup fund award, as established in s. 292.63, Stats.

Note: Authority over sub. (50) was transferred to the Department of Natural Resources (DNR) by 2013 Wis. Act 20, s. 9138 (7) (f). Sub. (50) is subject to future rulemaking by DNR. See also ss. SPS 305.80 and 305.81 and chs. NR 746 and 747.

(51) "Personnel hoist" has the meaning as given in s. 101.981 (1) (h), Stats.

Note: Section 101.981 (1) (h), Stats., reads: "Personnel hoist" means a hoist that is installed inside or outside a building or structure during the construction, alteration, or demolition of the building or structure and that is used to raise and lower workers, other personnel, and materials which the hoist is designed to carry.

(52) "Pipelayer" has the meaning specified under s. 145.01 (9), Stats.

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

(53) "Plumbing" has the meaning specified under s. 145.01 (10), Stats.

Note: Section 145.01 (10), Stats., reads:

(10) PLUMBING. (a) "Plumbing" means:

1. All piping, fixtures, appliances, equipment, devices, and appurtenances in connection with water supply systems, water distribution systems, wastewater drainage systems, reclaimed water systems, and stormwater use systems, including hot water storage tanks, water treatment devices, and water heaters connected with these systems and also includes the installation thereof.

2. The construction, connection, installation, service, or repair of any drain or wastewater piping system that connects to the mains or other terminal within the bounds of, or beneath an area subject to easement for highway purposes, including private sewage systems and stormwater treatment and dispersal systems, and the alteration of any such systems, drains or wastewater piping.

3. The construction, connection, installation, service, or repair of water service piping that connects to the main or other water utility service terminal within the bounds of, or beneath an area subject to easement for highway purposes and its connections.

4. The water pressure system other than municipal systems as provided in ch. 281.

5. 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 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.

(br) "Plumbing" does not include any of the following:

1. A rainwater gutter or downspout down to the point that it discharges into a plumbing system, a subsoil drain, or a foundation drain.

2g. A process water reuse system if the process water reuse system is not connected to any plumbing fixture or appliance.

2m. A stormwater culvert under a roadway or walkway that is placed there only to equalize the water level from one end of the culvert to the other end.

3. The practical installation of process piping within a sewage disposal plant.

(54) "Plumbing appliance" means any one of a class of plumbing devices which is intended to perform a special function.

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The operation or control of the appliance may be dependent upon one or more energized components, such as motors, controls, heating elements, or pressure or temperature sensing elements. The devices may be manually adjusted or controlled by the user or operator, or may operate automatically through one or more of the following actions: a time cycle, a temperature range, a pressure range, a measured volume or weight.

(55) "Plumbing apprentice" has the meaning specified under s. 145.01 (11), Stats.

Note: Under s. 145.01 (11), Stats., "plumbing apprentice" means any person other than a journeyman or master plumber who is engaged in learning and assisting in the installation of plumbing and drainage.

(56) "Place of employment" has the meaning specified under s. 101.01 (11), Stats.

Note: Under s. 101.01 (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 employees 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.

(57) "POWTS" means private onsite wastewater treatment system and has the meaning specified under s. 145.01 (12), Stats., for "private sewage system".

Note: Under s. 145.01 (12), Stats., "private sewage system" means a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the department including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. A private sewage system may be owned by the property owner or by a special purpose district.

(58) "Private interceptor main sewer" has the meaning specified under s. SPS 381.01 (193).

Note: Under s. SPS 381.01 (193) "private interceptor main sewer" means a sewer serving 2 or more buildings and not part of the municipal sewer system.

(59) "Private water main" has the meaning specified under s. SPS 381.01 (195).

Note: Under s. SPS 381.01 (195) "private water main" means a water main serving 2 or more buildings and not part of the municipal water system.

(60) "Process piping" means that piping which is separated from a water supply system or drain system by the appropriate methods or means specified under ch. SPS 382 and is part of a system used exclusively for refining, manufacturing, industrial or shipping purposes of every character and description.

(61) "Public building" has the meaning specified under s. 101.01 (12), Stats.

Note: Under s. 101.01 (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 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).

(63) "Registered learner" has the meaning specified under s. 145.01 (13), Stats.

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.

(64) "Rental unit" has the meaning specified under s. 101.122 (1) (e), Stats.

Note: Under s. 101.122 (1) (e), Stats., "rental unit" means any rented dwelling units. "Rental unit" does not include:

1. Any building containing up to 4 dwelling units, one of which is owner−occupied.
2. Any building constructed after December 1, 1978, which contains up to 2 dwelling units.
3. Any building constructed after April 15, 1976, which contains more than 2 dwelling units.
4. Any dwelling unit not rented at any time from November 1 to March 31.
5. A building that is subject to a condominium declaration under ch. 703, Stats., and that contains 3 or more units, as defined in s. 703.02 (15), Stats.

(65) "Restricted plumber licensee" has the meaning specified under s. 145.01 (14), Stats.

Note: Under s. 145.01 (14), Stats., "restricted plumber licensee" means any person licensed as a master plumber (restricted) or a journeyman plumber (restricted) under s. 145.14, Stats.

(66) "Retail purchaser" means any purchaser not licensed as a manufactured home dealer or a manufactured home salesperson.

(67) "Sanitary building sewer" has the meaning specified under s. SPS 381.01 (45).

Note: Under s. SPS 381.01 (45) "sanitary building sewer" means a building sewer which conveys wastewater consisting in part of domestic wastewater.

(68) "Site" means any plot of land which is owned or rented, and used or intended to be used for the accommodation of a manufactured home for residential purposes.

(69) "Storm building sewer" has the meaning specified under s. SPS 381.01 (46).

Note: Under s. SPS 381.01 (46) "storm building sewer" means a building sewer which conveys storm water wastes or clear water wastes, or both.

(70) "UDC" means chs. SPS 320 to 325, the Wisconsin uniform dwelling code.

(71) "Used manufactured home" has the meaning given in s. 101.91 (12), Stats.

Note: Under s. 101.91 (12), Stats., "used manufactured home" means a manufactured home that has previously been occupied, used or sold for personal or business use.

(72) "Utility contractor" has the meaning specified under s. 145.01 (15), Stats.

Note: Under s. 145.01 (15), Stats., "utility contractor" means a person licensed under s. 145.07 (10).

(73) "Water service" has the meaning specified under s. SPS 381.01 (282).

Note: Under s. SPS 381.01 (282) "water service" means that portion of a water supply system from the water main or private water supply to the building control valve.

(74) "Water supply system" has the meaning specified under s. SPS 381.01 (284).

Note: Under s. SPS 381.01 (284) "water supply system" means the piping of a private water main, water service and water distribution system, fixture supply connectors, fittings, valves, and appurtenances through which water is conveyed to points of usage such as plumbing fixtures, plumbing appliances, water using equipment or other piping systems to be served.

(75) "Year" means 12 consecutive months.

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; corrections made under s. 13.93 (2m) (b), 6. and 7., Stats., Register, October, 1996, No. 490; cr. (1m), (32m), am. (7), (15), (16), (33), (36), (37) and (42), r. (11); Register, March, 1998, No. 507, eff. 4−1−98; r. (12), cr. (30m), am. (32), Register, April, 2000, No. 532, eff. 5−1−00; CR 00−159: cr. (48m), Register September 2001 No. 549 eff. 10−1−01; CR 04−134: cr. (6m), (6s), (8m), (11), (17m), (26m), (27e), (27m), (27s), (27w), (32e), (32h), (46m), (47m), and (48s) Register June 2005 No. 594, eff. 7−1−05; CR 04−058: am. (32m) Register February 2006 No. 602, eff. 5−1−06; CR 06−031: am. (22) Register October 2006 No. 610, eff. 11−1−06; emerg. cr. (10g), (27y) and (32s), eff. 6−1−07; CR 06−127: r. and recr. (9), cr. (10m), renum. (17m) and (18) to be (18) and (19), r. (19), Register September 2007 No. 621, eff. 10−1−07; emerg. cr. (10g), (27y) and (32s), eff. 6−1−07; CR 07−089: cr. (10g), (26t), (27y) and (32s) Register June 2008 No. 630, eff. 7−1−08; CR 08−030: am. (10g) (a) Register December 2008 No. 636, eff. 1−1−09; CR 08−092: cr (26x) Register May 2009 No. 641, eff. 6−1−09; CR 09−028: r. and recr. (17) Register August 2010 No. 656, eff. 9−1−10; CR 11−020: renum. (1m) to (32h) to be (2) to (48), (32m) to (52) to be (50) to (75), cr. (49), Register December 2011 No. 672, eff. 1−1−12; correction in (18), (58), (59), (60), (67), (68), (70), (73), (74), as renumbered, made under s. 13.92 (4) (b) 6., 7., Stats., Register December 2011 No. 672; CR 13−014: r. and recr. (15), r. (62) Register September 2013 No. 693, eff. 10−1−13; correction in (50) made under s. 13.92 (4) (b) 7., Stats., Register October 2013; CR 14−020: am. (15) Register August 2014 No. 704, eff. 9−1−14; CR 14−010: r. and recr. (15) Register August 2014 No. 704, eff. 9−1−14.

SPS 305.004 Incorporation of standards by reference. The following standards of the American Welding Society are hereby incorporated by reference into this chapter:

(1) D1.1−10, Structural Welding Code — Steel.

(2) D 1.2−08, Structural Welding Code — Aluminum.

(3) D1.3−08, Structural Welding Code — Sheet Steel.

(4) D 1.6−07, Structural Welding Code — Stainless Steel.

Note: Copies of the American Welding Society (AWS) standards can be purchased from Global Engineering Documents, 15 Inverness Way East, Englewood,

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CO 80112−5776, telephone 800−854−7179, or through the AWS web site at www.aws.org/.

Note: Copies of standards incorporated by reference are on file in the offices of the department and the legislative reference bureau.

History: CR 03−075: cr. Register June 2004 No. 582, eff. 8−1−04; CR 07−089: am. (1) Register June 2008 No. 630, eff. 7−1−08; CR 11−020: am. (1), renum. (2) to be (3) and amend, cr. (2), (4) Register December 2011 No. 672, eff. 1−1−12.

Subchapter I — General Requirements

Note: Authority over registrations under ss. SPS 305.80 and 305.81 was transferred to the Department of Natural Resources (DNR) under 2013 Wis. Act 20, s. 9138 (7) (f). For purposes of administering registrations under ss. SPS 305.80 and 305.81 under subchapter I, "department" means DNR.

Note: Authority over certifications or registrations under ss. SPS 305.68 and 305.82 to 305.89 was transferred to the Department of Agriculture, Trade and Consumer Protection (DATCP) under 2013 Wis. Act 20, s. 9138 (3) (fm) and (4) (f). For purposes of administering certifications or registrations under ss. 305.68 and SPS 305.82 to 305.89 under subchapter I, "department" means DATCP.

SPS 305.01 Application. (1) Application for a license, certification or registration or a license, certification or registration examination covered under this chapter shall be submitted on a form prescribed by the department.

Note: Applications and related forms for licenses, certifications, or registrations covered under subchapters II to VII and IX and X of this chapter are available from the Division of Industry Services at P.O. Box 7082, Madison, WI 53707−7082; or at telephone 608/261−8467 or 877/617−1565 or 411 (Telecommunications Relay); or at the Division's Web site at http://dsps.wi.gov/programs/industry−services.

Note: Applications and related forms for registrations covered under ss. SPS 305.80 and 305.81 are available from the Department of Natural Resources at P.O. Box 7921, Madison, WI 53707−7921; or at the Department's Web site at http://dnr.wi.gov/topic/brownfields/pecfa.html.

Note: Applications and related forms for certifications or registrations covered under ss. SPS 305.68 and 305.82 to 305.89 are available from the Department of Agriculture, Trade and Consumer Protection at P.O. Box 8911, Madison, WI 53708−8911; or at telephone 608−224−4929; or at the Department's Web site at http://datcp.wi.gov/Consumer/Weights_and_Measures/index.aspx.

(2) An application for a license, certification or registration which either requires or recognizes the attendance at or completion of educational courses as a qualification for the license, certification or registration shall be accompanied by such evidence, including but not limited to transcripts, that verifies fulfillment of the prerequisite.

(3) Pursuant to s. 101.02 (20) (b) and (21) (b), Stats., the department may not issue or renew any license, certification or registration under this chapter unless the applicant for the license, certification or registration includes his or her social security number, or in the case of a license, certification or registration for a business, the applicant includes the federal employer identification number. The department shall consider the failure by the applicant to provide a social security number or a federal employer identification number as an incomplete application and shall not process the application further until the appropriate number is provided.

(4) A business having multiple locations covered under one federal employer identification number applying for any of the following licenses, certifications or registrations need not obtain a separate license, certification or registration for each location:

(a) Dwelling contractor.
(b) Electrical contractor.
(c) UDC inspection agency.
(d) HVAC contractor.
(e) PECFA consulting firm.
(f) Tank specialty firm.
(g) Elevator contractor.
(h) Gas supplier.

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. (1) and (2), cr. (3), Register, April, 2000, No. 532, eff. 5−1−00; CR 03−075: cr. (4) Register June 2004 No. 582, eff. 8−1−04; CR 07−007: am. (4) (a) Register August 2007 No. 620, eff. 9−1−07; CR 07−089: cr. (4) (g) Register June 2008 No. 630, eff. 7−1−08; CR 08−092: cr. (4) (h) Register May 2009 No. 641, eff. 6−1−09; EmR0904: emerg. cr. (4) (i), eff. 3−2−09; CR 08−110: cr. (4) (i) Register September 2009 No. 645, eff. 10−1−09; CR 14−010: r. (4) (i) Register August 2014 No. 704, eff. 9−1−14.

SPS 305.02 Fees. (1) (a) Fees required for the various licenses, certifications or registrations and their processing under this chapter shall be determined in accordance with Table 305.02, except as provided in par. (b).

(b) 1. Pursuant to s. 145.05, Stats., a person who holds a master plumber license, master plumber−restricted license, journeyman plumber license or journeyman plumber−restricted license and who is employed by a city of the first, second or third class as a plumbing inspector is not required to submit a license fee in order to renew his or her license.

2. A person who applies to renew his or her master plumber license, master plumber−restricted license, journeyman plumber license or journeyman plumber−restricted license without the license fee as permitted under subd. 1. shall provide evidence that he or she is a plumbing inspector for a first, second or third class city with the application for renewal.

Note: The exemption of not having to pay a license fee does not relieve an individual of fulfilling all other obligations or responsibilities to renew the license such as continuing education requirements.

(2) Fees required under this chapter for the various licenses, certifications or registrations or their processing examinations shall not be refundable.

(3) The department shall prorate a license, certification or registration fee on a monthly basis for the initial issuance of a license, certification or registration which is issued for less than the full license, certification or registration period.

(4) (a) The fee for a petition for variance submitted for a rule relative to this chapter shall be $200.00, except as provided in par. (b).

(b) The fee for a petition for variance submitted and requested by the submitter to be reviewed on a priority basis shall be $400.00.

(5) A fee of $15.00 shall be charged to replace a lost or destroyed license, certification or registration.

Table 305.02
FEES

	License, Certification or Registration Category	Type	Application Fee	Examination Fee	License, Certification or Registration Fee
	Subchapter II				
1.	Class 1 Blaster	License	$15	$30	$100
2.	Class 2 Blaster	License	$15	$30	$100
3.	Class 3 Blaster	License	$15	$30	$100
4.	Class 4 Blaster	License	$15	$30	$100
5.	Class 5 Blaster	License	$15	$30	$100
6.	Class 6 Blaster	License	$15	$30	$100
7.	Class 7 Blaster	License	$15	$30	$100
8.	Fireworks Manufacturer	License	$15	NA	$70

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Table 305.02 (Continued)
FEES

	License, Certification or Registration Category	Type	Application Fee	Examination Fee	License, Certification or Registration Fee
	Subchapter III				
9.	Dwelling Contractor	Certification	$15	NA	$25
10.	Dwelling Contractor Qualifier	Certification	$15	NA	$30
11.	Dwelling Contractor — Restricted	Certification	$15	NA	$25
12.	Manufactured Home Manufacturer	License	$15	NA	$900
13.	Manufactured Home Dealer — Main Business	License	$15	NA	$200
14.	Manufactured Home Dealer — Branch	License	$15	NA	$200
15.	Manufactured Home Salesperson	License	$15	NA	$16
16.	Manufactured Home Installer	License	$15	NA	$100
17.	Soil Tester	Certification	$35	$75	$300
18.	Welder	Registration	$15	NA	$35
19.	Weld Test Conductor	Certification	$15	$20	$80
21.	POWTS Maintainer	Registration	$15	NA	$90
	Subchapter IV				
22.	Electrical Contractor	License	$35	NA	$200
24.	Master Electrician	License	$35	$30	$200
24m.	Residential Master Electrician	License	$35	$30	$200
24r.	Registered Master Electrician	Registration	$35	NA	$150
25.	Journeyman Electrician	License	$35	$30	$100
25g.	Industrial Journeyman Electrician	License	$35	$30	$100
25r.	Residential Journeyman Electrician	License	$35	$30	$100
26.	Beginning Electrician	Registration	$15	NA	$20
26e.	Electrical Apprentice	Registration	$15	NA	$15
26m.	Industrial Electrical Apprentice	Registration	$15	NA	$15
26s.	Residential Electrical Apprentice	Registration	$15	NA	$15
	Subchapter V				
27.	Automatic Fire Sprinkler Contractor	License	$25	$100	$2000
28.	Journeyman Automatic Fire Sprinkler Fitter	License	$10	$20	$180
29.	Automatic Fire Sprinkler System Apprentice	Registration	$15	NA	$15
30.	Automatic Fire Sprinkler Contractor — Maintenance	Registration	$25	$50	$400
31.	Automatic Fire Sprinkler Fitter — Maintenance	Registration	$10	NA	$60
32.	Automatic Fire Sprinkler System Tester	Registration	$15	$25	$180
32m.	Automatic Fire Sprinkler System Tester Learner	Registration	$15	NA	$15
	Subchapter VI				
33.	Boiler−Pressure Vessel Inspector	Certification	$15	NA	$120
34.	In−Service Field Inspector	Certification	$15	NA	$120
35.	Commercial Building Inspector	Certification	$15	$25	$40
36.	Commercial Electrical Inspector	Certification	$15	$25	$40
37.	Commercial Plumbing Inspector	Certification	$15	$25	$40
38.	UDC−Construction Inspector	Certification	$15	$25	$40
39.	UDC−Electrical Inspector	Certification	$15	$25	$40
40.	UDC−HVAC Inspector	Certification	$15	$25	$40
41.	UDC−Plumbing Inspector	Certification	$15	$25	$40
42.	UDC Inspection Agency	Registration	$15	NA	$40
43	Soil Erosion Inspector	Certification	$15	NA	$40
44.	Elevator Inspector	License	$15	NA	$120
45.	POWTS Inspector	Certification	$15	$25	$40
46.	Rental Weatherization Inspector	Certification	$15	$25	$40
47.	Tank System Inspector**	Certification	$20	$15	$50

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Table 305.02 (Continued)
FEES

	License, Certification or Registration Category	Type	Application Fee	Examination Fee	License, Certification or Registration Fee
	Subchapter VII				
48.	HVAC Contractor	Registration	$15	NA	$160
49.	HVAC Qualifier	Certification	$15	$25	$60
50m.	Liquefied Gas Supplier	License	$15	NA	$60
50n.	Liquefied Gas Supplier — Restricted	License	$15	NA	$40
	Subchapter VIII				
51.	PECFA Consulting Firm*	Registration	$20	NA	$50
52.	PECFA Consultant*	Registration	$20	NA	$50
53.	Tank Specialty Firm**	Registration	$20	NA	$50
54.	Tank–System Site Assessor**	Certification	$20	$15	$50
55.	Aboveground Tank System Installer**	Certification	$20	$15	$50
56.	Underground Tank System Installer**	Certification	$20	$15	$50
57.	Tank System Liner**	Certification	$20	$15	$50
58.	Tank System Remover–Cleaner**	Certification	$20	$15	$50
59.	Tank System Tightness Tester**	Certification	$20	NA	$50
60.	Cathodic Protection Tester**	Certification	$20	NA	$50
61.	Corrosion Expert**	Certification	$20	NA	$50
	Subchapter IX				
62.	Master Plumber	License	$20	$30	$500
63.	Master Plumber–Restricted Service	License	$20	$30	$500
64.	Master Plumber–Restricted Appliance	License	$20	$30	$500
65.	Journeyman Plumber	License	$10	$20	$180
66.	Journeyman Plumber–Restricted Service	License	$10	$20	$180
67.	Journeyman Plumber–Restricted Appliance	License	$10	$20	$180
68.	Plumbing Apprentice	Registration	$15	NA	$15
69.	Plumbing Learner–Restricted Appliance	Registration	$15	NA	$15
70.	Plumbing Learner–Restricted Service	Registration	$15	NA	$15
71.	Utility Contractor	License	$10	$30	$500
72.	Pipelayer	Registration	$15	NA	$180
73.	Cross Connection Control Tester	Registration	$15	NA	$180
	Subchapter X				
74.	Elevator Contractor	License	$15	NA	$100
75.	Elevator Mechanic	License	$15	$50	$90
76.	Elevator Mechanic–restricted	License	$15	$50	$90
77.	Elevator Apprentice	Registration	$15	NA	$15
78.	Elevator Apprentice–restricted	Registration	$15	NA	$15
79.	Elevator Helper	Registration	$15	NA	$15
80.	Lift Mechanic	License	$15	$50	$90
81.	Lift Apprentice	Registration	$15	NA	$15
82.	Lift Helper	Registration	$15	NA	$15

[a] No fee if application is submitted electronically; $15 application fee for a late renewal per s. SPS 305.07 (2) (b) 1. a..

* **Authority for fees under Table 305.02 lines 51 and 52 was transferred to the Department of Natural Resources (DNR) under 2013 Wis. Act 20, s. 9138 (7) (f). Table 305.02 lines 51 and 52 are subject to future rulemaking by DNR. See also ss. SPS 305.80 and 305.81.**

Authority for fees under Table 305.02 lines 47 and 53 to 61 was transferred to the Department of Agriculture, Trade and Consumer Protection (DATCP) under 2013 Wis. Act 20, s. 9138 (3) (fm) and (4) (f). Table 305.02 lines 47 and 53 to 61 are subject to future rulemaking by DATCP. See also ss. SPS 305.68 and 305.82 to 305.89.

NA means Not Applicable

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; cr. line 11, renum. lines 11 to 63 to be 12 to 64; Register, March, 1998, No. 507, eff. 4–1–98; am. (1) to (3), (5) and Table 5.02, Register, April, 2000, No. 532, eff. 5–1–00; except Table 5.02 line 17 eff. 7–1–00; am. Table 5.02, Register, July, 2000, No. 535, eff. 9–1–00; CR 00–159: renumber Table 5.02 lines 37 to 65 to be lines 38 to 66, cr. line 37; Register September 2001 No. 549 eff. 10–1–01; CR 03–075: am. (1) (a) and Table 5.02 Register June 2004 No. 582, eff. 8–1–04; CR 04–134: cr. lines 11e, 11m and 11s of Table 5.02 Register June 2005 No. 594, eff. 7–1–05; CR 06–031: am. Table 5.02 Register October 2006 No. 610, eff. 11–1–06; CR 06–071: cr. line 11w Register November 2006 No. 611, eff. 12–1–06; CR 07–007: am. lines 9 and 10, cr. line 9m of Table 5.02 Register August 2007 No. 620, eff. 9–1–07; CR 06–127: am. Table 5.02 Line 49, cr. Table 5.02 Lines 54g and 54r, Register September 2007 No. 621, eff. 10–1–07; CR 07–089: am. Table 5.02 line 39, cr. lines 67 to 75 Register June 2008 No. 630, eff. 7–1–08; CR 08–039: am. (5) and Table 5.02 Register November 2008 No. 635, eff. 12–1–08; CR 08–092: cr. lines 50m and 50n of Table 5.02 Register May 2009 No. 641, eff. 6–1–09; EmR0904: emerg. cr. line 8m of Table 5.02, eff. 3–2–09; CR 08–110: cr. line 8m of Table 5.02 Register September 2009 No. 645, eff. 10–1–09; CR 09–046: am. lines 1 to 8, 13 to 15, 18 to 20, 29, 33, 34, 44, 50 and 68 to 70 of Table 5.02 Register March 2010 No. 651, eff. 4–1–10; CR 09–028: am. Table 5.02 lines 22, 24, 25, 26, cr. lines 24m, 25g, 25r, 26e, 26m, and 26s, r. line 23 Register August 2010 No. 656, eff. 9–1–10, except repeal of line 23, eff. 4–1–13; CR 10–039: am. Table 5.02 line 19, r. Table 5.02 line 20 Register November 2010 No. 659, eff. 12–1–10; CR 10–090: cr. Table 5.02 lines 50r to 50t Register January 2011 No. 661, eff. 2–1–11; CR 11–020: cr. Table 305.02 line 32m, Register December 2011 No. 672, eff. 1–1–12; correction in (1) (a), Table footnote [a] made under

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s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 12–007: r. Table 305.02 lines 50r. to 50t Register July 2012 No. 679, eff. 8–1–12; CR 13–014: r. Table 305.02 line 50 Register September 2013 No. 693, eff. 10–1–13; CR 14–010: r. Table 305.02 line 8m. Register August 2014 No. 704, eff. 9–1–14; **EmR1415: emerg. cr. Table 305.02 line 24r., eff. 8–6–14; CR 14–049: cr. Table 305.02 line 24r. Register July 2015 No. 715, eff. 8–1–15**.

SPS 305.03 Petitions for variance. An individual may submit a petition for variance to any rule in this chapter in accordance with ch. SPS 303.

Note: Many of the rules relating to credentials reflect specific statutory requirements; in such cases the department is not able to grant a petition for variance if it would supersede a statutory requirement.

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.04 Processing times. (1) An application for a license, certification or registration covered under this chapter shall be granted or denied by the department within 21 calendar days after the department receives all of the application materials necessary to obtain the license, certification or registration.

Note: Pursuant to s. 227.116, Stats., the failure by the department to make a determination on an application results in the department having to prepare and file a report with the permit information center of the department. The failure by the department to make a determination on an application does not relieve a person from the obligation to comply with the requirements or qualifications of the license, certification or registration or to secure the license, certification or registration.

(2) (a) If the license, certification or registration application information is insufficient, the department shall request additional information within 21 calendar days of receipt of the application.

(b) If an applicant does not respond to a request by the department for additional information within 3 months after the date of the request, the department shall make a determination on the application based upon the information on hand.

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; am. (1) and (2) (a), Register, April, 2000, No. 532, eff. 5–1–00.

SPS 305.05 Mailing. (1) Unless otherwise provided by law, all orders, notices and other papers may be served by the department by first class mail at the address on file with the department.

(2) A license, certification or registration holder shall be responsible for notifying the department of any change in mailing address.

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; am. (2), Register, April, 2000, No. 532, eff. 5–1–00.

SPS 305.06 Terms. (1) A license, certification or registration issued under this chapter shall be valid for a period of time no longer than that specified in Table 305.06.

(2) A license, certification or registration issued under this chapter shall expire at midnight on the day or date of expiration of the term specified in Table 305.06.

Table 305.06
TERMS

	License, Certification or Registration Category	Term	Expiration Date
	Subchapter II		
1.	Class 1 Blaster	4 years	Date of Issuance
2.	Class 2 Blaster	4 years	Date of Issuance
3.	Class 3 Blaster	4 years	Date of Issuance
4.	Class 4 Blaster	4 years	Date of Issuance
5.	Class 5 Blaster	4 years	Date of Issuance
6.	Class 6 Blaster	4 years	Date of Issuance
7.	Class 7 Blaster	4 years	Date of Issuance
8.	Fireworks Manufacturer	4 years	Date of Issuance
	Subchapter III		
9.	Dwelling Contractor	1 year	Date of Issuance
9m.	Dwelling Contractor Qualifier	2 years	Date of Issuance
10.	Dwelling Contractor — Restricted	1 year	Date of Issuance
11.	Manufactured Home Manufacturer	4 years	December 31
11e.	Manufactured Home Dealer — Main Business Office	4 years	Date of Issuance
11m.	Manufactured Home Dealer — Branch	4 years	Date of Issuance
11s.	Manufactured Home Salesperson	4 years	Date of Issuance
11w.	Manufactured Home Installer	4 years	Date of Issuance
12.	Soil Tester	4 years	June 30
13.	Welder	4 years	Date of Issuance
14.	Weld Test Conductor	4 years	Date of Issuance
16.	POWTS Maintainer	4 years	Date of Issuance
	Subchapter IV		
17.	Electrical Contractor	4 years	June 30
19.	Master Electrician	4 years	June 30
19m.	Residential Master Electrician	4 years	June 30
19r.	Registered Master Electrician	Permanent	NA
20.	Journeyman Electrician	4 years	June 30
20g.	Industrial Journeyman Electrician	4 years	June 30
20r.	Residential Journeyman Electrician	4 years	June 30
21.	Beginning Electrician	1 year	Date of Issuance
21e.	Electrical Apprentice	1 year	Date of Issuance
21m.	Industrial Electrical Apprentice	1 year	Date of Issuance

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Table 305.06 (Continued)
TERMS

	License, Certification or Registration Category	Term	Expiration Date
21s.	Residential Electrical Apprentice	1 year	Date of Issuance
	Subchapter V		
22.	Automatic Fire Sprinkler Contractor	4 years	June 30
23.	Journeyman Automatic Fire Sprinkler Fitter	4 years	June 30
24.	Automatic Fire Sprinkler System Apprentice	1 year	Date of Issuance
25.	Automatic Fire Sprinkler Contractor–Maintenance	4 years	June 30
26.	Automatic Fire Sprinkler Fitter–Maintenance	4 years	June 30
27.	Automatic Fire Sprinkler System Tester	4 years	Date of Issuance
27m.	Automatic Fire Sprinkler System Tester Learner	1 year	Date of Issuance
	Subchapter VI		
28.	Boiler–Pressure Vessel Inspector	4 years	December 31
29.	In–Service Field Inspector	4 years	December 31
30.	Commercial Building Inspector	4 years	June 30
31.	Commercial Electrical Inspector	4 years	June 30
32.	Commercial Plumbing Inspector	4 years	June 30
33.	UDC–Construction Inspector	4 years	June 30
34.	UDC–Electrical Inspector	4 years	June 30
35.	UDC–HVAC Inspector	4 years	June 30
36.	UDC–Plumbing Inspector	4 years	June 30
37.	UDC Inspection Agency	4 years	Date of Issuance
38.	Soil Erosion Inspector	4 years	June 30
39.	Elevator Inspector	4 years	December 31
40.	POWTS Inspector	4 years	June 30
41.	Rental Weatherization Inspector	4 years	June 30
42.	Tank System Inspector**	2 years	Date of Issuance
	Subchapter VII		
43.	HVAC Contractor	4 years	Date of Issuance
44.	HVAC Qualifier	4 years	Date of Issuance
45m.	Liquefied Gas Supplier	2 years	Date of Issuance
45n.	Liquefied Gas Supplier — Restricted	2 years	Date of Issuance
	Subchapter VIII		
46.	PECFA Consulting Firm*	2 years	Date of Issuance
47.	PECFA Consultant*	2 years	Date of Issuance
48.	Tank Specialty Firm**	2 years	Date of Issuance
49.	Tank–System Site Assessor**	2 years	Date of Issuance
50.	Aboveground Tank System Installer**	2 years	Date of Issuance
51.	Underground Tank System Installer**	2 years	Date of Issuance
52.	Tank System Liner**	2 years	Date of Issuance
53.	Tank System Remover–Cleaner**	2 years	Date of Issuance
54.	Tank System Tightness Tester**	2 years	Date of Issuance
54g.	Cathodic Protection Tester**	2 years	Date of Issuance
54r.	Corrosion Expert**	2 years	Date of Issuance
	Subchapter IX		
55.	Master Plumber	4 years	March 31
56.	Master Plumber–Restricted Service	4 years	March 31
57.	Master Plumber–Restricted Appliance	4 years	March 31
58.	Journeyman Plumber	4 years	March 31
59.	Journeyman Plumber–Restricted Service	4 years	March 31
60.	Journeyman Plumber–Restricted Appliance	4 years	March 31
61.	Plumbing Apprentice	1 year	Date of Issuance
62.	Plumbing Learner–Restricted Appliance	2 years	Date of Issuance
63.	Plumbing Learner–Restricted Service	2 years	Date of Issuance
64.	Utility Contractor	4 years	March 31
65.	Pipelayer	4 years	March 31

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Table 305.06 (Continued)
TERMS

	License, Certification or Registration Category	Term	Expiration Date
66.	Cross Connection Control Tester	4 years	Date of Issuance
	Subchapter X		
67.	Elevator Contractor	2 years	Date of Issuance
68.	Elevator Mechanic	2 years	Date of Issuance
69.	Elevator Mechanic–restricted	2 years	Date of Issuance
70.	Elevator Apprentice	4 years	Date of Issuance
71.	Elevator Apprentice–restricted	4 years	Date of Issuance
72.	Elevator Helper	4 years	Date of Issuance
73.	Lift Mechanic	2 years	Date of Issuance
74.	Lift Apprentice	4 years	Date of Issuance
75.	Lift Helper	4 years	Date of Issuance

* **Authority for terms under Table 305.06 lines 46 and 47 was transferred to the Department of Natural Resources (DNR) under 2013 Wis. Act 20, s. 9138 (7) (f). Table 305.06 lines 46 and 47 are subject to future rulemaking by DNR. See also ss. SPS 305.80 and 305.81.**

** **Authority for terms under Table 305.06 lines 42 and 48 to 54r was transferred to the Department of Agriculture, Trade and Consumer Protection (DATCP) under 2013 Wis. Act 20, s. 9138 (3) (fm) and (4) (f). Table 305.06 lines 42 and 48 to 54r are subject to future rulemaking by DATCP. See also ss. SPS 305.68 and 305.82 to 305.89.**

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; am. Table, line 36, Register, January, 1998, No. 505, eff. 2–1–98; renum. lines 11 to 63 to 12 to 64 and am. line 21 and 39, cr. line 11, Register, March, 1998, No. 507, eff. 4–1–98; am. Register, April, 2000, No. 532, eff. 5–1–00; except Table 5.06 line 17 eff. 7–1–00; CR 00–159: renum. Table 5.06, lines 37 to 65 to be 38 to 66, cr. line 37, Register September 2001 No. 549 eff. 10–1–01; CR 03–075: am. (2) and Table 5.06 Register June 2004 No. 582, eff. 8–1–04; CR 04–134: cr. lines 11e, 11m and 11s of Table 5.06 Register June 2005 No. 594, eff. 7–1–05; CR 05–025: am. Table 5.06 lines 28 and 29 Register October 2005 No. 598, eff. 11–1–05; CR 06–031: am. Table 5.06 Register October 2006 No. 610, eff. 11–1–06; CR 06–071: cr. line 11w Register November 2006 No. 611, eff. 12–1–06; CR 07–007: am. lines 9. and 10., cr. line 9m. of Table 5.06 Register August 2007 No. 620, eff. 9–1–07; CR 06–127: am. Table 5.06 Lines 42 and 49 to 53, cr. Table 5.06 Lines 54g and 54r, Register September 2007 No. 621, eff. 10–1–07; CR 07–089: cr. lines 67 to 75 of Table 5.06 Register June 2008 No. 630, eff. 7–1–08; CR 08–092: cr. lines 45m and 45n of Table 5.06 Register May 2009 No. 641, eff. 6–1–09; correction to numbering of lines 45m and 45n made under s. 13.92 (4) (b) 1., Stats., Register May 2009 No. 641; EmR0904: emerg. cr. line 8m of Table 5.06, eff. 3–2–09; CR 08–110: cr. line 8m of Table 5.06 Register September 2009 No. 645, eff. 10–1–09; CR 09–028: am. Table 5.06 line 21, cr. lines 19m, 20g, 20r, 21e, 21m, and 21s, r. line 18 Register August 2010 No. 656, eff. 9–1–10, except repeal of line 18, eff. 4–1–13; CR 10–039: am. Table 5.06 line 14, r. Table 5.06 line 15 Register November 2010 No. 659, ef. 12–1–10; CR 10–064: am. Table 5.06 line 66 Register December 2010 No. 660, eff. 1–1–11; CR 10–090: cr. Table 5.06 lines 45r to 45t Register January 2011 No. 661, eff. 2–1–11; CR 11–020: cr. Table 305.06 line 27m, Register December 2011 No. 672, eff. 1–1–12; correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672: CR 12–007: r. Table 305.06 lines 45r. to 45t. Register July 2012 No. 679, eff. 8–1–12; CR 13–014: r. Table 305.06 line 45 Register September 2013 No. 693, eff. 10–1–13; CR 14–010: r. Table 305.06 line 8m, column (5) Register August 2014 No. 704, eff. 9–1–14; **EmR1415: emerg. cr. Table 305.06 line 19r., eff. 8–6–14; CR 14–049: cr. Table 305.06 line 19r. Register July 2015 No. 715, eff. 8–1–15**.

SPS 305.07 Renewal. (1) (a) Except under s. SPS 305.96, a notice of renewal shall be mailed by the department to a license, certification or registration holder at least 30 calendar days prior to the expiration of the license, certification or registration.

(b) Failure to receive a notice for renewal of a license, certification or registration shall not be considered as an excuse or good cause for failure to renew a license, certification or registration prior to the expiration of the license, certification or registration.

(2) (a) Except as provided in par. (b), upon receipt of the renewal application from the department, a person may apply to renew his or her license, certification or registration provided an application, a license, certification or registration fee and evidence of all renewal obligations, if any, are submitted to the department prior to the expiration date of the license, certification or registration.

Note: Qualification obligations for renewal are specified under the appropriate license, certification or registration category sections.

(b) 1. A person may apply to renew his or her license, certification or registration in accordance with par. (a) no later than one term after expiration of the license, certification or registration as specified in Table 305.06 in accordance with all of the following conditions:

a. An application fee as specified in s. SPS 305.02, Table 305.02 shall accompany the renewal application.

b. Any continuing education credit obtained after the expiration date of the license, certification, or registration, but prior to one–term after the expiration date of the license, certification, or registration as specified in Table 305.06, that is needed to fulfill the renewal obligations shall be documented and filed with the department on a form prescribed by the department.

Note: The form to document late continuing education credit may be obtained from the Division of Industry Services at P.O. Box 7082, Madison, WI 53707–7082; or at telephone 608/261–8500 or 877/617–1565 or 411 (Telecommunications Relay).

2. The submission of a form under subd. 1. b. to the department shall include a $25.00 processing fee.

3. a. Subdivisions 1. and 2. and par. (c) do not apply to a license, certification or registration issued under s. SPS 305.68 or ss. SPS 305.82 to 305.88.

b. A person who files for renewal after the expiration date of a license, certification or registration issued under s. SPS 305.68 or ss. SPS 305.82 to 305.88 shall comply with this chapter's requirements for initially receiving that license, certification or registration.

c. A person who files for renewal of a license, certification or registration issued under s. SPS 305.68, 305.84 or 305.85, and who has not obtained all continuing education credit required for renewal shall comply with this chapter's requirements for initially receiving that license, certification or registration.

d. For a license, certification or registration issued under s. SPS 305.68, 305.84 or 305.85, the time period for obtaining continuing education credits shall extend from the beginning date to the expiration date of that license, certification or registration.

(c) A person who files for renewal more than one term after expiration of his or her license, certification or registration may be reinstated by filing with the department an administrative fee of $200.00, an application, and the application fee and the license, certification or registration fee specified in s. SPS 305.02, Table 305.02. The department may also require demonstration of competence by various methods including, but not limited to, written or oral examination, documentation of relevant work experience in other jurisdictions, or documentation of education or experience in the field. Any education or examination required by the department may not be more extensive than the requirements in effect at the time of the request for reinstatement.

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; am. Register, April, 2000, No. 532, eff. 5–1–00; am. (2), Register, May, 2001, No. 545, eff. 6–1–01; CR 03–075: r. and recr. (2) (c) Register June 2004 No. 582, eff. 8–1–04; CR 06–127: cr. (2) (b) 3., Register September 2007 No. 621, eff. 10–1–07; correction in (1) (a), (2) (b) 1. (intro.), a., b., 3. a., b., c., d., (c) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14–010: am. (2) (b) 1. b. Register August 2014 No. 704, eff. 9–1–14.

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SPS 305.08 Continuing education. (1) PROGRAM SPECIFICATIONS. (a) Only courses, programs and seminars approved in writing by the department shall be used for credit to fulfill continuing education requirements.

(b) 1. Requests for a course, program or seminar to be recognized for approval shall be submitted in writing to the department.

2. Requests for approval shall include sufficient information to determine if the course, program or seminar complies with this subsection.

3. The department shall review and make a determination on a request for approval within 21 calendar days of receipt of the request and information necessary to complete the review.

(c) 1. Thirty minutes of attendance in an approved course, program or seminar shall be deemed equal to 0.5 hours of acceptable continuing education.

2. Continuing education credit for attendance in approved continuing education courses, programs or seminars in other than 30 minute increments shall be rounded down to the next half hour.

(d) Courses, programs and seminars to be considered for approval towards continuing education credit shall relate to the skills and knowledge of one or more license, certification or registration categories.

(e) 1. The department may limit credit approval to specific license, certification, or registration categories when approving a course, program, or seminar for continuing education credit.

2. a. Except as provided in subd. 2. c., the approval of a course, program or seminar for continuing education credit shall expire 5 years after the date of approval.

b. Approval of courses, programs or seminars for continuing education credit may be renewed. Renewal shall be in accordance with par. (b).

c. An approval of a course, program or seminar for continuing education credit under s. SPS 305.68 or subch. VIII shall expire either 3 years after the date of approval, or as otherwise specified in the approval.

3. The department may revoke the approval of a course, program or seminar for continuing education credit for any false statements, misrepresentation of facts or violation of the conditions on which the approval was based. The department may not revoke the approval of a course, program or seminar less than 30 calendar days prior to the course, program or seminar being held.

(f) 1. The individual or organization which had obtained the course, program or seminar approval shall maintain an attendance record of those individuals who have attended and completed the course, program or seminar for at least 5 years from the date of the course, program or seminar.

2. The attendance record shall include all of the following:

a. The course name.

b. The course identification number assigned by the department.

c. The date or dates the course was held or completed.

d. The name of each attendee.

e. The name of each license, certification or registration held by the attendee for which the course applies.

f. The license, certification or registration number assigned by the department of each attendee.

3. A copy of the attendance record shall be forwarded by the person or organization which had obtained the course, program or seminar approval to the department within 14 calendar days after completion of the course or program.

(g) Any individual or organization that obtains a course, program, or seminar approval for continuing education credit under s. SPS 305.68 or subch. VIII shall notify the department of any material changes to the information submitted for that approval.

(h) Any individual or organization that obtains a course, program, or seminar approval for continuing education credit under s. SPS 305.68 or subch. VIII shall notify the department if the course, program, or seminar is discontinued before the end of its approval period.

(2) EVIDENCE OF COMPLIANCE. Each license, certification or registration holder shall retain evidence of compliance with continuing education requirements throughout the license, certification or registration period for which continuing education credit was required for renewal of the license, certification or registration.

(a) The department shall accept as evidence of compliance original or copies of documents, certified by the individual or organization providing the course, program or seminar, indicating attendance and completion of the continuing education credit.

(b) The department may require a license, certification or registration holder to submit evidence of compliance for the continuing education credit which was required to renew the license, certification or registration.

(3) CONTINUING EDUCATIONAL CYCLE. (a) Except as provided under s. SPS 305.07 (2) (b), for those license, certification or registration categories which require continuing educational credit for renewal, the license, certification or registration holder shall obtain the necessary amount of continuing educational credit prior to the expiration date of the license, certification, or registration as specified in Table 305.06.

(c) The attendance of a continuing education course, program or seminar in order to fulfill late renewal obligations under s. SPS 305.07 (2) (b) may not be credited toward more than one renewal cycle for a specific license, certification or registration.

Note: The provisions under par. (c) do not limit an individual in attending or completing courses, programs or seminars multiple times on separate occasions for continuing education credit.

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; am. (3) (a), Register, March, 1998, No. 507, eff. 4–1–98; am. (1) (d), (e) 1., (f) 2. e., f., (2) (intro.), (b) and (3), Register, April, 2000, No. 532, eff. 5–1–00; am. (3), Register, May, 2001, No. 545, eff. 6–1–01; CR 03–075: r. (1) (b) 2., renum. (1) (b) 3. and 4. to be (1) (b) 2. and 3., r. and recr. (1) (e) 2. b. Register June 2004 No. 582, eff. 8–1–04; CR 06–127: am. (1) (e) 2. a., cr. (1) (e) 2. c., (g) and (h), Register September 2007 No. 621, eff. 10–1–07; CR 09–046: am. (1) (f) 1. Register March 2010 No. 651, eff. 4–1–10; correction in (1) (e) 2. c., (g), (h), (3) (a), (b), (c) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14–010: am. (1) (e) 1., (3) (a), r. (3) (b) Register August 2014 No. 704, eff. 9–1–14.

SPS 305.09 Examinations administered by the department. (1) For those license, certification or registration categories which require examination, the department shall conduct at least 4 license, certification or registration examinations annually for each license, certification or registration category at times and locations specified by the department.

(2) An application and fee for a license, certification or registration that requires an examination shall be received by the department at least 30 calendar days prior to the day of the examination. The department may postpone the applicant's appearance to another examination date if any of the following occur:

(a) The applicant fails to have the application on file with the department within the required time.

(b) The application information or required qualifications are incomplete.

(c) The examination center is filled to capacity.

(3) Upon verification of the application and the required qualifications, the department shall notify an applicant in writing of the date, time and place of the examination.

(4) (a) An applicant for license, certification or registration examination shall provide a photo identification or other appropriate evidence to gain admittance to an examination.

(b) An applicant shall bring to a license, certification or registration examination all necessary materials as specified by the department.

(c) 1. Except as provided in subd. 2., an applicant who fails to appear at a scheduled license, certification or registration examination without giving notice to the department at least 24 hours before the examination shall be considered to have failed the

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examination and shall be required to submit a re−examination application and examination fee.

2. The department may waive the 24−hour notification requirement of subd. 1. due to inclement weather, if the applicant notifies the department the day of the examination.

(5) The examination for a license, certification or registration shall be based on a job analysis of the knowledge, skills and abilities associated with the license, certification or registration. The examination shall include all of the following subject matter:

(a) Regulations and standards governing the work or activities required or permitted under the license, certification or registration.

(b) Theories, principles, and practices associated with the activities required or permitted under the license, certification or registration.

(6) (a) A grade of 70% or greater in each part of a license, certification or registration examination shall be considered a passing grade.

(b) 1. Except as provided in subd. 2., an applicant failing a part of a multi−part license, certification or registration examination shall be required to retake only those parts failed.

2. An applicant who does not pass all required parts of a multi−part license, certification or registration examination within one year after the date of the initial examination shall apply, retake and pass all parts of the license, certification or registration examination.

(7) (a) The department shall inform an applicant of the results of an examination in writing within 21 calendar days from the examination date.

(b) Upon notification of failing a license, certification or registration examination, an applicant may request another examination in accordance with s. SPS 305.01.

(c) 1. An applicant who has successfully passed a license, certification or registration examination may submit an application and the license, certification or registration fee as specified under s. SPS 305.02, Table 305.02 for the appropriate license, certification or registration within 3 months after the date the department had mailed the results of the examination.

2. Failure to apply for a license, certification or registration in accordance with subd. 1., shall necessitate the applicant to apply, retake and pass another license, certification or registration examination in order to obtain the license, certification or registration.

(8) (a) An applicant may request and make an appointment with the department to review his or her examination.

(b) The request to review an examination relating to subchs. II to VII, but not including s. SPS 305.68, and subchs. IX and X shall be accompanied by a $15 fee.

(c) An applicant who has failed his or her examination may not review the examination less than 7 calendar days before the applicant is scheduled to retake the examination.

(d) The department shall retain license, certification or registration examinations at least 2 months after the date of the examination.

Note: This section only applies to examinations administered by the department.

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. (1), (2) (intro.), (4) (a), (b), (c) 1., (5), (6), (7) (b), (c) and (8) (c), Register, April, 2000, No. 532, eff. 5−1−00; CR 09−046: renum. (8) (b) and (c) to be (8) (c) and (d), cr. (8) (b) Register March 2010 No. 651, eff. 4−1−10; correction in (7) (b), (c) 1., (8) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14−010: am. (title) Register August 2014 No. 704, eff. 9−1−14.

SPS 305.10 Denial, suspension and revocation. **(1)** Except as provided in sub. (2) pertaining to licenses or registrations for master plumbers, journeyman plumbers, cross connection control testers and utility contractors, the department may deny, suspend or revoke a license, certification or registration under this chapter in accordance with this subsection.

(a) *Reasons.* The department may deny, suspend or revoke a license, certification or registration under this chapter if the department determines that an applicant or holder of the license, certification or registration is responsible for any of the following:

1. Fails to meet the qualifications for the license, certification or registration.

2. Has obtained the license, certification or registration through fraud or deceit.

3. Has demonstrated negligence or incompetence in fulfilling the responsibilities or obligations of the license, certification or registration.

4. Has a conflict of interest in fulfilling the responsibilities or obligations under the license, certification or registration.

5. Has demonstrated misconduct in fulfilling the responsibilities or obligations under the license, certification or registration.

6. Has been arrested or convicted for a crime substantially related to the license, certification or registration.

7. Has a physical or mental impairment which prevents the applicant or holder from fulfilling the responsibilities or obligations under the license, certification or registration.

8. Has violated state, federal or local laws or regulations relating to the conduct of the activities under the license, certification or registration.

9. Has been certified by the department of revenue under s. 73.0301, Stats., to be liable for taxes.

10. Has been delinquent in making court−ordered payments relating to the support of a child or former spouse pursuant to s. 101.02 (21) (a), (c) and (d), Stats.

11. Has failed to comply with a subpoena or warrant issued by the department of workforce development or a county child support agency relating to paternity or child support proceedings pursuant to s. 101.02 (21) (a), (c) and (d), Stats.

12. If registered or certified under ss. SPS 305.80 to 305.81, has performed any of the following:

a. Intentionally shifted costs, for the purpose of making ineligible costs appear to be eligible.

b. Intentionally billed for activities not undertaken at a specific cleanup site.

c. Rebated the deductible or structured a claim to provide a responsible party with a rebate or reimbursement of the deductible.

d. Intentionally submitted invoices or bills containing fraud, or submitted claims that were incomplete or contained fraud.

e. Conducted unnecessary, ineffective or incomplete remedial activities or services.

f. Attempted to defraud, including but not limited to false or double billing of clients for work conducted.

g. Charged a fee that the department determined was excessive, after written notice from the department that the fee was excessive and should not have been charged.

h. Exhibited a pattern of attempting and failing to complete remediations of PECFA sites.

i. Performed activities that result in both exceeding a cost cap established by the department, and submittal of a claim to the department for the cost in excess of that cost cap.

j. Failed to pay a financial penalty assessed under ch. NR 747 for a grossly ineligible cost.

13. If registered or certified under s. SPS 305.68 or subch. VIII, has performed any of the following:

a. Failed to maintain required records.

b. Denied the department access to requested records.

c. Failed to submit a required notice or report to the department, within a required time period.

d. Submitted false reports to the department.

e. Exhibited a pattern of submitting substantially inadequate reports.

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14. If registered under s. SPS 305.31 as a dwelling contractor, has done or has been any of the following:

a. Failed to hold or to engage, as an employee, a person who holds a dwelling contractor qualifier certification under s. SPS 305.315 in obtaining a building permit.

b. Engaged in the construction of a dwelling without a uniform building permit when required under s. SPS 320.08.

c. Convicted of a crime related to the construction of a dwelling.

d. Adjudged bankrupt on 2 or more occasions.

(b) *Notice of denial, suspension or revocation.* Except as provided under s. 101.654 (4), Stats., relative to a dwelling contractor certification, and par. (c), a notice of denial, suspension or revocation shall be sent to the applicant or the license, certification or registration holder. The notice shall include all of the following:

1. The basis for the denial, suspension or revocation, including the facts relied on by the department to make its decision and a citation of applicable statutes and administrative rules establishing the legal basis for the decision; and

2. A statement that the applicant or the license, certification or registration holder may file a request for an administrative hearing.

Note: See the appendix under A305.31 for a reprint of s. 101.654 (4), Stats.

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

(d) *Hearing.* 1. The request for an administrative hearing shall be received by the office of legal counsel of the department no later than 30 days following the date of mailing of the notice under par. (b), otherwise, the request for hearing shall be denied by the department.

Note: Requests for an administrative hearing may be mailed to the Department of Safety and Professional Services Legal Counsel, P.O. Box 7190, Madison, WI 53707−7190.

2. Hearings shall comply with the provisions of ch. 227, Stats.

(e) *Surrender of license, certification or registration.* A person whose license, certification or registration has been suspended or revoked shall surrender the license, certification or registration to the department upon request.

(f) *Reinstatement.* 1. Suspension. a. A person whose license, certification or registration has been suspended may apply to have the license, certification or registration 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 license, certification or registration reissued shall be made in writing.

c. The department may require a person whose license, certification or registration has been suspended to apply for the license, certification or registration 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 license, certification or registration to assure compliance with this chapter.

2. Revocation. A person whose license, certification or registration has been revoked may not apply to ever receive such a license, certification or registration.

(2) Pursuant to s. 145.10, Stats., the department may suspend or revoke the license or registration of any master plumber, journeyman plumber, master plumber−restricted, journeyman plumber−restricted, utility contractor, or cross connection control tester in accordance with this subsection.

(a) *General.* The department may suspend or revoke a license or registration for any of the following reasons:

1. The practice of fraud or deceit in obtaining a license or registration.

2. Negligence, incompetence or misconduct in the practice or work allowed by the license or registration.

3. Failure to correct an installation for which the license or registration holder is responsible within the time prescribed by the department.

Note: Section 145.10 (1) (b), Stats., indicates that the correction of an installation must take place within 30 days following notification by the department of a violation.

4. Falsified information on an inspection form under s. 145.20 (5), Stats.

(b) *Investigations.* The department may conduct an investigation of any alleged violations of this chapter or chs. SPS 382 and 383. If it is determined that no further action is warranted, the department shall notify the persons affected. If the department determines that there is probable cause, it shall order a hearing and notify the persons affected.

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

(d) *Hearings.* The hearing for the suspension or revocation of a license or registration shall be conducted as a contested case hearing in accordance with ch. 227, Stats., and s. 145.10, Stats.

(e) *Findings.* The department may make findings and enter its order on the basis of the facts revealed by its investigation. Any findings as a result of petition or hearing shall be in writing and shall be binding unless appealed to the secretary.

1. Suspension. The period for suspension shall be determined by the hearing examiner or the department. The period for suspension may not exceed one year. A person whose license or registration has been suspended may apply to have the license or registration reinstated by filing a new application and payment of the appropriate fee specified in s. SPS 305.02.

2. Revocation. The period for revocation shall be determined by the hearing examiner or the department. The period for revocation shall not exceed one year. A person whose license or registration has been revoked shall be eligible for the license or registration only after the time set for revocation by department order has passed. A person whose license or registration has been revoked may apply to have the license or registration reinstated only after submitting a completed application for license or registration examination, if required, payment of the examination fee, passing of the examination and payment of the license or registration fee specified in s. SPS 305.02.

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. (1) (a) (intro.), r. and recr. (1) (e), (2) (c), cr. (1) (f), Register, March, 1998, No. 507, eff. 4−1−98; am. (1) (intro.), (a), (b) (intro.), 2., (c), (e), (f), (2) (intro.) to (a) 3., (c), (d), (e) 1. and 2., cr. (1) (a) 9. to 11., Register, April, 2000, No. 532, eff. 5−1−00; correction in (2) (a) 4. made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2000, No. 532; CR 04−058: cr. (1) (a) 12. Register February 2006 No. 602, eff. 5−1−06; correction in (2) (a) 4. made under s. 13.93 (2m) (b) 7., Stats., Register October 2006 No. 610; CR 07−007: cr. (1) (a) 14., am. (1) (b) (intro.) Register August 2007 No. 620, eff. 9−1−07; CR 06−127: renum. (1) (a) 12. h. to k. to be (1) (a) 13. a. to c. and 12. h., cr. (1) (a) 12. i. and j. and 13. (intro), d. and e., Register September 2007 No. 621, eff. 10−1−07; correction in (1) (a) 12. (intro.), j., 13. (intro.), 14. (intro.), a., b., (2) (b), (e) 1., 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; correction in (1) (a) 12. j. made under s. 13.92 (4) (b) 7., Stats., Register October 2013 No. 694.

SPS 305.11 Responsibilities. (1) A person who holds a license, certification or registration under this chapter shall carry on his or her person the license, certification or registration issued by the department while performing or conducting the activity or activities permitted under the license, certification or registration.

(2) A person who holds a license, certification or registration under this chapter shall upon request of the department or its rep-

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resentative present the license, certification or registration for identification.

(3) The requirements of this section apply to licenses, certifications or registrations issued to an individual and not to a business.

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; cr. (3), Register, March, 1998, No. 507, eff. 4–1–98; am. Register, April, 2000, No. 532, eff. 5–1–00.

SPS 305.12 Penalties. In addition to the forfeitures provided for in s. SPS 305.125, penalties for violations of the provisions of this chapter may be assessed in accordance with the respective penalty provisions in the statutes, depending upon the license, certification or registration category or activity involved.

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; am., Register, March, 1998, No. 507, eff. 4–1–98; am. Register, April, 2000, No. 532, eff. 5–1–00; CR 07–069: r. and recr. Register February 2008 No. 626, eff. 3–1–08.; correction in (2) (h) made under s. 13.92 (4) (b) 7., Stats., Register May 2009 No. 641; CR 09–021: am. (1), cr. (2m) Register November 2009 No. 647, eff. 12–1–09; correction in (2) (h) (intro.) made under s. 13.92 (4) (b) 7., Stats., Register December 2009 No. 648; CR 10–039: renum. (1) to be Comm 5.12 and am., renum. (2) to (7) to be Comm 5.125 (1), (2), and (4) to (8) and am. (1) (a) Register November 2010 No. 659, eff. 12–1–10; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.125 Administrative forfeitures. (1) PLUMBING FORFEITURES. (a) Pursuant to s. 145.12 (5), Stats., the department may assess a forfeiture in the amount listed in pars. (b) to (i) to a violator of the licensing requirements under s. 145.06, Stats.

Note: A violation of each paragraph is considered separately when assessing a first, second or third violation. For example: violating paragraphs (a), (b) and (c) creates a first violation for each paragraph, not a first, second and third violation.

(b) The amount of forfeiture assessed against an individual who does not hold the appropriate type of plumbing license under subch. IX and who installs plumbing when a master plumber is not in charge of the plumbing installation shall be one of the following:

1. First offense — $1,000.
2. Second offense — $1,500.
3. Third and subsequent offense — $2,000.

(c) The amount of forfeiture assessed against an individual who does not hold the appropriate type of plumbing license under subch. IX and who installs plumbing where a master plumber is in charge of the plumbing installation shall be one of the following:

1. First offense — $100.
2. Second offense — $500.
3. Third and subsequent offense — $1,000.

(d) The amount of forfeiture assessed against a master plumber who allows the use of his or her master plumber license for the purpose of obtaining a plumbing permit without that master plumber assuming responsibility for the plumbing installation shall be one of the following:

1. First offense — $1,000.
2. Second offense — $1,500.
3. Third and subsequent offense — $2,000.

(e) The amount of forfeiture assessed against a master plumber who allows another licensed plumber to install plumbing in the master plumber's name when that master plumber is not in charge of the plumbing installation shall be one of the following:

1. First violation offense — $500.
2. Second violation offense — $1,000.
3. Third and subsequent violation offense — $2,000.

(f) The amount of forfeiture assessed against a master plumber who allows an individual who does not hold the appropriate license under subch. IX to install plumbing when that master plumber is in charge of the plumbing installation shall be one of the following:

1. First violation offense — $1,500.
2. Second violation offense — $1,750.
3. Third and subsequent violation offense — $2,000.

(g) The amount of forfeiture assessed against an individual who does not hold an appropriate master plumber license under s. SPS 305.91 and who engages in the business or offers to engage in the business of superintending plumbing installations shall be one of the following:

1. First violation offense — $1,000.
2. Second violation offense — $1,500.
3. Third and subsequent violation offense — $2,000.

(h) The amount of forfeiture assessed against an individual who does not hold a registration as a cross connection control tester under s. SPS 305.99 and who tests cross connection control devices to meet the requirements in s. SPS 382.22 (8) shall be one of the following:

1. First violation offense — $500.
2. Second violation offense — $1,000.
3. Third and subsequent violation offense — $2,000.

Note: See section 145.06, Stats., for exemptions to the licensing requirements.

(i) When a violator creates an imminent health risk the forfeiture amounts under pars. (b) to (h) shall be doubled within the maximum statutory limit of $2,000.

(2) POWTS FORFEITURES. (a) Pursuant to s. 145.12 (5) (a), Stats., the department may assess a forfeiture in the amount listed in par. (b) to a violator of the restriction requirements under s. 145.20 (6) (a), Stats.

Note: See the appendix for a reprint of 145.20 (6) (a), Stats.

(b) The amount of forfeiture assessed against an individual who violates the restriction requirements under s. 145.20 (6) (a), Stats., shall be one of the following:

1. First offense — $1,000.
2. Second offense — $1,500.
3. Third and subsequent offense — $2,000.

(3) CONTRACTOR FORFEITURES. (a) Pursuant to s. 101.147 (3), Stats., the department may assess a forfeiture in the amount listed in pars. (b) and (c) to a violator of the requirements for any of the following licenses, certifications or registrations:

Note: Section 101.147, Stats., was repealed in 2013.

2. Dwelling contractor, pursuant to s. 101.654 (1) (a), Stats.
3. Dwelling contractor–restricted, pursuant to s. 101.654 (1) (a), Stats.
4. Manufactured home manufacturer, pursuant to s. 101.95, Stats.
5. Manufactured home dealer, pursuant to s. 101.951 (1), Stats.
6. Manufactured home installer, pursuant to s. 101.96 (2), Stats.
7. Electrical contractor, pursuant to s. 101.862 (1), Stats.
8. Electrical contractor–restricted, pursuant to s. 101.862 (1), Stats.
9. HVAC contractor, pursuant to s. 101.178 (2), Stats.
10. An elevator contractor, pursuant to s. 101.984 (1), Stats.

(b) The amount of forfeiture assessed against an individual or entity that does not hold the appropriate type of license, certification or registration required under par. (a) shall be subject to one of the following:

1. First offense — $250.
2. Second offense — $500.
3. Third and subsequent offense — $1,000.

(c) The amount of forfeiture assessed against an individual or entity that holds one of the credentials listed in par. (a) and that contracts with another individual or entity to engage in construction business activities where that other individual or entity is required to hold a credential required under s. SPS 305.30 (1) (a) but does not shall be subject to one of the following:

1. First offense — $250.
2. Second offense — $500.

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3. Third and subsequent offense — $1,000.

Note: Section SPS 305.30 was repealed by CR 14–010, Register August 2014 No. 704, effective 9–1–14. Future rule–making by the department will correct the no longer valid reference.

(4) FORFEITURE PROCESS. (a) The department shall assess an administrative forfeiture in writing.

(b) A notice of administrative forfeiture shall include the following:

1. The rule or rules violated.

2. A statement or explanation of how the violation was determined.

3. The amount of forfeiture.

4. A statement or explanation of how the amount of forfeiture was determined.

5. Information about how to contest the notice of administrative forfeiture.

(5) FORFEITURE PAYMENTS. (a) Except as provided in sub. (6), all forfeitures shall be paid to the department within 30 days after issuance of the notice.

(b) An interest penalty shall be imposed in accordance with s. 145.12 (5) (d), Stats., for a forfeiture not paid in accordance with par. (a).

Note: Section 145.12 (5) (d), Stats., reads: In the case of any failure in the payment of a forfeiture, the department shall impose an interest penalty of 12% per year from the time when the forfeiture should have been paid.

(c) The department may refer unpaid forfeitures to the attorney general.

Note: Section 145.12 (5) (e), Stats., reads: The attorney general may bring an action in the name of the state to collect any forfeiture imposed, or interest accrued, under this subsection if the forfeitures or interest has not been paid after the exhaustion of all administrative and judicial reviews.

(6) FORFEITURE APPEAL. (a) A person assessed an administrative forfeiture may request a review of the assessment of forfeiture issued under sub. (1) and the grounds for the assessment in accordance with all of the following procedures:

1. A request for review of an assessment of forfeiture under this subsection shall be on the basis to completely overturn the assessment.

2. A request for review of an assessment of forfeiture shall be made in writing to the administrator of the division of industry services.

Note: Requests for a review by the administrator may be sent to Administrator, Division of Industry Services, P.O. Box 2658, Madison, WI 53701–2658.

3. A request for review of an assessment of forfeiture shall include a statement of the specific reasons why the person believes the administrative forfeiture and the grounds for the assessment should be overturned.

(b) A request for review of an assessment of an administrative of forfeiture and the grounds for the assessment shall be denied if the request is received more than 30 days after issuance of the forfeiture notice.

(c) 1. The administrator shall make a decision on a request for review of an assessment of administrative forfeiture and the grounds for assessment within 15 days of receipt of the request.

2. If the administrator determines that insufficient reasons are provided in a request for review, the request may be denied.

3. A denial of a request for review shall be in writing and shall state the reasons for denial and information about the right to appeal the denial.

4. If the administrator determines that sufficient reasons are provided in a request for review, the request shall be granted.

5. If the administrator grants a request for review, the administrator shall notify the person making the request in writing of the date, time and location where the review will take place and who will conduct the review. The review shall be scheduled within 10 days after the request for review is granted, unless the person requesting the review asks for and is granted an extension.

6. If a review is granted, the person requesting the review shall be provided an opportunity to meet with the administrator or designee to present statements and documents regarding the contested notice of administrative forfeiture and the grounds for the assessment.

7. If a review is granted, the division shall provide technical expertise to represent the department's position.

(7) ADMINISTRATOR REVIEW. (a) The administrator shall issue a written decision within 30 days following a review under sub. (6) (c) 5.

(b) The written decision from the administrator shall include information about appeal rights and procedures if the decision is to deny overturning the assessment of administrative forfeiture and the grounds for assessment.

(8) SECRETARY REVIEW. (a) A person adversely affected by the decision of the administrator under sub. (7) may request a hearing by the secretary to review an assessment of administrative forfeiture and the grounds for assessment in accordance with all of the following procedures:

1. A request for a hearing shall be made in writing to the secretary.

2. A request for a hearing shall include a statement of the specific reasons why the person believes the forfeiture assessment and the grounds for assessment should be overturned.

3. A request for a hearing shall be denied if the request is received more than 30 days after issuance of the decision by the administrator under sub. (7).

(b) A hearing held by the secretary or designee to review the decision of the administrator on an administrative forfeiture shall be a contested case hearing. The hearing and the decision issued after the hearing shall be governed by the provisions under ch. 227, Stats.

History: CR 10–039: renum. from Comm 5.12 (2) to (8) and am. (1) (a), cr. (3) Register November 2010 No. 659, eff. 12–1–10; corrections in (5) (a), (6) (a) (intro.), (7) (a), (8) (a) (intro.) and 3. made under s. 13.92 (4) (b) 7., Stats., Register November 2010 No. 659; CR 10–090: cr. (3m) Register January 2010 No. 661, eff. 2–1–11; correction in (1) (g) (intro.), (h) (intro.), (3) (c) (intro.), (3m) (a), (b) (intro.), (c) (intro.) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 12–007: r. (3m) Register July 2012 No. 679, eff 8–1–12; correction in (6) (a) 2. made under s. 13.92 (4) (b) 6., Stats., Register September 2013 No. 693; CR 14–010: r. (3) (a) 1. Register August 2014 No. 704, eff. 9–1–14.

Subchapter II — Blasting and Fireworks

SPS 305.20 Blasters. (1) GENERAL. (a) No person may prepare explosive charges or conduct blasting operations unless the person complies with one of the following conditions:

1. Holds a license issued by the department as a licensed class 1 blaster, licensed class 2 blaster, licensed class 3 blaster, licensed class 4 blaster, licensed class 5 blaster, licensed class 6 blaster or licensed class 7 blaster.

2. Is under the direct supervision of a person who holds a license issued by the department as a licensed blaster in one or more of the categories specified in subd. 1.

(b) The operations and activities associated with a person who holds a license as a licensed class 1 blaster, licensed class 2 blaster, licensed class 3 blaster, licensed class 4 blaster, licensed class 5 blaster, licensed class 6 blaster or licensed class 7 blaster shall be limited to the operations or activities delineated under this paragraph.

1. A person, who either holds a license as a licensed class 1 blaster or is under the direct supervision of a person who holds a license as a licensed class 1 blaster, may conduct blasting operations and activities not closer than 500 feet to an inhabited building for stumps, boulders, ice, frost, concrete, footings, foundations, pole settings, drainage ditches, beaver dams, pot holes, seismic tests, boiler tubes, fertilizer piles, silos, dimension stone, well shooting, metal forms, black powder or coal piles.

2. A person, who either holds a license as a licensed class 2 blaster or is under the direct supervision of a person who holds a license as a licensed class 2 blaster, may conduct blasting operations and activities for stumps, boulders, ice, frost, concrete, foot-

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ings, foundations, pole settings, drainage ditches, beaver dams, pot holes, seismic tests, boiler tubes, fertilizer piles, silos, dimension stone, well shooting, metal forms, black powder or coal piles.

3. A person, who either holds a license as a licensed class 3 blaster or is under the direct supervision of a person who holds a license as a licensed class 3 blaster, may conduct blasting operations and activities for underground mining, underground construction or tunnels.

4. A person, who either holds a license as a licensed class 4 blaster or is under the direct supervision of a person who holds a license as a licensed class 4 blaster, may conduct blasting operation and activities not closer than 2500 feet to an inhabited building for quarries, open pits, road cuts, trenches, site excavations, basements, underwater demolition or underground excavations.

5. A person, who either holds a license as a licensed class 5 blaster or is under the direct supervision of a person who holds a license as a licensed class 5 blaster, may conduct blasting operations and activities 2500 feet and closer to an inhabited building for quarries, open pits and road cuts.

6. A person, who either holds a license as a licensed class 6 blaster or is under the direct supervision of a person who holds a license as a licensed class 6 blaster, may conduct blasting operations and activities 2500 feet and closer to an inhabited building for trenches, site excavations, basements, underwater demolition, underground excavations or structures 15 feet or less in height.

7. A person, who either holds a license as a licensed class 7 blaster or is under the direct supervision of a person who holds a license as a licensed class 7 blaster, may conduct blasting operations and activities for structures greater than 15 feet in height, bridges, towers or any of the objects or purposes specified under subds. 1. to 6.

(c) A person who holds a valid blaster license which was issued prior to November 1, 1996 shall be deemed to hold the category of blaster license specified in Table 305.20 and may conduct blasting operations and activities under par. (b).

Table 305.20

Blaster License Categories Prior to November 1, 1996	New Blaster License Categories
Class 1–Limited Blasting: 1a, 1b, 1c, 1d, 1g	Class 1 Blaster
Class 1–Limited Blasting: 1e, 1f, 1h; Class 4–Precision Blasting: 4g, 4h	Class 2 Blaster
Class 2–Underground Blasting: 2a, 2b	Class 3 Blaster
Class 3–Surface Blasting: 3a, 3b, 3c, 3d	Class 4 Blaster
Class 4–Precision Blasting: 4a, 4b	Class 5 Blaster
Class 4–Precision Blasting: 4c, 4d, 4e, 4f	Class 6 Blaster
Class 5–Special Blasting: 5a, 5b	Class 7 Blaster

(2) APPLICATION FOR EXAMINATION. A person applying to take a blaster license examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. (a) A person applying to take a blaster license examination shall be at least 21 years old.

(b) A person applying to take a blaster license examination shall have one or more of the following qualifying experience:

1. At least 640 hours of experience working under the direct supervision of a person who holds a class 1 blaster license for a class 1 blaster license examination.

2. At least 640 hours of experience working under the direct supervision of a person who holds a class 2 blaster license for a class 2 blaster license examination.

3. At least 640 hours of experience working under the direct supervision of a person who holds a class 3 blaster license for a class 3 blaster license examination.

4. At least 640 hours of experience working under the direct supervision of a person who holds a class 4, class 5 or class 6 blaster license for a class 4 license examination.

5. At least 640 hours of experience working under the direct supervision of a person who holds a class 5 blaster license for a class 5 blaster license examination.

6. At least 1000 hours of experience working under the direct supervision of a person who holds a class 6 blaster license for a class 6 blaster license examination.

7. At least 2000 hours of experience working under the direct supervision of a person who holds a class 7 blaster license for a class 7 blaster license examination.

(4) EXAMINATION. A person seeking to obtain a blaster license shall take and pass an examination in accordance with s. SPS 305.09.

(5) APPLICATION FOR LICENSE. Upon notification of the successful passage of the examination for a blaster license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(6) RENEWAL. (a) 1. A person may renew his or her license as a blaster.

2. A blaster license shall be renewed in accordance with s. SPS 305.07.

(b) The renewal of a blaster license shall be contingent upon the applicant completing and passing a take home examination.

(c) The renewal of a blaster license shall be contingent upon the department's review of the applicant's criminal history record from the state department of justice.

Note: The department will obtain the criminal history record directly from the state department of justice.

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; cr. (2) (c), (6) (c), Register, March, 1998, No. 507, eff. 4–1–98; am. (1) (a) 1. and 2., (b) and (5), Register, April, 2000, No. 532, eff. 5–1–00; CR 03–075: r. (2) (c), am. (6) (c) Register June 2004 No. 582, eff. 8–1–04; correction in (1) (c), (2) (a), (b), (4), (5), (6) (a) 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.21 Fireworks manufacturers. (1) GENERAL. (a) Pursuant to s. 167.10 (6m), Stats., no person may manufacture fireworks or a listed device in this state unless the person holds a license issued by the department as a licensed fireworks manufacturer.

(b) A fireworks manufacturer license shall be obtained and held for each plant where fireworks or listed devices are to be manufactured.

(2) APPLICATION FOR LICENSE. A person applying for a fireworks manufacturer license shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a license fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR LICENSE. (a) A person applying for a license as a fireworks manufacturer shall hold a federal license issued under 18 USC chapter 40 section 843.

(b) The person applying for a fireworks manufacturer license shall be the owner of the business, a partner in the business applying on behalf of a partnership, or the chairman of the board or chief executive officer applying on behalf of the corporation.

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

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(4) RENEWAL. (a) 1. A person may renew his or her license as a fireworks manufacturer.

2. A fireworks manufacturer license shall be renewed in accordance with s. SPS 305.07.

(b) The renewal of a fireworks manufacturer license shall be contingent upon the applicant possessing a federal license issued under 18 USC chapter 40 section 843.

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; cr. (3m), Register, March, 1998, No. 507, eff. 4–1–98; am. (1) (a) and (2) (b), Register, April, 2000, No. 532, eff. 5–1–00; correction in (2) (a), (b), (4) (a) 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

Subchapter III — Dwellings, Structures and Sites

SPS 305.31 Dwelling contractor. (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 complies with all of the following, except as provided under s. 101.654 (1) (b) and (c) 2., Stats.:

(a) Holds one of the following credentials issued by the department:

1. A dwelling contractor certification.

2. A dwelling contractor — restricted certification.

(b) Holds or engages, as an employee, a person who holds a certification issued by the department as a dwelling contractor qualifier.

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: Section 101.654 (1) (c) 2., Stats., reads: "The continuing education requirements under par. (a) and the rules promulgated by the department under sub. (1m) do not apply to any person who holds a current license issued by the department at the time that the person obtains a building permit if the work the person does under the permit is work for which the person is licensed."

(2) APPLICATION FOR DWELLING CONTRACTOR CERTIFICATION. A person applying for a dwelling contractor certification or a dwelling contractor — restricted certification shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a certification fee in accordance with s. SPS 305.02, Table 305.02.

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

(3) QUALIFICATIONS FOR CERTIFICATION. (a) A person applying for a dwelling contractor certification or a dwelling contractor — restricted certification shall provide all of the following:

1. A statement certifying that the person complies with the worker's compensation requirements and unemployment compensation requirements as specified under s. 101.654 (2), Stats.

2. Evidence of compliance with the 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 certification or a dwelling contractor — 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) A person who holds a dwelling contractor certification or a dwelling contractor — restricted certification shall comply with the responsibilities under s. 101.654 (4), Stats.

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

(b) For any construction project that requires a uniform building permit under s. SPS 320.08, a person who holds a dwelling contractor certification or a dwelling contractor — restricted certification may not commence construction until a permit is issued for the construction.

(c) For any construction project that involves installation or modification of a private onsite wastewater treatment system, a person who holds a dwelling contractor certification or a dwelling contractor — restricted certification may not commence construction until a sanitary permit is issued for the construction in accordance with s. SPS 383.21.

(d) A person who holds a dwelling contractor certification or a dwelling contractor — restricted certification may not contract with another person or entity to engage in construction business activities unless the person or entity holds a credential under s. SPS 305.30 (1) (a) or (b).

Note: Section SPS 305.30 was repealed by CR 14–010, Register August 2014 No. 704, effective 9–1–14. Future rule–making by the department will correct the no longer valid reference.

Note: Section 101.16 (4) (a), Stats., provides that: The person performing the work of installing equipment utilizing liquefied petroleum gas for fuel purposes shall furnish the user of the equipment a statement, the form of which shall be prescribed by the department showing the design, construction, location, and installation of the equipment conforms with the rules promulgated by the department under this section.

(5) RENEWAL. (a) Pursuant to s. 101.654 (3), Stats., a dwelling contractor certification or a dwelling contractor — 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 certification or dwelling contractor — restricted certification.

2. A dwelling contractor certification or a dwelling contractor — restricted certification shall be renewed in accordance with s. SPS 305.07.

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; am., Register, March, 1998, No. 507, eff. 4–1–98; am. (1) and (2) (b), Register, April, 2000, No. 532, eff. 5–1–00; CR 03–075: renum. (4) to be (4) (a), cr. (4) (b) and (c) Register June 2004 No. 582, eff. 8–1–04; CR 07–007: r. and recr. Register August 2007 No. 620, eff. 9–1–07, except (1) (b) eff. 1–1–08; CR 08–110: am. (1) (a), (4) and (5) Register September 2009 No. 645, eff. 10–1–09; correction in (2) (a), (b), (4) (b), (c), (d), (5) (b) 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.315 Dwelling contractor qualifier. (1) GENERAL. The purpose of the dwelling contractor qualifier certification is to provide proof of fulfilling the continuing education obligations to the issuers of building permits as required under s. 101.654 (1) (a), Stats.

(2) APPLICATION. A person applying for a dwelling contractor qualifier certification shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a certification fee in accordance with s. SPS 305.02, Table 305.02.

(c) Evidence that the person has completed at least 12 hours in an approved course in dwelling construction within one year prior to the date of application. The course shall include instruction in at least the following subject matter and one or more tests on at least the following subject matter:

1. Construction laws

2. Construction codes.

3. Construction business practices.

(3) RENEWAL. (a) 1. A person may renew his or her certification as a dwelling contractor qualifier.

2. A dwelling contractor qualifier certification shall be renewed in accordance with s. SPS 305.07.

(b) The renewal of a certification as a dwelling contractor qualifier shall be contingent upon the individual completing at least 12 hours of approved continuing education prior to the expiration of the certification as specified in s. SPS 305.08 and Table 305.06, except as provided in sub. (5).

(c) Continuing education shall be obtained through any of the following means:

1. Attending seminars, corporate in–house courses, workshops, or professional or technical presentations made at meetings, conventions, or conferences meeting the requirements of sub. (4). Attendance may be in person or via remote classroom

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where a provider is available to participate to comment and answer questions.

2. Teaching a continuing education program that meets the requirements of sub. (4). A person who teaches may only receive credit for the initial offering or presentation of a course or program during a biennium.

3. Participating in continuing education program that does not meet in person that meets the requirements of sub. (4) including the completion of interactive short courses or tutorials, delivery of educational programs and courses on CD–ROM or the Internet, webinars, or correspondence courses.

4. Attending technical or professional society meetings that meet the requirements of sub. (4). A maximum of 6 hours per biennial renewal cycle may be counted toward continuing education requirements.

(d) Each certification holder shall retain evidence of compliance with continuing education requirements in accordance with s. SPS 305.08 (2).

(4) STANDARDS FOR CONTINUING EDUCATION. Only courses, programs, meetings, and seminars approved by the department in accordance with s. SPS 305.08 shall be used to fulfill continuing education requirements for renewal of a dwelling contractor qualifier certification. Continuing education shall meet all of the following criteria:

(a) Include instruction in an organized method of learning contributing directly to the professional competency of the certification holder and pertaining to subject matters that integrally relate to the practice of the profession. The instruction shall include amplification, evaluation, examples, and explanation of the course subject matter to the certification holder.

(b) Be conducted by individuals or entities which have specialized education, training, or experience in the subject matter of the program.

(c) Include at least 10 review questions for each credit hour if the continuing education credit is obtained through distance education as specified in sub. (3) (c) 3. The department may require submittal of the review questions for approval.

(d) Include at least 30 questions for each credit hour if the continuing education course, program, or seminar is predominantly question–and–answer based. A minimum score of 70 percent is required to receive continuing education credit. The department may require submittal of the questions for approval.

(e) Include any of the following content:

1. Construction laws and codes.

2. Construction safety topics that are directly related to operating a residential construction business.

3. Business management, estimating, and job costing.

4. Changes in construction and business management laws.

5. Design and building science.

6. Contracts, liability, and risk management.

7. Marketing and sales topics regarding the provision of accurate and ethical information to the customer.

8. Project management, personnel management, and scheduling.

9. Carpentry, concrete, swimming pool installation, damp proofing a basement, excavation, insulation work, masonry work, painting and decorating, roofing, siding and gutters, screen or storm sash installation, tile and marble work, or house wrecking.

10. Accounting, finance, and taxes.

11. Communication and customer service.

12. Environmental or land use analysis.

13. Zoning and governance policies and procedures.

14. Mold, lead, asbestos, or other hazardous material mitigation.

15. Energy codes and energy conservation methods applicable to residential structures.

16. Other subject matter approved by the department.

(5) WAIVER. A person who holds a certification as a dwelling contractor qualifier may apply to the department for waiver of the continuing education requirements under sub. (3) (b) 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.

History: CR 07–007: cr. Register August 2007 No. 620, eff. 9–1–07; CR 11–020: r. (2) (c) (intro.), 2., renum. (2) (c) 1. to be (2) (c), correction in (2) (a), (b), (3) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14–010: renum. (3) (b) 1., 2. to (3) (b), (5) and am. (b), cr. (3) (c), (d), (4) Register August 2014 No. 704, eff. 9–1–14; correction in (5) (title) made under s. 13.92 (4) (b) 2., Stats., Register August 2014 No. 704, eff. 9–1–14; **correction in (5) made under s. 13.92 (4) (b) 7., Stats., Register July 2015 No. 715.**

SPS 305.32 Manufactured home manufacturers. (1) GENERAL. (a) Pursuant to s. 101.95, Stats., no manufacturer of manufactured homes may manufacture, sell or distribute for sale manufactured homes unless the manufacturer holds a license issued by the department as a licensed manufactured home manufacturer.

(b) A manufactured home manufacturer license shall be required for each manufacturing plant which manufactures homes to be sold or distributed for sale in the state.

(2) APPLICATION FOR LICENSE. A person applying for a manufactured home manufacturer license shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a license fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR LICENSE. The person applying for a manufactured home manufacturer license shall be the owner of the manufacturing business, a partner in the manufacturing business applying on behalf of the partnership, or the chairman of the board or chief executive officer applying on behalf of the manufacturing corporation.

(4) RESPONSIBILITIES. (a) A person who holds a manufactured home manufacturer license shall post the license at the plant which manufactures homes to be sold or distributed for sale in the state.

(b) A person who holds a manufactured home manufacturer license shall comply with the warranty and disclosure responsibilities under s. 101.953, Stats.

Note: See appendix for a reprint of section 101.953, Stats.

(5) RENEWAL. (a) A person may renew his or her manufactured home manufacturer license.

(b) A manufactured home manufacturer license shall be renewed in accordance with s. SPS 305.07.

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; cr. (3m), Register, March, 1998, No. 507, eff. 4–1–98; am. (1) (a) and (2) (b), Register, April, 2000, No. 532, eff. 5–1–00; CR 03–075: am. Register June 2004 No. 582, eff. 8–1–04; correction in (1) (a) made under s. 13.93 (2m) (b) 7., Stats., Register February 2006 No. 602; CR 06–071: renum. (3m) to be (3m) (a), cr. (3m) (b) Register November 2006 No. 611, eff. 12–1–06; CR 11–020: renum. (3m), (4) to be (4), (5), Register December 2011 No. 672, eff. 1–1–12; correction in (2) (a), (b), (5) (b), as renumbered, made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.323 Manufactured home dealer. (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.

(2) APPLICATION FOR LICENSE. A person applying for a manufactured home dealer license shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a license fee in accordance with s. SPS 305.02, Table 305.02.

(c) A license fee for each branch in accordance with s. SPS 305.02, Table 305.02.

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(d) One of the following forms of security:

1. 'Surety bond.' A surety bond shall be filed on form SBD−10679 and issued by a bonding company licensed by this state. The surety bond shall be payable for the benefit of any person sustaining a loss because of an act of the licensee constituting grounds for the suspension or revocation of a license under s. 101.951 (6), Stats.

2. 'Financial statement.' A financial statement shall be filed on form SBD−10678 or the equivalent in accordance with generally accepted accounting principles and be dated not more than 90 days prior to the date of application. A small business, as defined in s. 227.114 (1), Stats., that does no interim financial reporting may submit a financial statement from the close of the business's most recent fiscal year. Financial statements anticipating some future event shall not be accepted.

(3) QUALIFICATIONS. (a) *Minimum net worth or bond.* The minimum level of net worth or surety bond of an applicant shall be determined in accordance with Table 305.323−1 for a non−broker or Table 305.323−2 for a broker. The department shall deny the license of any applicant who fails to meet the net worth or surety bond criteria specified in the tables.

Table 305.323−1
Minimum Net Worth or Bond for a Non−Broker

Number of Manufactured Homes Sold Per Year	Amount
New Dealer	$50,000
2–50	$50,000
51–up	$100,000

Table 305.323−2
Minimum Net Worth or Bond for a Broker

Number of Manufactured Homes Sold Per Year	Amount
New Dealer	$25,000
2–50	$25,000
51–up	$50,000

(b) *Person applying.* The person applying for a manufactured home dealer license shall be the owner of the business, a partner in the business applying on behalf of a partnership, or the chairperson of the board or chief executive officer applying on behalf of the corporation.

(4) RESPONSIBILITIES. A person who holds a manufactured home dealer license shall post the license at the main business office and shall comply with the trade practices, facilities and records requirements specified in subs. (5) to (9).

(5) ADVERTISING AND SALES REPRESENTATIONS. (a) *Truthful.* The use of false, deceptive or misleading advertising or representations by any licensee to induce the purchase of a manufactured home is prohibited.

(b) *Factual.* Any licensee, making a statement of fact to the public in an advertisement, written statement or representation concerning the manufactured home offered for sale, the services provided or any other aspects of business operation, shall, upon request of the department, furnish evidence of the validity and accuracy of the statement of fact at the time it was made.

(c) *Disclosures required when advertising price.* When the price of a manufactured home is advertised by a licensee, the advertised price shall include all charges that shall be paid by the retail purchaser to acquire ownership of the advertised home with the exception of sales tax, title registration fees, government required permits, and charges from lenders or other entities.

(d) *Name.* Advertisements for manufactured home sales shall include the licensed business name.

(e) *New or used.* When advertising a manufactured home, a licensee shall state the model year of the home or whether the home is a new manufactured home or a used manufactured home. If the manufactured homes in an advertisement are either all new or all used, one reference in the advertisement designating that they are new or used is sufficient.

(f) *Expiration terms of sales or promotions.* Whenever a sale or promotion offering gifts, merchandise, equipment, accessories, service, discounts, price reductions or cash is advertised, the advertisement shall specifically disclose the expiration terms or date of the sale or promotion.

(g) *Relocations.* Whenever a licensee advertises a manufactured home on a rental lot site that may have to be moved as a condition of the sale, that fact shall be stated in the advertisement.

Note: See Department of Agricultural, Trade and Consumer Protection rules under section ATCP 125.02 regarding tie−in sales; separate or discriminatory charges.

(6) PURCHASE CONTRACT. (a) *Usage.* 1. A licensee shall furnish retail purchasers with a manufactured home purchase contract that clearly states that the retail purchaser is making an offer to purchase a manufactured home. An exact copy of the purchase contract shall be provided to the retail purchaser at the time the retail purchaser signs the offer and again after the offer is accepted by the manufactured home dealer if accepted at a different time than accepted by the retail purchaser. Any changes in the purchase contract after signing by the retail purchaser or subsequent to acceptance by the manufactured home dealer shall be initialed by all the parties on all copies.

2. A manufactured home purchase contract shall be executed whenever the licensee accepts a down payment, deposit, or title for a trade−in unit from a prospective retail purchaser.

(b) *Contract requirements.* A manufactured home purchase contract shall be completed on form SBD−10807.

(c) *Termination of offer to purchase.* 1. Unless otherwise specified in the contract, the offer to purchase is automatically voided if the licensee fails to accept or reject the offer by the close of the manufactured home dealer's next business day.

2. The licensee shall not sell the manufactured home to any other person until the offer is rejected by the licensee or the offer is voided in accordance with this subsection, or the retail purchaser cancels the contract in accordance with par. (d).

3. Any down payment, deposit or title shall be returned to the prospective retail purchaser within 2 working hours of the time the offer to purchase is rejected by the licensee. If the prospective retail purchaser is not present or available during the 2 hour period, those items shall be returned in person or mailed by the close of the manufactured home dealer's next business day.

(d) *Cancellation of agreements.* 1. The purchase contract shall clearly state that cancellation of a manufactured home contract within one business day of acceptance by a manufactured home dealer may subject the retail purchaser to a penalty of up to 1% of the cash price of the manufactured home and that cancellation after the close of the next business day may subject the retail purchaser to a penalty not to exceed the penalty amount specified in the contract. Modification of the purchase contract shall not extend the cancellation period. Documented proof of notification of cancellation is required regardless of the method of notification.

2. The title and any down payment or deposit which is not retained by the manufactured home dealer as a penalty in accordance with subd. 1. shall be returned to the retail purchaser by the close of the manufactured home dealer's next business day following receipt of the retail purchaser's notice of cancellation.

3. Whenever a manufactured home is sold away from the licensed place of business, the manufactured home dealer shall furnish the customer with a written notice of the 3−day consumer cancellation rights in accordance with s. 423.202, Stats.

(e) *Price changes.* Any increase in price to a retail purchaser after the manufactured home dealer has accepted an offer is pro-

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hibited except when the price increase is due to any of the following:

1. The addition of new equipment required by local, state or federal law.

2. Local, state or federal tax changes.

3. The reappraisal of a trade−in unit that has suffered damage or is missing furnishings, appliances or accessories that were part of the trade−in unit at the time the purchase contract was executed. Reappraisal by the licensee shall be limited to an amount equal to the retail repair costs of the damage incurred, or to the value of furnishings, appliances or accessories removed.

(f) *Contract notice.* The purchase contract shall include information regarding possible price increases due to any of the items in par. (e) 1. to 3.

(g) *Warranties.* Warranties and disclosures shall be provided in accordance with s. 101.953, Stats.

Note: See appendix for a reprint of section 101.953, Stats.

(h) *Name of prior owner.* The purchase contract shall include the name and address of the current titled owner if the manufactured home is consigned to or listed by the licensee. The name and address of the previous owner shall be kept on file at the manufactured home dealer's main business office if the manufactured home is owned and offered for sale by the licensee.

(i) *On−site sales.* If the manufactured home is displayed for sale on a rental lot site or if a licensee represents that a manufactured home may occupy a site in a specified manufactured home community, the manufactured home dealer shall do all of the following:

1. Clearly state on the purchase contract whether or not the manufactured home may have to be moved from the site.

2. Clearly state on the purchase contract that the contract is voidable by the retail purchaser if the retail purchaser is rejected by, or the purchaser's manufactured home is not permitted in, the manufactured home community.

3. If the manufactured home may remain on site, inform the prospective retail purchaser in writing prior to the execution of the contract that a copy of the current manufactured home community lease and rules may be obtained from the current manufactured home owner or manufactured home community operator.

(j) *Service fees.* A licensee shall not assess a retail purchaser an additional service charge or fee for completing any sales−related home inspection forms that are required by law or rule.

(k) *Waiver.* The use of a manufactured home purchase contract that requires the retail purchaser to waive any claims the retail purchaser may have for breach of contract by the licensee is prohibited.

(7) CONSIGNMENT AND LISTING AGREEMENTS. (a) *Usage and contents.* 1. Form SBD−10808 shall be used whenever a manufactured home dealer lists or offers to sell a used manufactured home on consignment.

2. Form SBD−10807 shall be used whenever a manufactured home dealer sells a listed or consigned used manufactured home.

(b) *On−site sales on rental sites.* Manufactured homes selling agreements for units offered for sale on−site on rental sites shall comply with sub. (6) (i).

(c) *Net sales prohibited.* Licensees shall not obtain, negotiate, or attempt to negotiate any manufactured home selling agreement providing for a stipulated net price to the owner with the excess over the stipulated net price to be received by the licensee as commission.

(8) DISCLOSURE OF THE CONDITIONS OF THE MANUFACTURED HOME. (a) *Model year designation.* Changing the model year of a manufactured home is prohibited. If no model year is designated, the year of manufacture applies.

(b) *New manufactured home disclosure.* The licensee shall, on the face of the new manufactured home purchase contract, disclose all manufactured home dealer installed options or accessories and whether or not the options or accessories are warranted.

(c) *Used manufactured home general condition disclosure.* 1. Before the execution of a purchase contract for a used manufactured home owned by a licensee, the licensee shall inform a prospective retail purchaser of all significant structural or mechanical defects or damage on form SBD−10809. If the licensee is unable to determine whether specific damage or defects exist, that fact shall be noted on the disclosure form. Disclosure of information shall include that which the licensee discovers as a result of a reasonably competent and diligent inspection which shall consist of, but is not limited to, a walk−around and interior inspection, an under−home inspection, roof inspection and inspection of the appliances. A reasonably competent and diligent inspection is not required to cover every possible technical detail. The licensee is not required to dismantle any part of the manufactured home during the inspection process.

2. The seller of a listed or consigned used manufactured home shall provide a completed form SBD−10809 to the licensee. The licensee shall provide the completed disclosure statement to the prospective retail purchaser.

3. Unless otherwise agreed to in the purchase contract, the inspection disclosures shall not create any warranties, expressed or implied, or affect warranty coverage provided for in the purchase contract.

(9) FACILITIES AND RECORDS. (a) *Business facilities.* Manufactured home dealers shall provide and maintain business facilities that comply with all of the following:

1. A main business office that maintains books, records and files necessary to conduct business. The required business office may be established within a residence if the office is accessible to an outside entrance and is used primarily for conducting the manufactured home business.

2. A display lot within the same block or directly across the street from the main business office, if a display lot is provided.

3. A repair shop, or a service agreement with a nearby repair shop, where there are repair tools, repair equipment and personnel to perform the services provided for in a warranty applicable to a manufactured home sold by the manufactured home dealer. Any service agreement shall be on form SBD−10685.

(b) *Relocation.* A main business office may not be relocated without notice to the department.

(c) *Sign.* Manufactured home dealers who carry and display inventory shall provide an exterior business sign in compliance with s. 100.18 (5), Stats.

(d) *Temporary sales locations.* 1. Manufactured home dealers shall be permitted to display and sell manufactured homes at a temporary site other than the licensed place of business.

2. A temporary sales location may not be used for longer than 30 days.

3. A consigned, listed or model manufactured home shall not be considered a temporary sales location.

Note: There may be zoning, building code and permit requirements relating to business locations that are enforced by local municipalities.

(e) *Records kept.* The books, records and files required to be kept and maintained at the main business office by a manufactured home dealer shall include all of the following:

1. A written verification that the manufactured home dealer has in place a dealership arrangement or an established relationship with a manufacturer to sell and advertise the manufacturer's new manufactured homes.

2. The title or other evidence of ownership for each used manufactured home owned and offered for sale and the manufacturer's statement of origin information for each new manufactured home owned and offered for sale. The manufactured home dealer shall also have a factory invoice, a completed manufactured home dealer reassignment form or a purchase contract evidencing

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trade−in or purchase when a manufacturer or lending institution is holding the title or manufacturer's statement of origin of the manufactured home.

3. A written selling agreement between the owner and the manufactured home dealer for each manufactured home owned by an individual and offered for sale or listed by the manufactured home dealer.

4. The original or a copy of all manufactured home purchase contracts, purchase orders and invoices. The records shall also include a copy of form SBD−10687 as additional evidence of the sale as well as information regarding collection of sales tax and Wisconsin title and registration fees, if applicable.

5. A record of every manufactured home bought, sold, exchanged, consigned, or listed that includes the following information: date acquired, acquired from name and address, new or used, year, model and identification number, date sold or disposed of, disposed of or sold to name and address.

(f) *Maintenance of records.* The records under par. (e) shall be maintained for 5 years. The records shall be open to inspection and copying by the department during reasonable business hours.

(10) RENEWAL. (a) 1. A person may renew his or her manufactured home dealer license.

2. A manufactured home dealer license shall be renewed in accordance with s. SPS 305.07.

(b) The renewal of a license as a manufactured home dealer shall be contingent upon the applicant providing the information required under sub. (2) (d).

History: CR 04−134: cr. Register June 2005 No. 594, eff. 7−1−05; CR 06−031: am. (1) Register October 2006 No. 610, eff. 11−1−06; CR 06−071: r. and recr. (6) (f), am. (6) (h) Register November 2006 No. 611, eff. 12−1−06; CR 11−020: am. (6) (e) (intro.), (i) (intro.), (7) (b), renum. (6) (e) 4., (f) to (g) to be (6) (f), (g) to (k), Register December 2011 No. 672, eff. 1−1−12; correction in (2) (a), (b), (c), (3) (a), (10) (a) 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.325 Manufactured home salesperson. **(1)** GENERAL. Under s. 101.952 (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 salesperson. A manufactured home dealer who acts as a manufactured home salesperson shall secure a manufactured home salesperson license in addition to the manufactured home dealer license.

(2) APPLICATION FOR LICENSE. A person applying for a manufactured home salesperson license shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a license fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR LICENSE. A person applying for a manufactured home salesperson license shall hold a manufactured home dealer license issued by the department or shall be employed by a person who holds a manufactured home dealer license issued by the department.

(4) RESPONSIBILITIES. (a) A person who holds a manufactured home salesperson license shall comply with the responsibilities under ss. 101.952 (3), and 101.953, Stats.

Note: Section 101.952 (3), Stats., indicates that every licensee shall carry his or her license when engaged in his or her business and display the same upon request.

Note: See appendix for a reprint of section 101.953, Stats.

(b) A person who holds a manufactured home salesperson license shall comply with the provisions under s. SPS 305.323 that apply to a licensee.

(5) INVALID LICENSE. A manufactured home salesperson license shall remain valid until one of the following conditions occur:

(a) The manufactured home salesperson is not employed by a person who holds a manufactured home dealer license issued by the department.

(b) The department suspends or revokes the manufactured home salesperson's license.

(6) RENEWAL. (a) A person may renew his or her manufactured home salesperson license.

(b) A manufactured home salesperson license shall be renewed in accordance with s. SPS 305.07.

History: CR 04−134: cr. Register June 2005 No. 594, eff. 7−1−05; CR 06−071: am. (4) (a) Register November 2006 No. 611, eff. 12−1−06; CR 11−020: renum. (1) (a)to be (1), renum. (5) (a) (intro.), 1., 4. to be (5) (intro.), (a), (b) and am., r. (1) (b), (5) (a) 2., 3., (b), Register December 2011 No. 672, eff. 1−1−12; correction in (2) (a), (b), (4) (b), (6) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.327 Manufactured home installer. **(1)** GENERAL. (a) Except as provided in par. (b), beginning on January 1, 2007, pursuant to s. 101.96, Stats., no person may install a manufactured home onto a foundation or other support system unless the person complies with one of the following conditions:

1. The person holds a license issued by the department as a licensed manufactured home installer.

2. The person is under the general supervision of another person who holds a license issued by the department as a licensed manufactured home installer.

(b) 1. The owner of a manufactured home who will reside in the home may install his or her own manufactured home without holding a license as a licensed manufactured home installer. This exemption does not apply to the owner who contracts for or otherwise arranges for the installation.

2. A person is not required to hold a license as a licensed manufactured home installer for electrical, plumbing or HVAC work associated with the installation of a manufactured home.

Note: There may be other state or local licensing requirements involved in the installation of manufactured homes.

(2) QUALIFICATIONS FOR LICENSE. A person applying for a manufactured home installer license shall comply with all of the following conditions:

(a) The person is at least 18 years old.

(b) The person has not been found responsible in any judicial or administrative forum for any violation of s. 101.96, Stats., during the 2 years before the date on which the person's license application is submitted.

Note: See appendix for a reprint of section 101.96, Stats.

(c) The person has not been found responsible in any judicial or administrative forum during the 2 years before the date on which the person's license application is submitted for any failure to perform an installation of a manufactured home as required under contract or for defrauding any person with regard to the provision of installation services.

(3) APPLICATION FOR LICENSE. A person may apply for a license as a licensed manufactured home installer by submitting an application, an application fee and the license fee in accordance with ss. SPS 305.01 and 305.02 and one of the following:

(a) Evidence that the person holds a manufactured home installer license issued by the federal department of housing and urban development.

(b) Evidence that the person holds a manufactured home installer license issued by a state administrative agency (SAA) that has an installer licensing program that is equivalent to the rules under this section.

(c) Evidence that the person has completed at least 12 hours in an approved course or courses in the installation of manufactured homes within one year prior to the date of application. The course or courses shall include instruction in at least the following subject matter and one or more tests on the subject matter:

1. Soil mechanics.
2. Site preparation.
3. Structural support, stabilization and anchorage.
4. Setting.
5. Ventilation of crawl spaces.

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6. Connections, plumbing, electrical, HVAC.

7. Joining of home sections.

(4) RESPONSIBILITIES. (a) A person who installs or supervises the installation of manufactured homes as a licensed manufactured home installer shall be responsible for compliance with the installation requirements in ch. SPS 321.

(b) A licensed manufactured home installer may not contract with another person or entity to engage in construction business activities unless the person or entity holds a credential under s. SPS 305.30 (1) (a) or (b).

Note: Section SPS 305.30 was repealed by CR 14–010, Register August 2014 No. 704, effective 9–1–14. Future rule–making by the department will correct the no longer valid reference.

(5) RENEWAL. (a) 1. A person may renew his or her license as a manufactured home installer.

2. A manufactured home installer license shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a license as a manufactured home installer shall be contingent upon the manufactured home installer obtaining at least 12 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as a manufactured home installer 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.

(c) The renewal of a license as a manufactured home installer shall be contingent upon all of the following conditions:

1. The person has not been found responsible in any judicial or administrative forum for any violation of s. 101.96, Stats., during the previous 2 years.

2. The person has not been found responsible in any judicial or administrative forum during the previous 2 years for any failure to perform an installation of a manufactured home as required under contract or for defrauding any person with regard to the provision of installation services.

History: CR 06–071: cr. Register November 2006 No. 611, eff. 12–1–06; correction in (4) made under s. 13.93 (2m) (b) 7., Stats., Register July 2007 No. 619; CR 08–110: r. (3) (b), renum. (3) (a) and (4) to be (3) and (4) (a), cr. (4) (b) Register September 2009 No. 645, eff. 10–1–09; correction to renumber of (3) made under s. 13.92 (4) (b) 1., Stats., Register September 2009 No. 645; correction in (3) (intro.), (4) (a), (b), (5) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14–010: am. (5) (b) 1. Register August 2014 No. 704, eff. 9–1–14.

SPS 305.33 Soil testers. (1) GENERAL. Pursuant to s. 145.045, Stats., no person may conduct soil evaluations relative to the discharge or disposal of liquid domestic wastes into the soil unless the person holds a certification issued by the department as a certified soil tester.

(2) APPLICATION FOR EXAMINATION. A person applying to take a soil tester certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee specified in s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. A person applying to take a soil tester certification examination shall be at least 18 years old.

(4) EXAMINATION. A person seeking to obtain a soil tester certification shall take and pass an examination in accordance with s. SPS 305.09.

(5) APPLICATION FOR CERTIFICATION. Upon notification of the successful passage of the examination for soil tester certification, a person may obtain the certification by submitting an application and a certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(6) RESPONSIBILITIES. A certified soil tester who, as an employee of a local governmental unit is responsible for administering regulations governing private onsite wastewater treatment systems may not provide soil evaluations relative to the design, installation or maintenance of private onsite wastewater treatment systems within the boundaries of the local governmental unit and adjacent local governmental units.

(7) RENEWAL. (a) 1. A person may renew his or her certification as a soil tester.

2. A soil tester certification shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a certification as a certified soil tester shall be contingent upon the soil tester obtaining at least 12 hours of acceptable continuing education prior to the expiration date of the certification as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a certification as a certified soil tester 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.

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; am. (1), (5) and (7) (b), Register, April, 2000, No. 532, eff. 5–1–00; CR 03–075: r. and recr. (7) (b) 1. Register June 2004 No. 582, eff. 8–1–04; CR 08–110: r. and recr. (7) (b) 1. Register September 2009 No. 645, eff. 10–1–09; CR 09–021: am. (6) Register November 2009 No. 647, eff. 12–1–09; correction in (2) (a), (b), (4), (5), (7) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14–010: am. (7) (b) 1. Register August 2014 No. 704.

SPS 305.34 Welders. (1) GENERAL. No person may perform structural steel welding under chs. SPS 334 and 361 to 366 unless the person holds a registration issued by the department as a registered welder.

(2) APPLICATION FOR REGISTRATION. A person applying for a welder registration shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR REGISTRATION. (a) The person applying for a welder registration shall have taken and passed, not more than one year before the date the application is received by the department, one or more welding tests in accordance with the following standards:

1. American Welding Society D 1.1, section 4, part C.

2. American Welding Society D1.2, section 3, part D.

3. American Welding Society D 1.3, section 4, part C.

4. American Welding Society D1.6, section 4, part B.

(b) The test under par. (a) shall have been conducted by a person who is a certified weld test conductor in accordance with s. SPS 305.35 or is under the general supervision of a certified weld test conductor.

(4) RESPONSIBILITIES. A person who does structural steel welding as a registered welder shall do all of the following:

(a) Perform only those structural welding procedures for which the person has qualified by test within the last 4 years.

(b) Carry proof as to which welding procedures the person has qualified by test.

(c) Present upon request to the department or its representative proof of the qualified welding procedures.

(d) Identify the welding on each structurally significant member with a distinguishing mark stamped on the member by the person doing the welding.

(5) RENEWAL. (a) A person may renew his or her registration as a welder.

(b) A welder registration shall be renewed in accordance with s. SPS 305.07.

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

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; am. (3) (a) (intro.), (b), (5) (c), Register, March, 1998, No. 507, eff. 4–1–98; am. (1), (2) (b) and (3) (a) (intro.), Register, April, 2000, No. 532, eff. 5–1–00; CR 01–139: am. (1) and (3) (a) (intro.) Register June 2002 No. 558, eff. 7–1–02; CR 03–075: am. (3) (a) Register June 2004 No. 582, eff. 8–1–04; CR 05–011: am. (4) (intro.), (a) and (b), cr. (4) (d) Register July 2005 No. 595, eff. 8–1–05; CR 06–120: am. (1), Register February 2008 No. 626, eff. 3–1–08; CR 07–089: am. (1) and (4) (intro.) Register June 2008 No. 630, eff. 7–1–08; CR 08–110: r. (5) (d) Register September 2009 No. 645, eff. 10–1–09; CR 11–020: am. (2) (b), renum. (3) (a) 2. to be (3) (a) 3., cr. (3) (a) 2., 4., Register December 2011 No. 672, eff. 1–1–12; correction in (1), (2) (a), (b), (3) (b), (5) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.35 Weld test conductors. (1) GENERAL. No person may conduct welding tests for the purpose of qualifying structural steel welders under s. SPS 305.34 unless the person holds a certification issued by the department as a certified weld test conductor.

(2) APPLICATION FOR EXAMINATION. A person applying to take a weld test conductor certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) EXAMINATION. The person seeking to obtain a weld test conductor certification shall take and pass an examination in accordance with s. SPS 305.09.

(4) APPLICATION FOR CERTIFICATION. Upon notification of the successful passage of the examination for weld test conductor certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(5) RESPONSIBILITIES. A person who conducts welding tests for qualifying structural steel welders under s. SPS 305.34 as a certified weld test conductor shall do all of the following:

(a) Ensure that the welding tests, the testing facilities and testing equipment conform with the following appropriate standard or standards:

1. American Welding Society D 1.1, section 4, part C.
2. American Welding Society D 1.2, section 3, part D.
3. American Welding Society D 1.3, section 4, part C.
4. American Welding Society D 1.6, section 4, part C.

(b) Provide to each individual who passes a qualifying welding test, documentation in a format specified by the department, indicating the welding procedures for which the individual qualified.

(c) 1. Maintain a record of those individuals who passed a structural welding qualifying test, including the procedures for which the individuals qualified, for at least 5 years after the date of the test.

2. Present upon request to the department or its representative the records under subd. 1.

(6) RENEWAL. (a) A person may renew his or her certification as a weld test conductor.

(b) A weld test conductor certification shall be renewed in accordance with s. SPS 305.07.

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; am. (1), (4) and (5) (a) (intro.), Register, April, 2000, No. 532, eff. 5–1–00; CR 01–139: am. (5) (a) (intro.) Register June 2002 No. 558, eff. 7–1–02; CR 03–075: am. (5) (a) Register June 2004 No. 582, eff. 8–1–04; CR 05–011: am. (5) (intro.), (b) and (c) 1., Register July 2005 No. 595, eff. 8–1–05; CR 07–089: am. (1) and (5) (intro.) Register June 2008 No. 630, eff. 7–1–08; CR 08–110: r. (6) (c) Register September 2009 No. 645, eff. 10–1–09; CR 10–039: am. (1), (2) (intro.), (3) (a), (5) (intro.) and (6) Register November 2010 No. 659, eff. 12–1–10; CR 11–020: am. (2) (b), renum. (5) (a) 2. to be (5) (a) 3., cr. (5) (a) 2., 4., Register December 2011 No. 672, eff. 1–1–12; (3) (a) renumbered to be (3) under s. 13.92 (4) (b) 1., Stats., correction in (1), (2) (a), (b), (3), (4), (5) (intro.), (6) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.36 POWTS maintainers. (1) GENERAL. Pursuant to s. SPS 383.52 (3), a person who holds a registration issued by the department as a registered POWTS maintainer may evaluate, monitor and maintain POWTS components for the purpose of providing the management of a POWTS under subch. V of Ch. SPS 383.

(2) APPLICATION FOR REGISTRATION. A person applying for a POWTS maintainer registration shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application and registration fee in accordance with s. SPS 305.02, Table 305.02.

(c) Information or documentation relating to the qualifications under sub. (3).

(3) QUALIFICATIONS FOR REGISTRATION. A person applying for a POWTS maintainer registration shall have completed or obtained at least one of the following:

(a) At least 6 hours in a course or courses approved under s. SPS 305.08 that relate to the theory, operation, maintenance and inspection of POWTS treatment and dispersal components, including instruction in at least all of the following:

1. Sand filters.
2. Effluent pumps and switches.
3. Alarms and floats.
4. Active filtration devices.
5. Valves and solenoids for distributing effluent.
6. Aerobic treatment units.

(b) At least 60 hours of experience as a licensed master plumber, master plumber–restricted service, journeyman plumber or journeyman plumber–restricted service installing POWTS treatment and dispersal components that involve installation of at least all of the devices delineated under par. (a) 1. to 6.

(4) RENEWAL. (a) 1. A person may renew his or her registration as a POWTS maintainer.

2. A POWTS maintainer registration shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a registration as a registered POWTS maintainer shall be contingent upon the POWTS maintainer obtaining at least 12 hours of acceptable continuing education prior to the expiration date of the registration as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a registration as a POWTS maintainer 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.

History: Cr. Register, April, 2000, No. 532, eff. 7–1–00; CR 03–075: r. and recr. (4) (b) 1. Register June 2004 No. 582, eff. 8–1–04; CR 07–100: am. (1) Register September 2008 No. 633, eff. 10–1–08; CR 08–110: r. and recr. (4) (b) 1. Register September 2009 No. 645, eff. 10–1–09; correction in (1), (2) (a), (b), (3) (a) (intro.), (4) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14–010: am. (4) (b) 1. Register August 2014 No. 704, eff. 9–1–14.

Subchapter IV — Electrical

SPS 305.40 Electricians. (1) Except as provided under s. 101.862 (4), Stats., no person as of April 1, 2013 may install, repair or maintain electrical wiring unless the person holds a license or registration issued by the department as one of the following:

(a) A licensed master electrician.

(b) A licensed residential master electrician.

(bm) A registered master electrician.

(c) A licensed journeyman electrician.

(d) A licensed industrial journeyman electrician.

(e) A licensed residential journeyman electrician.

(f) A registered beginning electrician.

(g) A registered electrical apprentice.

(h) A registered industrial electrical apprentice.

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(i) A registered residential electrical apprentice.

(2) (a) Except as provided in par. (b), the electrical wiring activities that may be undertaken by a person who holds a license or registration as a licensed residential master electrician, a licensed residential journeyman electrician or a registered residential electrical apprentice shall be limited to wiring associated with dwellings, dwelling units and detached accessory buildings and structures serving the dwellings or the dwelling units, such as garages, carports, gazebos, and swimming pools.

(b) A person who holds a license or registration as a licensed residential master electrician, a licensed residential journeyman electrician, or a registered residential electrical apprentice may perform electrical wiring not associated with dwellings and dwelling units, provided the person is under the direct supervision of a licensed master electrician, a registered master electrician, or a licensed journeyman electrician.

(3) (a) The electrical wiring activities that may be undertaken by a person who holds a license or registration as a licensed industrial journeyman electrician or a registered industrial electrical apprentice shall be limited to wiring within the facilities or properties of the business establishment where the person is employed.

(b) A person who holds a license or registration as a licensed industrial journeyman electrician or a registered industrial electrical apprentice may perform electrical wiring not associated with the facilities or properties of the business establishment where the person is employed, provided the person is under the direct supervision of a licensed master electrician, a registered master electrician, or a licensed journeyman electrician.

(4) (a) 1. A person who holds a license as a licensed journeyman electrician or a registration as a registered electrical apprentice shall perform electrical wiring activities under the general supervision of a person who holds a license as a licensed master electrician or a registration as a registered master electrician, except as provided in subd. 2.

2. A person who holds a license as a licensed journeyman electrician or a registration as a registered electrical apprentice may perform electrical wiring activities under the general supervision of a person who holds a license as a licensed residential master electrician provided the wiring is associated with dwellings, dwelling units and detached accessory buildings and structures serving the dwellings or the dwelling units, such as garages, carports, gazebos, and swimming pools.

(b) A person who holds a license as a licensed industrial journeyman electrician or a registration as a registered industrial electrical apprentice shall perform electrical wiring within the facilities or properties of the business establishment where the person is employed under the general supervision of a person who holds a license as a licensed master electrician or a registration as a registered master electrician.

(c) A person who holds a license as a licensed residential journeyman electrician or a registration as a registered residential electrical apprentice shall perform electrical wiring activities associated with dwellings and dwelling units under the general supervision of a person who holds a license either as a licensed master electrician or a licensed residential master electrician, or holds a registration as a registered master electrician.

(d) 1. Except as provided in subd. 2., a person who holds a registration as a registered beginning electrician shall perform electrical wiring activities under the direct supervision of a person who holds a license either as a licensed master electrician or a licensed journeyman electrician, or holds a registration as a registered master electrician.

2. A person who holds a registration as a registered beginning electrician may perform electrical wiring activities under the direct supervision of a person who holds a license as a licensed residential master electrician or licensed residential journeyman electrician provided the wiring is associated with dwellings, dwelling units and detached accessory buildings and structures serving the dwellings or the dwelling units, such as garages, carports, gazebos, and swimming pools.

3. A person who holds a registration as a registered beginning electrician may perform electrical wiring activities under the direct supervision of a person who holds a license as a licensed industrial journeyman electrician provided the wiring is within the facilities or properties of the business establishment where the industrial journeyman electrician is employed.

(5) At any time, for any electrical wiring project, the total number of registered beginning electricians at an installation site may not exceed twice the total number of licensed or registered master electricians and journeyman electricians at the installation site plus two.

Note: Due to 2013 Wisconsin Act 4, the April 1, 2013, date in this section is extended to April 1, 2014.

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. Register, April, 2000, No. 532, eff. 5−1−00; CR 05−011: r. (2) Register July 2005 No. 595, eff. 8−1−05; CR 09−028: r. and recr. Register August 2010 No. 656, eff. 4−1−13; **EmR1415: emerg. am. (2) (b), (3) (b), (4) (a) 1., (b), (c), (d) 1., (5), eff. 8−6−14; CR 14−049: am. (2) (b), (3) (b), (4) (a) 1., (b), (c), (d) 1., (5) Register July 2015 No. 715, eff. 8−1−15.**

SPS 305.405 Terminology. For the purposes of this subchapter, electrical contractor certifications and master and journeyman electrician certifications issued prior to April 1, 2013 shall be considered to be licenses.

Note: Due to 2013 Wisconsin Act 4, the April 1, 2013, date in this section is extended to April 1, 2014.

Note: 2007 Wisconsin Act 63 changed the nomenclature from electrical certifications to electrical licenses.

History: CR 09−028: cr. Register August 2010 No. 656, eff. 9−1−10.

SPS 305.41 Electrical contractors. (1) GENERAL. (a) Pursuant to s. 101.862, Stats., no person or entity, as of April 1, 2013, may engage in the business or offer to engage in the business of installing, repairing, or maintaining electrical wiring unless the person or entity holds a license or certification issued by the department as a licensed electrical contractor, except as provided under s. 101.862 (4), Stats.

Note: Due to 2013 Wisconsin Act 4, the April 1, 2013, date in this section is extended to April 1, 2014.

(b) For the purposes of section unexpired electrical contractor certifications issued prior to April 1, 2013 shall be considered licenses.

Note: Due to 2013 Wisconsin Act 4, the April 1, 2013, date in this section is extended to April 1, 2014.

Note: 2007 Wisconsin Act 63 changed the nomenclature from electrical certifications to electrical licenses.

Note: Section 101.862 (4), Stats., exempts the following:

(a) A residential property owner who installs, repairs, or maintains electrical wiring on premises that the property owner owns and occupies as a residence, unless a license or registration issued by the department is required by local ordinance.

(b) A person engaged in maintaining or repairing electrical wiring within a facility or on premises owned or leased by the person or by an entity for which the person is an agent.

(c) A person engaged in installing, repairing, or maintaining electrical wiring, apparatus, or equipment for elevators and escalators.

(d) A person engaged in installing, repairing, or maintaining equipment or systems that operate at 100 volts or less.

(e) A person engaged in installing, repairing, or maintaining an electronic system designed to monitor a premises for the presence of an emergency, to issue an alarm for an emergency, or to detect and summon aid for an emergency.

(f) A person engaged in installing, repairing, or maintaining electrical wiring of transmission facilities, as defined in s. 196.01 (12), 2011 stats.

(g) A person engaged in installing, repairing, or maintaining manufactured equipment or a manufactured system that is designed to provide a function that is not primarily electrical in nature if the installation, repair, or maintenance does not involve the modification or installation of conductors beyond the disconnecting point or beyond the last junction, pull, or device box, whichever is nearer to the point where the person is performing the installation, repair, or maintenance.

(h) A person engaged in installing electrical wiring for components of a manufactured home, as defined in s. 101.91 (2), or a manufactured building, as defined in s. 101.71 (6), while the manufactured home or the manufactured building is at or in the facility at which it is being manufactured.

(i) A person employed by an electricity provider, or a subcontractor of an electricity provider, who installs, repairs, or maintains electrical wiring for equipment that is installed in the normal course of providing utility services by the electricity provider.

(j) A person engaged in installing, repairing, or maintaining electrical wiring that provides lighting or signals for public thoroughfares and for public airports.

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(k) A person engaged in installing, repairing, or maintaining electric lines on the utility side of substations and other distribution facilities owned or operated by customers or members of electricity providers.

(L) A person employed by an electricity provider, or a subcontractor of an electricity provider, who installs, repairs, or maintains primary voltage electric facilities that are owned by the electricity provider's customers or members and that operate at greater than 600 volts.

(m) A person employed by an electricity provider, or a subcontractor of an electricity provider, who restores service during an emergency.

Note: As of April 1, 2014, the department will no longer issue or renew a certification for electrical contractor–restricted. The department will issue an electrical contractor license to those individuals who hold an electrical contractor–restricted certification prior to April 1, 2014. The issuance of the license will indicate the same expiration date as the current restricted–certification.

(2) APPLICATION FOR LICENSURE. A person applying for an electrical contractor license shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a license fee in accordance with s. SPS 305.02, Table 305.02.

(c) A statement certifying compliance with worker's compensation requirements under ch. 102, Stats., and unemployment compensation requirements under ch. 108, Stats.

(3) QUALIFICATIONS FOR LICENSURE. The person applying for an electrical contractor license shall be the owner of the contracting business, a partner in the contracting business applying on behalf of the partnership, or the chairman of the board or chief executive officer applying on behalf of the contracting corporation.

(4) RESPONSIBILITIES. (a) A licensed electrical contractor shall utilize the appropriately licensed or registered individuals to construct, install, repair or maintain electrical wiring.

(b) For any electrical installation that requires a uniform building permit under s. SPS 320.08, a person who holds an electrical contractor license may not commence installation of electrical wiring until a permit is issued for the installation.

Note: Chapters SPS 320 to 325 apply to one– and 2–family dwellings and manufactured dwellings. The department's uniform building permit is issued either by the municipality in which the dwelling is located or by a UDC inspection agency where the municipality does not administer the Uniform Dwelling Code.

(c) A licensed electrical contractor may not contract with another person or entity to engage in construction business activities unless the person or entity holds a credential under s. SPS 305.30 (1) (a) or (b).

Note: Section SPS 305.30 was repealed by CR 14–010, Register August 2014 No. 704, effective 9–1–14. Future rule–making by the department will correct the no longer valid reference.

(d) A person or entity that holds a electrical contractor license shall include his or her license number on all construction bids and contracts.

(5) RENEWAL. (a) A person may renew his or her license as an electrical contractor.

(b) An electrical contractor license shall be renewed in accordance with s. SPS 305.07.

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; am. (3), Register, March, 1998, No. 507, eff. 4–1–98; am. (1) (a) 2., Register, April, 2000, No. 532, eff. 5–1–00; CR 03–075: renum. (3) to be (3) (a), cr. (3) (b) Register June 2004 No, 582, eff. 8–1–04; CR 08–110: cr. (3) (c) Register September 2009 No. 645, eff. 10–1–09; CR 09–028: r. and recr. Register August 2010 No. 656, eff. 9–1–10; correction in (2) (a), (b), (4) (b), (c), (5) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.43 Master electricians. (1) APPLICATION FOR EXAMINATION. A person applying to take a master electrician license examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(2) QUALIFICATIONS FOR EXAMINATION. (a) Except as provided in par. (b), a person applying for a master electrician license examination shall have at least 1,000 hours per year of experience for at least 7 years in electrical construction work.

(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.

(3) EXAMINATION. A person seeking to obtain a master electrician license shall take and pass an examination in accordance with s. SPS 305.09.

(4) APPLICATION FOR CERTIFICATION. Upon notification of the successful passage of the examination for a master electrician license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(5) RESPONSIBILITIES. (a) For any electrical installation that requires a uniform building permit under s. SPS 320.08, a person who holds a master electrician license may not commence installation of electrical wiring until a permit is issued for the installation.

Note: Chs. SPS 320 to 325 apply to one– and 2–family dwellings and manufactured dwellings. The department's uniform building permit is issued either by the municipality in which the dwelling is located or by a UDC inspection agency where the municipality does not administer the Uniform Dwelling Code.

(b) A person who as a licensed master electrician is responsible for the installation, repair or maintenance of electrical wiring shall utilize the appropriately licensed or registered individuals to construct, install, repair or maintain electrical wiring.

(6) EXCHANGES. (a) A person who holds a master electrician license may, upon application to the department, exchange his or her master electrician license for a journeyman electrician license.

(b) A person who has exchanged his or her master electrician license for a journeyman electrician license may, upon application to the department, exchange his or her journeyman electrician license for a master electrician license in accordance with the following provisions:

1. The person holds a valid journeyman electrician license.

2. The person submits with the application a copy of his or her former master electrician license.

3. The license fee for a master electrician specified in s. SPS 305.02, Table 305.02 is submitted.

(7) RENEWAL. (a) 1. A person may renew his or her license as a master electrician.

2. A master electrician license shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a license as a licensed master electrician shall be contingent upon the master electrician obtaining at least 24 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as a licensed master electrician 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.

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; am. (2) (b), (5) (b) 1., Register, March, 1998, No. 507, eff. 4–1–98; am. (4) and (5) (b), Register, April, 2000, No. 532, eff. 5–1–00; CR 03–075: renum. (5) to be (6) and r. and recr. (6) (b) 1., cr. (5) Register June 2004 No. 582, eff. 8–1–04; CR 09–028: am. (1) (intro.), (2) (a), (3) and (4), renum. (5) and (6) to be (5) (a) and (7) and am., cr. (5) (b) and (6) Register August 2010 No. 656, eff. 9–1–10, except (5) (b), eff. 4–1–13; correction in (1) (a), (b), (3), (4), (5) (a), (6) (b) 3., (7) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14–010: am. (7) (b) 1. Register August 2014 No. 704, eff. 9–1–14.

SPS 305.435 Residential master electricians. (1) APPLICATION FOR EXAMINATION. A person applying to take a residential master electrician licensure examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

File inserted into Admin. Code 9−1−2015. May not be current beginning 1 month after insert date. For current adm. code see:
http://docs.legis.wisconsin.gov/code/admin_code

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(2) QUALIFICATIONS FOR EXAMINATION. (a) Except as provided in par. (b), a person applying for a residential master electrician licensure examination shall have at least 1,000 hours per year of experience for at least 5 years in electrical wiring work.

(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.

(3) EXAMINATION. A person seeking to obtain a residential master electrician license shall take and pass an examination in accordance with s. SPS 305.09.

(4) APPLICATION FOR LICENSURE. Upon notification of the successful passage of the examination for a residential master electrician license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(5) RESPONSIBILITIES. (a) For any electrical installation that requires a uniform building permit under s. SPS 320.08, a person who holds a residential master electrician license may not commence installation of electrical wiring until a permit is issued for the installation.

Note: Chs. SPS 320 to 325 apply to one− and 2−family dwellings and manufactured dwellings. The department's uniform building permit is issued either by the municipality in which the dwelling is located or by a UDC inspection agency where the municipality does not administer the Uniform Dwelling Code.

(b) A person who as a licensed residential master electrician is responsible for the installation, repair or maintenance of electrical wiring shall utilize the appropriately licensed or registered individuals to construct, install, repair or maintain electrical wiring.

(6) EXCHANGES. (a) A person who holds a residential master electrician license may, upon application to the department, exchange his or her residential master electrician license for a residential journeyman electrician license.

(b) A person who has exchanged his or her residential master electrician license for a residential journeyman electrician license may, upon application to the department, exchange his or her residential journeyman electrician license for a residential master electrician license in accordance with the following provisions:

1. The person holds a valid residential journeyman electrician license.

2. The person submits with the application a copy of his or her former residential master electrician license.

3. The license fee for a residential master electrician specified in s. SPS 305.02, Table 305.02 is submitted.

(7) RENEWAL. (a) 1. A person may renew his or her license as a residential master electrician.

2. A residential master electrician license shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a license as a licensed residential master electrician shall be contingent upon the residential master electrician obtaining at least 18 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as a licensed residential master electrician 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.

History: CR 09−028: cr. Register August 2010 No. 656, eff. 9−1−10; correction in (1) (a), (b), (3), (4), (5) (a), (6) (b) 3., (7) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14−010: am. (7) (b) 1. Register August 2014 No. 704, eff. 9−1−14.

SPS 305.437 Registered master electricians. **(1)** APPLICATION FOR REGISTRATION. A person applying for registration as a registered master electrician shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(c) Documented verification of meeting the requirements in sub. (2).

(2) QUALIFICATIONS. A person applying for registration as a registered master electrician shall have a birth date of on or before January 1, 1956; and shall have at least 15 years of experience in installing, repairing or maintaining electrical wiring.

(3) RESPONSIBILITIES. (a) For any electrical installation that is required to have a uniform building permit under s. SPS 320.08, a person who holds a master electrician registration may not commence installation of electrical wiring until a permit is issued for the installation.

Note: The Wisconsin Uniform Dwelling Code (UDC), which consists of chapters SPS 320 to 325, applies to one− and two−family dwellings and manufactured dwellings. The Department's uniform building permit is issued either by the municipality in which the dwelling is located, or by a UDC inspection agency where the municipality does not administer the Uniform Dwelling Code.

(b) A person who as a registered master electrician is responsible for the installation, repair or maintenance of electrical wiring shall utilize the appropriately licensed or registered individuals to construct, install, repair or maintain electrical wiring.

History: EmR1415: emerg. cr., eff. 8−6−14; CR 14−049: cr. Register July 2015 No. 715, eff. 8−1−15.

SPS 305.44 Journeyman electricians. **(1)** GENERAL. A person may obtain a license as a licensed journeyman electrician by either one of the following:

(a) Taking and passing the journeyman electrician certification examination.

(b) Completing an electrical construction apprenticeship.

(2) APPLICATION FOR EXAMINATION. A person applying to take a journeyman electrician license examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. (a) Except as provided in par. (b), a person applying for a journeyman electrician license examination shall have at least 1,000 hours per year of experience for at least 5 years in electrical construction work.

(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.

(4) EXAMINATION. Except as provided in sub. (1) (b), a person seeking to obtain a journeyman electrician license shall take and pass an examination in accordance with s. SPS 305.09.

(5) APPLICATION FOR CERTIFICATION. (a) Upon notification of the successful passage of the examination for a journeyman electrician license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(b) A person may apply for a license as a licensed journeyman electrician by submitting all of the following:

1. An application, application fee and a license fee in accordance with ss. SPS 305.01 and 305.02, Table 305.02.

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http://docs.legis.wisconsin.gov/code/admin_code

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.

(6) RENEWAL. (a) 1. A person may renew his or her license as a journeyman electrician.

2. A journeyman electrician license shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a license as a licensed journeyman electrician shall be contingent upon the journeyman electrician obtaining at least 24 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as a licensed journeyman electrician 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.

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

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; am. (1) (b), (3) (b), (5) (b) 2., (6) (b) 3., Register, March, 1998, No. 507, eff. 4–1–98; am. (1) (intro.), (5) (a), (b) (intro.) and 1., (6) (b) 1. and 2., Register, April, 2000, No. 532, eff. 5–1–00; CR 03–075: r. and recr. (6) (b) 1., am. (6) (b) 3. Register June 2004 No. 582, eff. 8–1–04; CR 09–028: am. (1) (intro.), (2) (intro.), (3) (a), (4), (5) (a), (b) (intro.), 1., and (6) Register August 2010 No. 656, eff. 9–1–10; correction in (2) (a), (b), (4), (5) (a), (b) 1., (6) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14–010: am. (6) (b) 1. Register August 2014 No. 704, eff. 9–1–14.

SPS 305.443 Industrial journeyman electricians.

(1) GENERAL. A person may obtain a license as a licensed industrial journeyman electrician by either one of the following:

(a) Taking and passing the industrial journeyman electrician licensure examination.

(b) Completing an industrial electrical apprenticeship.

(2) APPLICATION FOR EXAMINATION. A person applying to take an industrial journeyman electrician licensure examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. (a) Except as provided in par. (b), a person applying for a industrial journeyman electrician licensure examination shall have at least 1,000 hours per year of experience for at least 5 years in industrial electrical wiring work.

(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.

(4) EXAMINATION. Except as provided in sub. (1) (b), a person seeking to obtain an industrial journeyman electrician license shall take and pass an examination in accordance with s. SPS 305.09.

(5) APPLICATION FOR LICENSURE. (a) Upon notification of the successful passage of the examination for an industrial journeyman electrician license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(b) A person may apply for a license as a licensed industrial journeyman electrician by submitting all of the following:

1. An application, application fee and a license fee in accordance with ss. SPS 305.01 and 305.02, Table 305.02.

2. Evidence of completing an industrial electrical apprenticeship program and the program has been recognized by the department of workforce development and the federal department of labor.

(6) RENEWAL. (a) 1. A person may renew his or her license as an industrial journeyman electrician.

2. An industrial journeyman electrician license shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a license as a licensed industrial journeyman electrician shall be contingent upon the industrial journeyman electrician obtaining at least 18 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as a licensed industrial journeyman electrician 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.

3. A person who initially obtained his or her industrial journeyman electrician license by completing an industrial electrical apprenticeship and whose request to renew his or her license is denied because of the failure to fulfill the continuing education requirements of subd. 1., shall be required to take and pass the industrial journeyman electrician licensure examination in order to reacquire the industrial journeyman electrician license.

History: CR 09–028: cr. Register August 2010 No. 656, eff. 9–1–10; correction in (2) (a), (b), (4), (5) (a), (b) 1., (6) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14–010: am. (6) (b) 1. Register August 2014 No. 704, eff. 9–1–14.

SPS 305.447 Residential journeyman electricians.

(1) GENERAL. A person may obtain a license as a licensed residential journeyman electrician by either one of the following:

(a) Taking and passing the residential journeyman electrician licensure examination.

(b) Completing a residential electrical wiring apprenticeship.

(2) APPLICATION FOR EXAMINATION. A person applying to take a residential journeyman electrician licensure examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. (a) Except as provided in par. (b), a person applying for a residential journeyman electrician licensure examination shall have at least 1,000 hours per year of experience for at least 3 years in residential electrical wiring work.

(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.

(4) EXAMINATION. Except as provided in sub. (1) (b), a person seeking to obtain a residential journeyman electrician license shall take and pass an examination in accordance with s. SPS 305.09.

(5) APPLICATION FOR LICENSURE. (a) Upon notification of the successful passage of the examination for a residential journeyman electrician license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

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(b) A person may apply for a license as a licensed residential journeyman electrician by submitting all of the following:

1. An application, application fee and a license fee in accordance with ss. SPS 305.01 and 305.02, Table 305.02.

2. Evidence of completing a residential electrical wiring apprenticeship program and the program has been recognized by the department of workforce development and the federal department of labor.

(6) RENEWAL. (a) 1. A person may renew his or her license as a residential journeyman electrician.

2. A residential journeyman electrician license shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a license as a licensed residential journeyman electrician shall be contingent upon the residential journeyman electrician obtaining at least 18 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as a licensed residential journeyman electrician 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.

3. A person who initially obtained his or her residential journeyman electrician license by completing a residential electrical wiring apprenticeship and whose request to renew his or her license is denied because of the failure to fulfill the continuing education requirements of subd. 1., shall be required to take and pass the residential journeyman electrician licensure examination in order to reacquire the residential journeyman electrician license.

History: CR 09−028: cr. Register August 2010 No. 656, eff. 9−1−10; correction in (2) (a), (b), (4), (5) (a), (b) 1., (6) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14−010: am. (6) (b) 1. Register August 2014 No. 704, eff. 9−1−14.

SPS 305.45 Beginning electricians. (1) APPLICATION FOR REGISTRATION. A person applying for registration as a registered beginning electrician shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(2) RENEWAL. (a) A person may renew his or her registration as a beginning electrician.

(b) A beginning electrician registration shall be renewed in accordance with s. SPS 305.07.

(c) 1. The renewal of a beginning electrician registration with an expiration date after September 1, 2010 shall be for a term of one year.

2. The renewal of a registration as a beginning electrician which has an expiration date after June 30, 2013 shall be contingent upon the beginning electrician obtaining at least 24 hours of acceptable continuing education prior to the expiration date of the registration as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 3.

3. A person who holds a registration as a registered beginning electrician may apply to the department for waiver of the continuing education requirements under subd. 2. 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.

4. A person who initially obtained a beginning electrician registration and fails to renew the registration shall be required to complete at least 24 hours of acceptable continuing education within one year prior to date of application to reacquire the beginning electrician registration.

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. (1) (b), Register, April, 2000, No. 532, eff. 5−1−00; CR 09−028: r. and recr. Register August 2010 No. 656, eff. 9−1−10; correction in (1) (a), (b), (2) (b), (c) 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14−010: am. (2) (c) 2. Register August 2014 No. 704, eff. 9−1−14.

SPS 305.46 Electrical apprentices. (1) APPLICATION FOR REGISTRATION. A person applying for registration as a registered electrical apprentice, a registered industrial electrical apprentice, or a registered residential electrical apprentice shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(2) QUALIFICATIONS. A person applying for an electrical apprentice, an industrial electrical apprentice, or a residential electrical apprentice registration shall be entered into an electrical apprentice contract recognized under ch. 106, Stats.

(3) RESPONSIBILITIES. A person who installs, repairs, or maintains electrical wiring as a registered electrical apprentice, registered industrial electrical apprentice, or registered residential electrical apprentice may do so as long as he or she is entered into an electrical apprentice contract recognized under ch. 106, Stats.

(4) RENEWAL. (a) A person may renew his or her registration as an electrical−apprentice, industrial electrical apprentice, or residential electrical apprentice.

(b) 1. An electrical−apprentice, industrial electrical apprentice, or residential electrical apprentice registration shall be renewed in accordance with s. SPS 305.07.

2. The renewal of registration as an electrical apprentice, industrial electrical apprentice, or residential electrical apprentice shall be contingent upon the person submitting evidence that the person is entered into an electrical apprentice contract recognized under ch. 106, Stats.

History: CR 09−028: cr. Register August 2010 No. 656, eff. 9−1−10; CR 11−020: am. (2), (3), (4) (b) 2., Register December 2011 No. 672, eff. 1−1−12; correction in (1) (a), (b), (4) (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

Subchapter V — Fire Sprinkler

SPS 305.50 Fire sprinkler installers. (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 fire sprinkler systems unless the person holds a license or registration 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.

(b) Paragraph (a) does not apply to a person repairing, replacing or maintaining electrical supervisory devices for existing automatic fire sprinkler systems.

(2) No person may conduct the annual activities relative to inspection and testing of an existing automatic fire sprinkler system and components as required by ch. SPS 314 unless the person holds a license or registration 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, a registered automatic fire sprinkler fitter−maintenance, a registered automatic fire sprinkler system tester or a registered sprinkler tester learner.

Note: The rules of this subchapter further restrict or limit the type of automatic fire sprinkler installations and activities that certain license or registration categories may perform or undertake.

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. (1) (a), Register, March, 1998, No. 507, eff. 4−1−98; am. Register, April, 2000, No. 532, eff. 5−1−00;

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CR 01−139: am. (2) Register June 2002 No. 558, eff. 7−1−02; CR 11−020: am. (2), Register December 2011 No. 672, eff. 1−1−12; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.51 Sprinkler contractors. (1) GENERAL. Except as provided in s. SPS 305.54, a person licensed as an automatic fire sprinkler contractor shall be responsible for each installation of an automatic fire sprinkler system.

(2) APPLICATION FOR EXAMINATION. A person applying to take an automatic fire sprinkler contractor license examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. A person applying for an automatic fire sprinkler contractor license examination shall have one of the following qualifications relating to the engineering principles and skills associated with the design, installation and maintenance of automatic fire sprinkler systems:

(a) At least 1000 hours of experience per year for at least 3 consecutive years as a licensed journeyman automatic fire sprinkler fitter.

(b) Graduated from an accredited 4−year university or college with a degree in civil engineering, mechanical engineering or other approved engineering curriculum related to automatic fire sprinklers.

(c) At least 1000 hours of experience per year for at least 7 years in automatic fire sprinkler design or installation. Each semester spent full−time in a school of civil or mechanical engineering or other accredited college, university, technical or vocational school in an automatic fire sprinkler−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 7 years of experience.

(d) A level III certification in fire protection/automatic fire sprinkler system layout from the national institute for certification in engineering technologies.

(4) EXAMINATION. A person seeking to obtain an automatic fire sprinkler contractor license shall take and pass an examination in accordance with s. SPS 305.09.

(5) APPLICATION FOR LICENSE. Upon notification of the successful passage of the examination for an automatic fire sprinkler system contractor license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(6) RESPONSIBILITIES. (a) A person who installs, inspects, tests or maintains an automatic fire sprinkler system as a licensed automatic fire sprinkler contractor shall utilize the appropriately licensed or registered persons to install, inspect, test or maintain automatic fire sprinkler systems.

(b) For any construction project that requires a uniform building permit under s. SPS 320.08, a person who holds a sprinkler contractor certification may not commence installation of fire sprinklers until a general construction permit is issued for the installation.

Note: Chs. SPS 320 to 325 apply to one− and 2−family dwellings and manufactured dwellings. The department's uniform building permit is issued either by the municipality in which the dwelling is located or by a UDC inspection agency where the municipality does not administer the Uniform Dwelling Code.

(7) RENEWAL. (a) A person may renew his or her license as an automatic fire sprinkler contractor.

(b) An automatic fire sprinkler contractor license shall be renewed in accordance with s. SPS 305.07.

(c) 1. a. The renewal of a license as an automatic fire sprinkler contractor which has an expiration date on or before June 30, 2010 shall be contingent upon the automatic fire sprinkler contractor obtaining at least 12 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

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 prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as an automatic fire sprinkler 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.

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; cr. (2m) and (6) (c), am. (4) and (5), Register, April, 2000, No. 532, eff. 5−1−00; CR 03−075: renum. (5) to be (5) (a), cr. (5) (b) Register June 2004 No. 582, eff. 8−1−04; CR 06−031: renum. (6) (c) 1. to be 1. a. and am., cr. (6) (c) 1. b. Register October 2006 No. 610, eff. 11−1−06; CR 11−020: renum. (2m) to (6) to be (3) to (7), Register December 2011 No. 672, eff. 1−1−12; correction in (1), (2) (a), (b), and in (4), (5), (6) (b), (7) (b), (c) 1. a., b., as renumbered, made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14−010: am. (7) (c) 1. Register August 2014 No. 704, eff. 9−1−14.

SPS 305.52 Journeyman sprinkler fitters. (1) GENERAL. The activities under s. SPS 305.50 that may be undertaken by a person who holds a license as a licensed journeyman automatic fire sprinkler fitter shall be performed under the general supervision of a person who holds a license as a licensed automatic fire sprinkler contractor.

(2) APPLICATION FOR EXAMINATION. A person applying to take a journeyman automatic fire sprinkler fitter license examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. A person applying for journeyman automatic fire sprinkler fitter license examination shall have completed an automatic fire sprinkler system apprenticeship recognized under ch. 106, Stats.

(4) EXAMINATION. A person seeking to obtain a journeyman automatic fire sprinkler fitter license shall take and pass an examination in accordance with s. SPS 305.09.

(5) APPLICATION FOR LICENSE. Upon notification of the successful passage of the examination for a journeyman automatic fire sprinkler system fitter license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(6) RENEWAL. (a) A person may renew his or her license as a journeyman automatic fire sprinkler fitter.

(b) A journeyman automatic fire sprinkler fitter license shall be renewed in accordance with s. SPS 305.07.

(c) 1. a. The renewal of a license as a journeyman automatic fire sprinkler fitter which has an expiration date on or before June 30, 2010 shall be contingent upon the journeyman automatic fire sprinkler fitter obtaining at least 12 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

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 prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as a journeyman automatic fire sprinkler fitter 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.

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. (1) and (5), cr. (6) (c), Register, April, 2000, No. 532, eff. 5−1−00; CR 06−031: renum. (6) (c) 1. to be 1. a. and am., cr. (6) (c) 1. b. Register October 2006 No. 610, eff. 11−1−06; correction in (1), (2) (a), (b), (4), (5), (6) (b), (c) 1. a., b. made under s. 13.92 (4) (b) 7., Stats.,

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Register December 2011 No. 672; CR 14−010: am. (6) (c) 1. a., b. Register August 2014 No. 704, eff. 9−1−14.

SPS 305.53 Sprinkler system apprentices. (1) GENERAL. The activities under s. SPS 305.50 that may be undertaken by a person who holds a registration as a registered automatic fire sprinkler system apprentice shall be performed under the general supervision of a person who is a licensed automatic fire sprinkler contractor.

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

(2) APPLICATION FOR REGISTRATION. A person applying for an automatic fire sprinkler system apprentice registration to install, test or maintain automatic fire sprinkler systems shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR REGISTRATION. A person applying for automatic fire sprinkler apprentice registration to install, test or maintain automatic fire sprinkler systems shall be entered into a sprinkler fitter apprentice contract recognized under ch. 106, Stats.

(4) RENEWAL. (a) 1. A person may renew his or her registration as an automatic fire sprinkler system apprentice.

2. An automatic fire sprinkler system apprentice registration shall be renewed in accordance with s. SPS 305.07.

(b) The renewal of a registration as an automatic fire sprinkler apprentice is contingent upon the person submitting evidence that the person is entered into a sprinkler fitter apprentice contract recognized under ch. 106, Stats.

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. (1) and (2) (b), Register, April, 2000, No. 532, eff. 5−1−00; CR 11−020: am. (3), (4) (b), Register December 2011 No. 672, eff. 1−1−12; correction in (1), (2) (a), (b), (4) (a) 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.54 Sprinkler maintenance contractors. (1) GENERAL. Pursuant to s. 145.175, Stats., the activities under s. SPS 305.50 that may be undertaken by a person who holds a registration as a registered automatic fire sprinkler contractor−maintenance shall be:

(a) Performed only within the facilities or properties of the business establishment where the person is employed; and

(b) Limited to modifying or extending an existing automatic fire sprinkler system by no more than 15 sprinklers per project.

(2) APPLICATION FOR EXAMINATION. A person applying to take an automatic fire sprinkler contractor−maintenance registration examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) EXAMINATION. A person seeking to obtain an automatic fire sprinkler contractor−maintenance registration shall take and pass an examination in accordance with s. SPS 305.09.

(4) APPLICATION FOR REGISTRATION. Upon notification of the successful passage of the examination for an automatic fire sprinkler contractor−maintenance registration, a person may obtain the registration by submitting an application and the registration fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(5) RENEWAL. (a) A person may renew his or her registration as an automatic fire sprinkler contractor−maintenance.

(b) An automatic fire sprinkler contractor−maintenance registration shall be renewed in accordance with s. SPS 305.07.

(c) 1. a. The renewal of a registration as an automatic fire sprinkler contractor−maintenance which has an expiration date on or before June 30, 2010 shall be contingent upon the automatic fire sprinkler contractor−maintenance obtaining at least 6 hours of acceptable continuing education prior to the expiration date of the registration as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

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 12 hours of acceptable continuing education prior to the expiration date of the registration as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a registration as an automatic fire sprinkler contractor−maintenance 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.

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. (1) (intro.) and (4), cr. (5) (c), Register, April, 2000, No. 532, eff. 5−1−00; CR 06−031: renum. (5) (c) 1. to be 1. a. and am., cr. (5) (c) 1. b. Register October 2006 No. 610, eff. 11−1−06; CR 06−119: am. (5) (c) 1. b. Register July 2007 No. 619, eff. 8−1−07; correction in (1), (2) (a), (b), (3), (4), (5) (b), (c) 1. a., b. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14−010: am. (5) (c) 1. Register August 2014 No. 704, eff. 9−1−14.

SPS 305.55 Sprinkler maintenance fitters. (1) GENERAL. Pursuant to s. 145.165, Stats., the activities under s. SPS 305.50 that may be undertaken by a person registered as an automatic fire sprinkler fitter−maintenance shall be performed:

(a) Only within the facilities or properties of the business establishment where employed; and

(b) Under the general supervision of a person who holds a registration as a registered automatic fire sprinkler contractor−maintenance.

(2) APPLICATION FOR REGISTRATION. A person applying for an automatic fire sprinkler fitter−maintenance registration shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) RENEWAL. (a) A person may renew his or her registration as an automatic fire sprinkler fitter−maintenance.

(b) An automatic fire sprinkler fitter−maintenance registration shall be renewed in accordance with s. SPS 305.07.

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. (2) (b), Register, March, 1998, No. 507, eff. 4−1−98; am. (1) (b) and (2) (b), Register, April, 2000, No. 532, eff. 5−1−00; correction in (1) (intro.), (2) (a), (b), (3) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.56 Sprinkler testers. (1) GENERAL. A person who holds a registration issued by the department as a registered automatic fire sprinkler system tester may conduct the annual activities relative to inspection and testing of an existing automatic fire sprinkler system and components as required by ch. SPS 314 and NFPA 25.

(2) QUALIFICATIONS FOR EXAMINATION. A person applying for an automatic fire sprinkler system tester shall have one of the following qualifications:

(a) A level II certification in the inspection and testing of water−based automatic fire sprinkler systems from the national institute for certification in engineering technologies.

(b) At least 1,500 hour of automatic fire sprinkler system testing as a registered automatic fire sprinkler system tester learner for at least 18 months.

Note: Sub. (2) is created effective 1−1−13.

(3) APPLICATION FOR EXAMINATION. A person applying to take an automatic fire sprinkler system tester registration examination shall submit all of the following:

Note: Sub. (3) is shown as renumbered from sub. (2) effective 1−1−13.

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

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(4) EXAMINATION. A person seeking to obtain an automatic fire sprinkler system tester registration shall take and pass an examination in accordance with s. SPS 305.09.

Note: Sub. (4) is shown as renumbered from sub. (3) effective 1−1−13.

(5) APPLICATION FOR REGISTRATION. 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 and the registration fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

Note: Sub. (5) is shown as renumbered from sub. (4) effective 1−1−13.

(6) RENEWAL. (a) A person may renew his or her registration as an automatic fire sprinkler system tester.

(b) An automatic fire sprinkler system tester registration shall be renewed in accordance with s. SPS 305.07.

(c) 1. The renewal of a registration as an automatic fire sprinkler system tester which has an expiration date after December 31, 2013 shall be contingent upon the automatic fire sprinkler system tester obtaining at least 12 hours of approved continuing education prior to the expiration date of the registration as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a registration as an automatic fire sprinkler system tester 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.

Note: Sub. (6) (a) and (b) are shown as renumbered from sub. (5) (a) and (b) effective 1−1−13 by CR 11−020. Par. (c) was created as sub. (6) (c) eff. 1−1−12, is renumbered to sub. (5) (c) by the LRB under s. 13.92 (4) (b) 7., Stats., effective 1−1−12, and is renumbered back to (6) (c) effective 1−1−13 by CR 11−020.

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. (2) (b), (4), Register, March, 1998, No. 507, eff. 4−1−98; am. (1) and (4), Register, April, 2000, No. 532, eff. 5−1−00; CR 01−139: am. (1) Register June 2002 No. 558, eff. 7−1−02; CR 11−020: cr. (6) (c), Register December 2011 No. 672, eff. 1−1−12; CR 11−020: renum. (3) to (5) to be (4) to (6), cr. (2), (6) (c), Register December 2011 No. 672, eff. 1−1−13; renumbering of (6) (c) to be (5) (c) under s. 13.92 (4) (b) 1., correction in (1), (3) (a), (b), (4), (5), (6) (b), (c) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14−010: am. (6) (c) 1. Register August 2014 No. 704, eff. 9−1−14.

SPS 305.57 Sprinkler tester learners. (1) GENERAL. The automatic fire sprinkler system tester activities that may be undertaken by a person who holds a registration as a registered automatic fire sprinkler system tester learner shall be performed under the direct supervision of a person who holds a fire sprinkler contractor license, a journeyman fire sprinkler license, or automatic fire sprinkler tester registration.

(2) APPLICATION FOR REGISTRATION. A person applying for an automatic fire sprinkler system tester learner registration shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATION FOR REGISTRATION. A person applying for an automatic fire sprinkler system tester learner registration shall be at least 16 years old and shall have completed the 12th grade in school or equivalent.

History: CR 11−020: cr., correction in (2) (a), (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672, eff. 1−1−12.

Subchapter VI — Inspection

SPS 305.60 Boiler−pressure vessel inspectors. (1) GENERAL. No person may inspect, as required under ch. SPS 341, a boiler or pressure vessel for the purpose of determining compliance with ch. SPS 341 or submit an inspection report to the department documenting compliance or noncompliance with ch. SPS 341 unless the person holds a certification issued by the department as a:

(a) Certified boiler−pressure vessel inspector; or

(b) Certified in−service field inspector working under the general supervision of a certified boiler−pressure vessel inspector who has assumed responsibility for the inspection or the report.

(2) APPLICATION FOR CERTIFICATION. A person applying for a boiler−pressure vessel inspector certification or an in−service field inspector certification shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a certification fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR CERTIFICATION. (a) A person applying for a boiler−pressure vessel inspector certification shall have:

1. Passed the competency examination by the national board of boiler and pressure vessel inspectors; and

Note: See ch. SPS 302 for the fee for the competency examination.

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

b. An associate degree in mechanical technology from an accredited college or school and at least 1,000 hours per year for at least 2 years of experience in the design, construction, operation or inspection of boilers or pressure vessels; or

c. At least 1,000 hours per year for at least 3 years of experience in the design, construction, operation, or inspection of boilers or pressure vessels.

(b) A person applying for an in−service field inspector certification shall have:

1. Passed the competency examination by the national board of boiler and pressure vessel inspectors; and

2. a. A degree in engineering from an accredited college or university;

b. An associate degree in mechanical technology from an accredited college or school and at least 1,000 hours in one year of experience in the design, construction, operation or inspection of boilers or pressure vessels; or

c. At least 1,000 hours per year for at least 2 years of experience in the design, construction, operation or inspection of boilers or pressure vessels.

(4) RESPONSIBILITIES. A person who inspects boilers and pressure vessels as a certified boiler−pressure vessel inspector or a certified in−service field inspector shall:

(a) Maintain a record of the inspections made including the dates and the findings of the inspections;

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

(c) Make available to the department upon request or as required under ch. SPS 341, his or her inspection records.

(5) RENEWAL. (a) A person may renew his or her certification as a boiler−pressure vessel inspector or an in−service field inspector.

(b) A boiler−pressure vessel inspector certification and an in−service field inspector certification shall be renewed in accordance with s. SPS 305.07.

(c) 1. The renewal of a certification as a certified boiler−pressure vessel inspector or certified in−service field inspector shall be contingent upon the boiler−pressure vessel inspector or in−service field inspector obtaining at least 24 hours of acceptable continuing education prior to the expiration date of the certification as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a certification as a certified boiler−pressure vessel inspector or certified in−service field 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. The department shall consider each application for waiver individually on its merits.

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3. A person who initially obtained his or her boiler−pressure vessel inspector certification or in−service field inspector certification by providing evidence of having passed the competency examination by the national board 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 competency examination in order to reacquire the boiler−pressure vessel inspector certification or the in−service field inspector certification.

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. (3) (a) 2. a., (4) (b), Register, March, 1998, No. 507, eff. 4−1−98; am. (1) (intro.) and (2) (b), Register, April, 2000, No. 532, eff. 5−1−00; corrections in (1) and (4) (c) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2000, No. 532; CR 05−025: cr. (5) (c) Register October 2005 No. 598, eff. 11−1−05; CR 08−110: r. and recr. (5) (c) 1. Register September 2009 No. 645, eff. 10−1−09; correction in (1) (intro.), (2) (a), (b), (4) (c), (5) (b), (c) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14−010: am. (5) (c) 1. Register August 2014 No. 704, eff. 9−1−14.

SPS 305.61 Commercial building inspectors. **(1)** GENERAL. A person who holds a certification issued by the department as a certified commercial building inspector may conduct inspections of public buildings and places of employment for the purpose of administering and enforcing chs. SPS 361 to 366 and 375 to 379.

Note: 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 certification as a certified commercial building inspector.

(2) APPLICATION FOR EXAMINATION. A person applying to take a commercial building inspector certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) EXAMINATION. Except as provided in sub. (4) (b), a person seeking to obtain a commercial building inspector certification shall take and pass an examination in accordance with s. SPS 305.09.

(4) APPLICATION FOR CERTIFICATION. (a) Upon notification of the successful passage of the examination for a commercial building inspector certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(b) A person may apply for a certification as a certified commercial building inspector by submitting an application, an application fee and the certification fee in accordance with ss. SPS 305.01 and 305.02 and one of the following:

1. Evidence that the person holds a certificate issued by the International Code Council as one of the following:

a. Commercial combination inspector.

b. Building inspector.

c. Combination plans examiner.

d. Commercial building inspector and commercial mechanical inspector.

e. Building plans examiner and mechanical plans examiner.

2. Evidence that the person holds a registration issued under ch. 443, Stats., as one of the following:

a. Architect.

b. Engineer.

(5) RESPONSIBILITIES. A person who inspects public buildings and places of employment as a certified commercial building inspector shall:

(a) Maintain a record of the inspections made including the dates and the findings of the inspections;

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

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

(6) RENEWAL. (a) 1. A person may renew his or her certification as a commercial building inspector.

2. A commercial building inspector certification shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a certification as a certified commercial building inspector shall be contingent upon the commercial building inspector obtaining at least 24 hours of acceptable continuing education prior to the expiration date of the certification as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a certification as a certified commercial building 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.

3. A person who initially obtained his or her commercial building inspector certification by providing evidence of registration as an architect or engineer 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 commercial building inspector certification examination in order to reacquire the commercial building inspector certification.

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. (6) (a) 2., (b) 2., Register, March, 1998, No. 507, eff. 4−1−98; am. (1) and (4), r. (6) (b), renum. (6) (c) to be (6) (b) and am., Register, April, 2000, No. 532, eff. 5−1−00; CR 01−139: am. (1) Register June 2002 No. 558, eff. 7−1−02; CR 03−075: am. (3), renum. (4) to be (4) (a), cr. (4) (b) and (6) (b) 3., r. and recr. (6) (b) 1. Register June 2004 No. 582, eff. 8−1−04; CR 05−113: am. (1) Register December 2006 No. 612, eff. 4−1−07; CR 06−120: am. (1) Register February 2008 No. 626, eff. 3−1−08; CR 08−110: r. and recr. (6) (b) 1. Register September 2009 No. 645, eff. 10−1−09; CR 10−103: am. (1) Register August 2011 No. 668, eff. 9−1−11; correction in (1), (2) (a), (b), (3), (4) (a), (b) (intro.), (6) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14−010: am. (6) (b) 1. Register August 2014 No. 704, eff. 9−1−14.

SPS 305.62 Commercial electrical inspectors. **(1)** GENERAL. Pursuant to s. 101.875 (1), Stats., no person may conduct the inspection of electrical wiring in public buildings and places of employment for the purpose of administering and enforcing ch. SPS 316 unless the person holds a certification issued by the department as a certified commercial electrical inspector.

Note: Those persons who hold a valid certification as a certified restricted commercial electrical inspector will be issued a certification as a certified commercial electrical inspector upon application for renewal.

(2) APPLICATION FOR EXAMINATION. A person applying to take a commercial electrical inspector certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(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 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 work and has a degree in electrical engineering from an accredited college or university; or

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

(4) EXAMINATION. Except as provided in sub. (5) (b), a person seeking to obtain a commercial electrical inspector certification

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shall take and pass an examination in accordance with s. SPS 305.09.

(5) APPLICATION FOR CERTIFICATION. (a) Upon notification of the successful passage of the examination for a commercial electrical inspector certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(b) A person may apply for a certification as a certified commercial electrical inspector by submitting an application, an application fee and the certification fee in accordance with ss. SPS 305.01 and 305.02 and one of the following:

1. Evidence that the person holds a certification as a master electrician issued under s. SPS 305.43.

2. Evidence that the person holds a certification issued by the International Code Council as either an electrical inspector or a commercial electrical inspector.

3. Evidence that the person holds a certification issued under the International Association of Electrical Inspectors/National Fire Protection Association certification program as a certified electrical inspector−master.

(6) RESPONSIBILITIES. A person who inspects electrical construction work as a certified commercial electrical inspector shall:

(a) Maintain a record of the inspections made including the dates and the findings of the inspections;

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

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

(7) RENEWAL. (a) 1. A person may renew his or her certification as a commercial electrical inspector.

2. A commercial electrical inspector certification shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a certification as a certified commercial electrical inspector shall be contingent upon the commercial electrical inspector obtaining at least 24 hours of acceptable continuing education prior to the expiration date of the certification as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a certification as a certified commercial electrical 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.

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. (1), (3), (4) and (7) (b) 2., Register, March, 1998, No. 507, eff. 4−1−98; am. (1), (3) (c) and (5), r. (7) (b), renum. (7) (c) to be (7) (b) and am., Register, April, 2000, No. 532, eff. 5−1−00; CR 03−075: am. (1), r. and recr. (5) (b) and (7) (b) 1. Register June 2004 No. 582, eff. 8−1−04; CR 08−110: r. and recr. (7) (b) 1. Register September 2009 No. 645, eff. 10−1−09; correction in (1), (2) (a), (b), (4), (5) (a), (b) (intro.), 1., (7) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14−010: am. (7) (b) 1. Register August 2014 No. 704, eff. 9−1−14; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register August 2014 No. 704.

SPS 305.625 Commercial plumbing inspectors.

(1) GENERAL. (a) Pursuant to s. 145.05 (1), Stats., a city of the first, second or third class shall supervise the installation, alteration and repair of plumbing within its jurisdiction in accordance with one of the following approaches:

1. The city shall utilize at least one supervisor to oversee all plumbing inspections and all plumbing plan reviews who shall hold a certification as a commercial plumbing inspector issued under this section and who shall hold a license as a master plumber issued under s. SPS 305.91 or a license as a journeyman plumber issued under s. SPS 305.93.

2. The city shall utilize at least one individual to conduct all plumbing inspections and all plumbing plan reviews who shall hold a certification as a commercial plumbing inspector issued under this section and who shall hold a license as a master plumber issued under s. SPS 305.91 or a license as a journeyman plumber issued under s. SPS 305.93.

Note: Utilizing the approach under subd. 2. does not prevent the employment of individuals to organizationally supervise the plumbing inspectors and plumbing plan reviewers. In such cases, where the individuals are providing administrative supervision, the supervisors are not required to be certified as commercial plumbing inspectors or to be licensed plumbers.

Note: The requirements for review of plumbing plans by agent municipalities are contained in s. SPS 382.20 (2).

(b) 1. Under par. (a) 1., individuals who, under a supervisor, conduct plumbing inspections and plumbing plan reviews shall hold a certification as a commercial plumbing inspector, except as provided in subd. 2.

2. Individuals who, under a supervisor, conduct plumbing inspections and plumbing plan reviews for the purpose of administering and enforcing ch. SPS 325 shall hold a certification as a commercial plumbing inspector issued under this section or as a UDC−plumbing inspector issued under s. SPS 305.63.

(2) APPLICATION FOR EXAMINATION. A person applying to take a commercial plumbing inspector certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) EXAMINATION. Except as provided in sub. (4) (b), a person seeking to obtain a commercial plumbing inspector certification shall take and pass an examination in accordance with s. SPS 305.09.

(4) APPLICATION FOR CERTIFICATION. (a) Upon notification of the successful passage of the examination for a commercial plumbing inspector certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(b) A person may apply for certification as a certified commercial plumbing inspector by submitting an application, an application fee and the certification fee in accordance with ss. SPS 305.01 and 305.02 and one of the following:

1. Evidence that the person holds a license as a master plumber issued under s. SPS 305.91.

2. Evidence that the person holds a license as a journeyman plumber issued under s. SPS 305.93.

(5) RESPONSIBILITIES. A person who inspects plumbing as a certified commercial plumbing inspector shall:

(a) Maintain a record of the inspections made including the dates and the findings of the inspections;

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

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

(6) RENEWAL. (a) A person may renew his or her certification as a commercial plumbing inspector. A commercial plumbing inspector certification shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a certification as a certified commercial plumbing inspector shall be contingent upon the commercial plumbing inspector obtaining at least 24 hours of acceptable continuing education prior to the expiration date of the certification as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a certification as a certified commercial plumbing 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. The department shall consider each application for waiver individually on its merits.

History: CR 03−075: cr. Register June 2004 No. 582, eff. 8−1−04, except (1) is eff. 2−1−05; CR 06−031: r. (4) (c) Register October 2006 No. 610, eff. 11−1−06; correction in (3) made under s. 13.93 (2m) (b) 7., Register October 2006 No. 610; correction in (1) (a) 1., 2., (b) 2., (2) (a), (b), (3), (4) (a), (b) (intro.), 1., 2., (6) (a), (b) 1. made

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under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14−010: am. (6) (b) 1. Register August 2014 No. 704, eff. 9−1−14.

SPS 305.63 Dwelling inspectors. (1) GENERAL. (a) Pursuant to ss. 101.66 (2) and 101.96 (1), Stats., no person may conduct the inspection of one− and 2−family dwellings for the purpose of administering and enforcing chs. SPS 320 to 325, unless the person holds one or more of the following certifications issued by the department:

1. Certified UDC−construction inspector.
2. Certified UDC−electrical inspector.
3. Certified UDC−HVAC inspector.
4. Certified UDC−plumbing inspector.
5. Certified soil erosion inspector.
6. Certified commercial electrical inspector.
7. Certified commercial plumbing inspector.

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 certification issued by the department.

(b) A person who holds a certification as a:

1. Certified UDC−construction inspector may inspect one− and 2−family dwellings for the purpose of administering and enforcing chs. SPS 320 to 322.

2. Certified UDC−electrical inspector or certified commercial electrical inspector may inspect one− and 2−family dwellings for the purpose of administering and enforcing chs. SPS 316 and 324.

3. Certified UDC−HVAC inspector may inspect one− and 2−family dwellings for the purpose of administering and enforcing ch. SPS 323.

4. Certified UDC−plumbing inspector or certified commercial plumbing inspector may inspect one− and 2−family dwellings for the purpose of administering and enforcing chs. SPS 325, 382 and 384.

5. Certified soil erosion inspector may inspect one− and 2−family dwellings for the purpose of administering and enforcing s. SPS 321.125.

(2) APPLICATION FOR EXAMINATION. A person applying to take a UDC−construction inspector certification examination, UDC−electrical inspector certification examination, UDC−HVAC inspector certification examination, or UDC−plumbing inspector certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) EXAMINATION. Except as provided in sub. (4) (a) 2., (b) 2. and (c) 2., a person seeking to obtain a UDC−construction inspector certification, UDC−electrical inspector certification, UDC−HVAC inspector certification, or UDC−plumbing inspector certification shall take and pass an examination in accordance with s. SPS 305.09.

(4) APPLICATION FOR CERTIFICATIONS. (a) *UDC−construction.* 1. Upon notification of the successful passage of the examination for a UDC−construction inspector certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

2. A person may apply for certification as a certified UDC−construction inspector by submitting all of the following:

a. An application, an application fee and the certification fee in accordance with ss. SPS 305.01 and 305.02.

b. Evidence that the person holds a certification as a commercial building inspector issued under s. SPS 305.61.

(b) *UDC−electrical.* 1. Upon notification of the successful passage of the examination for a UDC−electrical inspector certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

2. A person may apply for certification as a certified UDC−electrical inspector by submitting an application, an application fee and the certification fee in accordance with ss. SPS 305.01 and 305.02 and one of the following:

a. Evidence that the person holds a certification as a journeyman electrician issued under s. SPS 305.44.

b. Evidence that the person holds a certification issued under the International Association of Electrical Inspectors/National Fire Protection Association certification program as a certified electrical inspector−residential.

c. Evidence that the person holds a license as a residential master electrician issued under s. SPS 305.435.

(c) *UDC−HVAC.* 1. Upon notification of the successful passage of the examination for a UDC−HVAC inspector certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

2. A person may apply for certification as a certified UDC−HVAC inspector by submitting an application, an application fee and the certification fee in accordance with ss. SPS 305.01 and 305.02 and one of the following:

a. Evidence that the person holds a certification as an HVAC qualifier issued under s. SPS 305.71.

b. Evidence that the person holds a certification as a commercial building inspector issued under s. SPS 305.61.

(d) *UDC−plumbing.* Upon notification of the successful passage of the examination for a UDC−plumbing inspector certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(e) *Soil erosion.* A person may apply for certification as a certified soil erosion inspector by submitting all of the following:

1. An application, an application fee and the certification fee in accordance with ss. SPS 305.01 and 305.02.

2. Evidence that the person has completed an approved training course on soil erosion control standards.

(5) RESPONSIBILITIES. A person who inspects one− and 2−family dwellings as a certified UDC−construction inspector, certified UDC−electrical inspector, certified UDC−HVAC inspector, certified UDC−plumbing inspector, or certified soil erosion inspector shall:

(a) Maintain a record of the inspections made including the dates and the findings of the inspections;

(b) Provide a copy of the inspection report to the property owner or his or her agent, and

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

(6) LIMITATIONS. A person who inspects the installation of manufactured homes as a certified UDC−construction inspector may not perform the inspection of a particular manufactured home if the person is, is employed by, or is an independent contractor of any of the following:

(a) A manufactured home manufacturer who was directly involved in the sale of the particular manufactured home.

(b) A manufactured home salesperson who was directly involved in the sale of the particular manufactured home.

(c) An installer who was directly involved in the sale of the particular manufactured home.

(7) RENEWAL. (a) 1. A person may renew his or her certification as a UDC−construction inspector, UDC−electrical inspector, UDC−HVAC inspector, UDC−plumbing inspector or soil erosion inspector.

2. An inspector certification under this section shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a certification as a certified UDC−construction inspector, certified UDC−electrical inspector, certified

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UDC−HVAC inspector or certified UDC−plumbing inspector shall be contingent upon the inspector obtaining at least 24 hours of acceptable continuing education prior to the expiration date of the certification as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a certification as a certified UDC−construction inspector, certified UDC−electrical inspector, certified UDC−HVAC inspector, or certified UDC−plumbing 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.

3. A person who initially obtained his or her UDC−construction inspector certification or UDC−HVAC inspector certification by providing evidence of certification as a commercial building inspector 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 UDC−construction inspector certification examination or UDC−HVAC inspector certification examination in order to reacquire the respective UDC inspector certification.

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. (1) (a) (intro.), (5) (a), (6) (b), 2., Register, March, 1998, No. 507, eff. 4−1−98; am. (1) (a) (intro.), (b) (intro.), (4) (a) and (b) 1., r. (6) (b), renum. (6) (c) to be (6) (b) and am., Register, April, 2000, No. 532, eff. 5−1−00; corrections in (1) (a) and (b) 1. made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2000, No. 532; CR 03−075: am. (1) (a), (b) 2., 4. and (3), r. and recr. (4) and (6) (b) 1., cr. (6) (b) 3. Register June 2004 No. 582, eff. 8−1−04; CR 06−071: am. (1) (a) (intro.), cr. (5m) Register November 2006 No. 611, eff. 12−1−06; CR 05−113: am. (1) (b) 5. Register December 2006 No. 612, eff. 4−1−07; CR 08−110: r. and recr. (6) (b) 1. Register September 2009 No. 645, eff. 10−1−09; CR 09−028: cr. (4) (b) 2. c. Register August 2010 No. 656, eff. 9−1−10; CR 10−103: am. (1) (b) 5. Register August 2011 No. 668, eff. 9−1−11; CR 11−020: renum. (5m), (6) to be (6), (7), Register December 2011 No. 672, eff. 1−1−12; correction in (1) (a) (intro.), (b) 1. to 5., (2) (a), (b), (3), (4) (a) 1., 2. a., b., (b) 1., 2. (intro.), a., c., (c) 1., 2. (intro.), a., b., (d), (e) 1., (7) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14−010: am. (7) (b) 1. Register August 2014 No. 704.

SPS 305.635 UDC inspection agency. (1) GENERAL. No person may engage in or offer to engage in the activities of facilitating plan review, issuance of Wisconsin uniform building permits, or inspection of one− and 2−family dwellings in a municipality where the department has jurisdiction pursuant to s. 101.651 (3) (b), Stats., unless the person obtains a registration from the department as a registered UDC inspection agency.

Note: Section 990.01 (26), Stats., states that the term "person" includes all partnerships, associations and bodies politic or corporate.

(2) APPLICATION FOR REGISTRATION. A person applying for a UDC inspection agency registration shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR REGISTRATION. The person applying for a UDC inspection agency registration shall be the owner of the business, a partner in the business applying on behalf of a partnership, or the chairman of the board or chief executive officer applying on behalf of the corporation.

(4) RESPONSIBILITIES. A person who is responsible for facilitating plan review, issuance of Wisconsin uniform building permits and the inspections for one− and 2−family dwellings as a registered UDC inspection agency shall be responsible for all of the following:

(a) Utilizing persons appropriately certified under s. SPS 305.63 to review the plans, issue the permits and conduct the inspections.

(b) Making the records relative to the plan review, issuance of permits and inspections available to the department upon request.

(c) Providing inspection services for all inspections required under s. SPS 320.10.

(d) Cooperating with the department in any program monitoring, enforcement activities, and investigations.

(e) Following all procedures established by the department for UDC enforcement by inspection agencies.

(f) Reporting to the department in writing when the agency has been dismissed by the owner or builder.

(g) Making any records associated with their permit, plan review and inspection activities available to the permit holder upon request.

(5) RENEWAL. (a) A person may renew his or her registration as a UDC inspection agency.

(b) A UDC inspection agency registration shall be renewed in accordance with s. SPS 305.07.

History: CR 00−159: cr. Register September 2001 No. 549 eff. 10−1−01; correction in (2) (a), (b), (4) (a), (c), (5) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.64 Elevator inspectors. (1) GENERAL. No person, as an authorized representative of the department, may provide inspections required under ch. SPS 318 unless the person holds a license issued by the department as a licensed elevator inspector.

(2) APPLICATION FOR LICENSE. A person may apply for a license as a licensed elevator inspector by submitting all of the following:

(a) An application, an application fee and the license fee in accordance with ss. SPS 305.01 and 305.02.

(b) Evidence that the person holds a certification in accordance with the procedures established under the standard for the Qualification of Elevator Inspector (QEI−1) from an independent organization acceptable to the department.

Note: As of October 1, 2013 acceptable independent organizations include the Elevator Industry Work Preservation Fund, the National Association of Elevator Safety Authorities International (NAESA International), and QEI Services, Inc.

(3) RESPONSIBILITIES. A person who inspects conveyances as a licensed elevator inspector shall be responsible for all of the following:

(a) Maintain a record of the inspections made including the dates and the findings of the inspections.

(b) Provide a copy of the inspection record to the conveyance owner or his or her agent.

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

(d) Maintain his or her QEI certification.

(4) RENEWAL. (a) A person may renew his or her license as an elevator inspector.

(b) An elevator inspector license shall be renewed in accordance with s. SPS 305.07.

(c) 1. The renewal of a license as a licensed elevator inspector shall be contingent upon the elevator inspector obtaining at least 24 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as a licensed elevator 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.

(d) The renewal of a license as an elevator inspector is contingent upon the person submitting evidence that the person holds a certification as an QEI elevator inspector.

(e) The renewal of a license as an elevator inspector shall be contingent upon the department's review of the applicant's criminal history record from the department of justice.

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; r. and recr. (1), renum. (2) and (3) to be (3) and (2) and r. and recr. (2) and (4), cr. (6) (c), Register, January, 1998, No. 505, eff. 2−1−98; am. (5) (c), Register, March, 1998, No. 507, eff.

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4−1−98; am. (1), (2) (intro.), (4) and (6) (c) 2., Register, April, 2000, No. 532, eff. 5−1−00; CR 03−075: r. and recr. (6) (c) 1. Register June 2004 No. 582, eff. 8−1−04; CR 07−089: r. and recr. Register June 2008 No. 630, eff. 7−1−08; correction in (1), (2) (a), (4) (b), (c) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14−010: am. (2) (b), (3) (d), (4) (c) 1., (d) Register August 2014 No. 704, eff. 9−1−14.

SPS 305.66 POWTS inspectors. (1) GENERAL. A person who holds a certification issued by the department as a certified POWTS inspector or a commercial plumbing inspector may inspect privately owned wastewater treatment systems, POWTS, for the purpose of administering and enforcing the provisions of chs. SPS 381 to 387, as an authorized representative of the department or a local governmental unit.

(2) APPLICATION FOR EXAMINATION. A person applying to take a POWTS inspector certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) EXAMINATION. Except as provided in sub. (4) (b), a person seeking to obtain a POWTS inspector certification shall take and pass an examination in accordance with s. SPS 305.09.

(4) APPLICATION FOR CERTIFICATION. (a) Upon notification of the successful passage of the examination for a POWTS inspector certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(b) A person may apply for a certification as a certified POWTS inspector by submitting an application, an application fee and the certification fee in accordance with ss. SPS 305.01 and 305.02 and one of the following:

1. Evidence that the person holds a license as a master plumber issued under s. SPS 305.91.

2. Evidence that the person holds a license as a master plumber−restricted service issued under s. SPS 305.92.

3. Evidence that the person holds a license as a journeyman plumber issued under s. SPS 305.93.

4. Evidence that the person holds a license as a journeyman plumber−restricted service issued under s. SPS 305.94.

(5) RESPONSIBILITIES. A person who inspects privately owned wastewater treatment systems as a certified POWTS inspector shall:

(a) Maintain a record of the inspections made including the dates and the findings of the inspections;

(b) Provide a copy of the inspection record to the privately owned wastewater treatment system owner or his or her agent; and

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

(6) RENEWAL. (a) 1. A person may renew his or her certification as a POWTS inspector.

2. A POWTS inspector certification shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a certification as a certified POWTS inspector shall be contingent upon the inspector obtaining at least 24 hours of acceptable continuing education prior to the expiration date of the certification as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a certification as a certified POWTS 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.

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. (5) (c), (6) (a) 2., (b) 2., March, 1998, No. 507, eff. 4−1−98; am. (1) and (4), r. (6) (b), renum. (6) (c) to be (6) (b) and am., Register, April, 2000, No. 532, eff. 5−1−00; CR 03−075: am. (1) and (3), renum. (4) to be (4) (a), cr. (4) (b), r. and recr. (6) (b) 1. Register June 2004 No. 582, eff. 8−1−04; CR 08−110: r. and recr. (6) (b) 1. Register September 2009 No. 645, eff. 10−1−09; correction in (1), (2) (a), (b), (3), (4) (a), (b) (intro.), 1. to 4., (6) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14−010: am. (6) (b) 1. Register August 2014 No. 704, eff. 9−1−14.

SPS 305.67 Rental weatherization inspectors. (1) GENERAL. No person may inspect rental units to determine compliance with ch. SPS 367 unless the person holds a certification issued by the department as a certified rental weatherization inspector.

(2) APPLICATION FOR EXAMINATION. A person applying to take a rental weatherization inspector certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) EXAMINATION. A person seeking to obtain a rental weatherization inspector certification shall take and pass an examination in accordance with s. SPS 305.09.

(4) APPLICATION FOR CERTIFICATION. Upon notification of the successful passage of the examination for a rental weatherization inspector certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(5) RESPONSIBILITIES. A person who inspects rental units as a certified rental weatherization inspector shall:

(a) Maintain a record of the inspections made including the dates and the findings of the inspections;

(b) Provide a copy of the inspection record to the rental property owner or his or her agent; and

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

(6) RENEWAL. (a) A person may renew his or her certification as a rental weatherization inspector.

(b) A rental weatherization inspector certification shall be renewed in accordance with s. SPS 305.07.

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. (5) (c) and (6) (b) 2., cr. (6) (c), Register, March, 1998, No. 507, eff. 4−1−98; am. (1) and (4), r. (6) (b), renum. (6) (c) to be (6) (b) and am., Register, April, 2000, No. 532, eff. 5−1−00; CR 03−075: r. (6) (b) Register June 2004 No. 582, eff. 8−1−04; (6) (a) 1., 2. renumbered to be (6) (a), (b) under s. 13.92 (4) (b) 1., Stats., correction in (1), (2) (a), (b), (3), (4), (6) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.68 Tank system inspectors. (1) GENERAL. No person may inspect a tank system that is regulated under ch. ATCP 93, to administer and enforce ch. ATCP 93, unless the person holds a certification issued by the department of agriculture, trade and consumer protection or the department of safety and professional services as a certified tank system inspector.

(2) APPLICATION FOR EXAMINATION. A person applying to take a tank system inspector certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. A person applying to take a tank system inspector certification examination shall have completed an approved educational course or training program that included at least 3 days of field exercises, within the 2 years immediately preceding the application.

(4) EXAMINATION. A person seeking to obtain a tank system inspector certification shall take and pass an examination in accordance with s. SPS 305.09.

(5) APPLICATION FOR CERTIFICATION. Upon notification of successfully passing the examination for a tank system inspector certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

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(6) RESPONSIBILITIES. A person who inspects tank systems as a certified tank system inspector shall:

(a) Perform regulatory enforcement of related code requirements in chs. ATCP 93 and SPS 305.

(b) Issue non−compliance or violation−correction orders and conduct follow−up inspections as necessary to verify correction.

Note: Inspectors with authority granted by the local municipality may utilize the respective enforcement procedures as granted by the respective authority.

(c) Pursue failure to comply with correction orders through local or department enforcement referral procedures.

(d) Maintain a record of the inspections made including the dates and the findings of the inspections.

(e) Provide a copy of the inspection report to the owner of the tank system or his or her agent.

(f) Make available to the department upon request his or her tank system inspection records.

Note: Section 19.32 (2), Stats., considers a record to be material containing written or electromagnetic information. The department will consider computer records to be equivalent to written reports.

(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. SPS 305.07.

(b) 1. The renewal of a certification as a certified tank system inspector shall be contingent upon the inspector obtaining at least 12 hours of acceptable continuing education prior to the expiration date of the certification as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a certification as a certified tank system 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.

Note: Authority over s. SPS 305.68 was transferred to the Department of Agriculture, Trade and Consumer Protection under 2013 Wis. Act 20, s. 9138 (3) (fm) and (4) (f).

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. (2) (b), r. and recr. (4) and (7) (a), Register, March, 1998, eff, 4−1−98; am. (1), (5) and (7) (b), Register, April, 2000, No. 532, eff. 5−1−00; CR 06−127: am. (1), (3) and (7) (b) 1., Register September 2007 No. 621, eff. 10−1−07; CR 11−020: renum. (6) (a) to (c) to be (d) to (f), cr. (6) (a) to (c), Register December 2011 No. 672, eff. 1−1−12; correction in (1), (2) (a), (b), (4), (5), (6) (a), (7) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; corrections in (1), (6) (a) made under s. 13.92 (4) (b) 7., Stats., Register October 2013 No. 694; CR 14−010: am. (7) (b) 1. Register August 2014 No. 704, eff. 9−1−14.

Subchapter VII — Mechanical

SPS 305.70 HVAC contractors. (1) GENERAL. (a) Except as provided in par. (b), pursuant to s. 101.178 (2), Stats., no person, entity, or business may engage or offer to engage in installing or servicing heating, ventilating, or air conditioning equipment, unless the person, entity, or business holds a registration issued by the department as a registered HVAC contractor.

(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.

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.

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.

Note: Pursuant to federal regulations individuals who install or service HVAC equipment involving ozone−depleting refrigerants are required to hold a Type I, II, III, or Universal technician certification issued in accordance with section 608 of the federal Clean Air Act and title 40 CFR part 82, subpart F.

(2) APPLICATION FOR REGISTRATION. A person applying for an HVAC contractor registration shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR REGISTRATION. The person applying for an HVAC contractor registration 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) For any HVAC equipment installation that requires a uniform building permit under s. SPS 320.08, a person, entity or business which holds an HVAC contractor registration may not commence installation of HVAC equipment until a permit is issued for the installation.

(b) A person who holds a HVAC contractor registration may not contract with another person or entity to engage in construction business activities unless the person or entity holds a credential under s. SPS 305.30 (1) (a) or (b).

Note: Section SPS 305.30 was repealed by CR 14−010, Register August 2014 No. 704, effective 9−1−14. Future rule−making by the department will correct the no longer valid reference.

Note: Chs. SPS 320 to 325 apply to one− and 2−family dwellings and manufactured dwellings. The department's uniform building permit is issued either by the municipality in which the dwelling is located or by a UDC inspection agency where the municipality does not administer the Uniform Dwelling Code.

Note: Section 101.16 (4) (a), Stats., provides that: The person performing the work of installing equipment utilizing liquefied petroleum gas for fuel purposes shall furnish the user of the equipment a statement, the form of which shall be prescribed by the department showing the design, construction, location, and installation of the equipment conforms with the rules promulgated by the department under this section.

(5) RENEWAL. (a) 1. A person may renew his or her registration as an HVAC contractor.

2. An HVAC contractor registration shall be renewed in accordance with s. SPS 305.07.

(b) A person, entity or business upon expiration of their registration to handle ozone−depleting refrigerants may renew the registration as an HVAC contractor in accordance with s. SPS 305.07.

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. (1) (b) 3., Register, March, 1998, No. 507, eff. 4−1−98; am. (1) (a), (b) 1., 2. and (2) (b), r. (1) (b) 3. and 4., Register, April, 2000, No. 532, eff. 5−1−00; CR 03−075: renum. (4) to be (5), cr. (4) Register June 2004 No. 582, eff. 8−1−04; CR 06−031: r. and recr. (1) Register October 2006 No. 610, eff. 11−1−06; CR 08−110: renum. (4) to be (4) (a), cr. (4) (b) Register September 2009 No. 645, eff. 10−1−09; correction in (2) (a), (b), (4) (a), (b), (5) (a) 2., (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 13−014: r. and recr. (1) Register September 2013 No. 693, eff. 10−1−13.

SPS 305.71 HVAC qualifiers. (1) GENERAL. (a) Pursuant to s. 101.178 (3), Stats., an individual may obtain in accordance with this section an HVAC qualifier certification from the department relative to the business of installing or servicing heating, ventilating or air conditioning equipment.

(b) A person or entity who utilizes a person who holds an HVAC qualifier certification under this section shall be deemed to be a certified HVAC business and pursuant to s. 101.178 (3) (c), Stats., may not be required to obtain a local certification, license or other approval in order to engage in the business of installing or servicing heating, ventilating or air conditioning equipment.

(2) APPLICATION FOR EXAMINATION. A person applying to take HVAC qualifier certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. A person applying for an HVAC qualifier certification examination shall have completed:

(a) At least 1000 hours per year for at least 4 years of experience in supervising or performing the design, installation, servicing or maintenance of HVAC systems or equipment;

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(b) At least 4 years of attendance in a school of mechanical engineering or in an accredited college, university, or technical, vocational or apprenticeship school in an HVAC−related program; or

(c) Any combination of 4 years of experience recognized under par. (a) and education recognized under par. (b).

(4) EXAMINATION. A person seeking to obtain an HVAC qualifier certification shall take and pass an examination in accordance with s. SPS 305.09.

(5) APPLICATION FOR CERTIFICATION. Upon notification of the successful passage of the examination for HVAC qualifier certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(6) RESPONSIBILITIES. For any HVAC equipment installation that requires a uniform building permit under s. SPS 320.08, a person who holds an HVAC qualifier certification may not commence installation of HVAC equipment until a permit is issued for the installation.

Note: Chs. SPS 320 to 325 apply to one− and 2−family dwellings and manufactured dwellings. The department's uniform building permit is issued either by the municipality in which the dwelling is located or by a UDC inspection agency where the municipality does not administer the Uniform Dwelling Code.

Note: Section 101.16 (4) (a), Stats., provides that: The person performing the work of installing equipment utilizing liquefied petroleum gas for fuel purposes shall furnish the user of the equipment a statement, the form of which shall be prescribed by the department showing the design, construction, location, and installation of the equipment conforms with the rules promulgated by the department under this section.

(7) RENEWAL. (a) A person may renew his or her HVAC qualifier certification.

(b) An HVAC qualifier certification shall be renewed in accordance with s. SPS 305.07.

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. (5), Register, April, 2000, No. 532, eff. 5−1−00; CR 03−075: renum. (6) to be (7), cr. (6) Register June 2004 No. 582, eff. 8−1−04; correction in (2) (a), (b), (4), (5), (6), (7) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.73 Liquefied gas suppliers. (1) GENERAL. (a) Pursuant to s. 101.16 (3g) (a), Stats., as of August 1, 2009, no person may engage in the business of filling containers with liquefied petroleum gas that is intended to be used directly from the containers as fuel, unless the person holds a license issued by the department as a licensed liquefied gas supplier or liquefied gas supplier — restricted, except as provided under either of the following conditions:

1. The business is engaged in only filling containers that have a water capacity of less than 4 pounds.

2. The filling of the containers with liquefied petroleum gas is for the person's or the entity's own use.

(b) A person who holds a license as a licensed liquefied gas supplier — restricted shall be limited to filling only department of transportation cylinders with liquefied petroleum gas.

Note: Under s. 101.16 (1) (c), Stats., a "department of transportation cylinder" means a container that holds liquefied petroleum gas and that meets the specifications established by the federal department of transportation.

(2) APPLICATION FOR LICENSE. A person applying for a liquefied gas supplier or a liquefied gas supplier — restricted license shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a license fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR LICENSE. (a) A person applying for either a liquefied gas supplier or a liquefied gas supplier — restricted license shall provide proof of financial responsibility as required under s. 101.16 (3r) (c), Stats.

Note: Section 101.16 (3r) (c), Stats., requires any one of the following to prove financial responsibility:

1. A surety bond that is issued by a surety company that is listed as an acceptable surety for federal bonds on the date that the surety bond is obtained in the most recently published U.S. department of the treasury's circular 570.

2. An irrevocable letter of credit that is issued by a financial institution that is authorized to do business in this state or that is federally chartered. The letter of credit shall be for an initial period of at least one year.

3. Commercial general liability insurance as an endorsement to an existing policy or as a separate policy from an insurer, or a risk retention group, that is licensed to transact the business of insurance in this state or that is eligible to provide insurance as a surplus lines insurer in one or more states.

(b) The person applying for either a liquefied gas supplier or a liquefied gas supplier — restricted license 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) A person who holds either a liquefied gas supplier or a liquefied gas supplier — restricted license shall maintain proof of financial responsibility in accordance with s. 101.16 (3r) (a) or (b), Stats.

Note: Section 101.16 (3r) (a) and (b), Stats., reads as follows:

(a) Except as provided in par. (b), a retail supplier (a licensed liquefied gas supplier or a liquefied gas supplier – restricted) shall maintain proof of financial responsibility in the amount of $1,000,000 per occurrence with an annual aggregate of $2,000,000 for compensating 3rd parties for bodily injury and property damages for incidents associated with the release of liquefied petroleum gas.

(b) A retail supplier (a licensed liquefied gas supplier or a liquefied gas supplier – restricted) who only fills department of transportation cylinders or who only fills containers for engine and recreational vehicle fueling systems shall maintain proof of financial responsibility in the amount of $500,000 per occurrence with an annual aggregate of $1,000,000 for compensating 3rd parties for bodily injury and property damages for incidents associated with the release of liquefied petroleum gas.

(b) Pursuant to s. 101.16 (3r) (g), Stats., a person who holds either a liquefied gas supplier or a liquefied gas supplier — restricted license shall notify the department at least 60 days before cancelling or failing to renew a surety bond, letter of credit or general liability insurance as proof of financial responsibility.

Note: Section 101.16 (3r) (f), Stats., requires a 3rd party that issues a surety bond, letter of credit, or general liability insurance to a retail supplier for purposed of this subsection shall provide written notice to the retail supplier and to the department at least 60 days before canceling, revoking, suspending, or failing to renew the bond, letter or insurance.

(c) Pursuant to s. 101.16 (4) (c), Stats., a person who holds either a liquefied gas supplier or a liquefied gas supplier — restricted license and fills a container that is part of a propane gas system shall provide written information notices to customers in accordance with s. 101.16 (4) (c), Stats.

Note: Section 101.16 (4) (c), Stats., reads: Each retail supplier filling a container that is part of a propane gas system shall provide written notice to each custom subject to par. (b) of the customer's duty under par. (b) before the retail supplier's first delivery of propane gas to that customer and shall provide subsequent notices on an annual basis. The notice shall include all of the following information concerning the duty to notify under par. (b):

1. The name, address, and telephone number of the retail supplier.
2. The purpose of giving the notification to the retail supplier.
3. A description of the type of propane gas system that is subject to the notification requirement.
4. A description of the types of activities that constitute a replacement, modification, repair, or servicing of a propane system.
5. A copy of the provisions under s. 101.16 (4) (b).

Note: Section 101.16 (4) (a), Stats., The person performing the work of installing equipment utilizing liquefied petroleum gas for fuel purposes shall furnish the user of the equipment a statement, the form of which shall be prescribed by the department showing the design, construction, location, and installation of the equipment conforms with the rules promulgated by the department under this section.

(5) RENEWAL. (a) A person may renew his or her liquefied gas supplier or liquefied gas supplier — restricted license.

(b) A liquefied gas supplier or a liquefied gas supplier — restricted license shall be renewed in accordance with s. SPS 305.07.

History: CR 08−092: cr. Register May 2009 No. 641, eff. 6−1−09; correction in (2) (a), (b), (5) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

Subchapter VIII — Storage Tanks

SPS 305.80 PECFA consulting firms. (1) GENERAL. (a) A corporation, partnership, sole proprietor or independent contractor that performs or provides professional level engineering or hydrogeological services related to a claim submitted for reimbursement under the PECFA program, ch. NR 747, shall hold

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a registration issued by the department of natural resources or department of safety and professional services as a registered PECFA consulting firm.

Note: See chs. 443 and 470, Stats., for additional requirements relating to the practice of professional engineering; and the practices of professional geology, professional hydrology, and professional soil science, respectively.

(b) The services referred to in par. (a) include but are not limited to:

1. Conducting site investigations;

2. Preparing remedial action plans and alternatives;

3. Designing and supervising the installation of remedial systems; and

4. Planning for passive bio–remediation with long term monitoring.

5. Preparing and submitting bids in the competitive public bidding process prescribed in ch. NR 747.

(2) APPLICATION FOR REGISTRATION. An entity applying for a PECFA consulting firm registration shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(c) Proof of employing at least one Wisconsin–registered PECFA consultant.

(d) Proof of being registered by the department of safety and professional services to engage in the practice of professional engineering, geology, hydrology, or soil science.

(e) Proof of the liability coverage specified in sub. (4) (a) 3. or (b), and (c).

(3) QUALIFICATIONS FOR REGISTRATION. The person applying for a PECFA consulting firm registration shall be the owner of the consulting business, a partner in the consulting business applying on behalf of a partnership, or the chairman of the board or chief executive officer applying on behalf of the consulting corporation.

(4) RESPONSIBILITIES. (a) An entity that performs or provides professional level engineering, geological, hydrological, or soil science services related to a claim submitted for reimbursement under the PECFA program, ch. NR 747, as a registered PECFA consulting firm shall do all of the following:

1. Ensure that only Wisconsin–registered professional engineers, professional geologists, professional hydrologists, or professional soil scientists perform professional–level engineering, geological, hydrological, or soil science services related to the PECFA program, unless those services are under the supervision of those professionals.

2. Ensure that only PECFA consultants who are so registered under this chapter perform the services referenced in s. SPS 305.81.

3. Hold errors and omissions professional liability coverage, including pollution impairment liability, of no less than $1,000,000 per claim, $1,000,000 annual aggregate and with a deductible of no more than $100,000 per claim, except as provided in par. (b).

(b) A consulting firm may request the department of natural resources' approval of an alternate mechanism for meeting the requirement of the maximum deductible in par. (a) 3. The department of natural resources shall review the request and determine whether it meets the requirement of the rule.

(c) The insurance coverage required under this subsection shall be obtained from a firm that has an A.M. Best rating of at least "A–."

(5) RENEWAL. (a) An entity may renew their registration as a PECFA consulting firm.

(b) A PECFA consulting firm registration shall be renewed in accordance with s. SPS 305.07.

(c) The renewal of a registration as a PECFA consulting firm shall be contingent upon all of the following:

1. Employing at least one Wisconsin–registered PECFA consultant.

2. Being registered by the department of safety and professional services to engage in the practice of professional engineering, geology, hydrology, or soil science.

3. Holding the liability coverage specified in sub. (4) (a) 3. or (b), and (c).

Note: Authority over ss. SPS 305.80 and 305.81 was transferred to Department of Natural Resources under 2013 Wis. Act 20, s. 9138 (7) (f).

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; am. (1) (a) and (2) (b), Register, April, 2000, No. 532, eff. 5–1–00; CR 04–058: cr. (1) (b) 5., (2) (c) and (d), (4) (a) 2., (b), (c), and (5) (c), r. (5) (b), renum. and am. (4) (intro.), (a) and (b) and (5) (a) 1. and 2. to be (4) (a) (intro.), 1. and 3. and (5) (a) and (b) Register February 2006 No. 602, eff. 5–1–06; CR 06–127: cr. (2) (e) and (5) (c) 3., Register September 2007 No. 621, eff. 10–1–07; correction in (1) (a), (b) 5., (2) (a), (b), (d) (4) (a) (intro.), 2., (5) (b), (c) 2. made under s. 13.92 (4) (b) 6., 7., Stats., Register December 2011 No. 672; corrections in (1) (a), (b) 5., (2) (d), (4) (a) (intro.), (b), (5) (c) 2. made under s. 13.92 (4) (b) 6., 7., Stats., Register October 2013 No. 694.

SPS 305.81 PECFA consultants. (1) GENERAL. (a) A person who performs or provides professional level investigation, interpretation, design or technical project management services related to a claim submitted for reimbursement under the PECFA program, ch. NR 747, shall hold a registration issued by the department of natural resources or department of safety and professional services as a registered PECFA consultant.

Note: See chs. 443 and 470, Stats., for additional requirements relating to the practice of professional engineering; and the practices of professional geology, professional hydrology, and professional soil science, respectively.

(b) The services referred to in par. (a) include but are not limited to:

1. Conducting site investigations;

2. Preparing remedial action plans and alternatives; or

3. Interpretation of data for passive or active bio–remediation systems.

(2) APPLICATION FOR REGISTRATION. A person applying for a PECFA consultant registration shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(c) Proof of being registered by the department of safety and professional services as a professional engineer, professional geologist, professional hydrologist, or professional soil scientist, or proof of being supervised by a person who is so registered.

(d) Proof of the liability coverage specified in sub. (3).

(3) RESPONSIBILITIES. A person who performs or provides professional level investigation, interpretation, design or technical project management services related to a claim submitted for reimbursement under the PECFA program, ch. NR 747, as a registered PECFA consultant shall either hold or be covered by errors and omissions professional liability coverage, including pollution impairment liability, of no less than $1,000,000 per claim, $1,000,000 annual aggregate and with a deductible of no more than $100,000 per claim.

(4) RENEWAL. (a) A person may renew his or her registration as a PECFA consultant.

(b) A PECFA consultant registration shall be renewed in accordance with s. SPS 305.07.

(c) The renewal of a registration as a PECFA consultant shall be contingent upon both of the following:

1. Being registered by the department of safety and professional services as a professional engineer, professional geologist, professional hydrologist, or professional soil scientist, or proof of being supervised by a person who is so registered.

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2. Holding or being covered by the liability coverage specified in sub. (3).

Note: Authority over ss. SPS 305.80 and 305.81 was transferred to Department of Natural Resources under 2013 Wis. Act 20, s. 9138 (7) (f).

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. (1) (a) and (2) (b), Register, April, 2000, No. 532, eff. 5−1−00; CR 04−058: cr. (2) (c) and (4) (c), r. (4) (b), renum. (4) (a) 1. and 2. to be (4) (a) and (b) Register February 2006 No. 602, eff. 5−1−06; CR 06−127: cr. (2) (d), r. and recr. (4) (c), Register September 2007 No. 621, eff. 10−1−07; correction in (1) (a), (2) (a), (b), (c), (3), (4) (b), (c) 1. made under s. 13.92 (4) (b) 6., 7., Stats., Register December 2011 No. 672; corrections in (1) (a), (2) (c), (3), (4) (c) 1. made under s. 13.92 (4) (b) 6., 7., Stats., Register October 2013 No. 694.

SPS 305.82 Tank specialty firms. (1) GENERAL. A corporation, partnership, sole proprietor, independent contractor, or person that provides or offers to provide installation, removal, testing, lining, cleaning or assessments for a tank system which is regulated under ch. ATCP 93 shall hold both of the following:

(a) A registration issued by the department of agriculture, trade and consumer protection or the department of safety and professional services as a registered tank specialty firm.

(b) Contractor liability coverage, including pollution impairment liability, of no less than $1,000,000 per claim and $1,000,000 annual aggregate and with a deductible of no more than $100,000 per claim.

(2) APPLICATION FOR REGISTRATION. An entity applying for a tank specialty firm registration shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(c) Proof of the liability coverage specified in sub. (1) (b).

(3) QUALIFICATIONS FOR REGISTRATION. The person applying for a tank specialty firm registration shall be the owner of the business, a partner in the business applying on behalf of a partnership, or the chairman of the board or chief executive officer applying on behalf of the corporation.

(4) RESPONSIBILITIES. An entity that provides storage tank system installation, removal, testing, lining, cleaning or site assessments as a registered tank specialty firm shall utilize the appropriate credentialed persons to install, remove, test, line, or clean storage tanks; to design or install a cathodic protection system for a tank system; or to provide tank−system site assessments.

(5) RENEWAL. (a) A person may renew his or her registration as a tank specialty firm.

(b) A tank specialty firm registration shall be renewed in accordance with s. SPS 305.07.

(c) An application for a renewal under this section shall include proof of the liability coverage specified in sub. (1) (b).

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. (5) (a) 2., Register, March, 1998, No. 507, eff. 4−1−98; am. (1) (a) and (2) (b), Register, April, 2000, No. 532, eff. 5−1−00; CR 06−127: r. and recr. (1), cr. (2) (c) and (5) (c), am. (4), renum. (5) (a) 1. and 2. to be (5) (a) and (b), r. (5) (b), Register September 2007 No. 621, eff. 10−1−07; CR 11−020: am. (1) (intro.), (a), (2) (intro.), (3), (4), (5) (a), (b), Register December 2011 No. 672, eff. 1−1−12; correction in (1) (intro.), (2) (a), (b), (5) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; corrections in (1) (intro.), (a) made under s. 13.92 (4) (b) 6., 7., Stats., Register October 2013 No. 694.

Note: Authority over ss. SPS 305.82 to 305.89 was transferred to Department of Agriculture, Trade and Consumer Protection under 2013 Wis. Act 20, s. 9138 (3) (fm) and (4) (f).

SPS 305.83 Tank−system site assessors. (1) GENERAL. (a) No person may conduct a tank−system site assessment required under ch. ATCP 93 unless the person holds a certification issued by the department of agriculture, trade and consumer protection or department of safety and professional services as a certified tank−system site assessor.

(b) Each tank−system site assessment shall be performed by a person who has no personal or monetary interest in the facility and whose employer has no personal or monetary interest in the facility.

(2) APPLICATION FOR EXAMINATION. A person applying to take a tank−system site assessor certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) EXAMINATION. A person seeking to obtain a tank−system site assessor certification shall take and pass an examination in accordance with s. SPS 305.09.

(4) APPLICATION FOR CERTIFICATION. Upon notification of successfully passing the examination for a tank−system site assessor certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(5) RENEWAL. (a) A person may renew his or her certification as a tank−system site assessor.

(b) A tank−system site assessor certification shall be renewed in accordance with s. SPS 305.07.

Note: Authority over ss. SPS 305.82 to 305.89 was transferred to Department of Agriculture, Trade and Consumer Protection under 2013 Wis. Act 20, s. 9138 (3) (fm) and (4) (f).

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. (1) and (4), Register, April, 2000, No. 532, eff. 5−1−00; CR 06−127: am. (title), (1), (2) (intro.), (3), and (4), renum. (5) (a) 1. and 2. to be (5) (a) and (b) and am., r. (5) (b), Register September 2007 No. 621, eff. 10−1−07; correction in (1) (a), (2) (a), (b), (3), (4), (5) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; corrections in (1) (a) made under s. 13.92 (4) (b) 6., 7., Stats., Register October 2013 No. 694.

SPS 305.84 Aboveground tank system installers. (1) GENERAL. Except as provided in sub. (7), no person may install an aboveground tank system that is regulated under ch. ATCP 93 unless the person complies with one of the following:

(a) The person holds a certification issued by the department of agriculture, trade and consumer protection or department of safety and professional services as a certified aboveground tank system installer.

(b) The person holds a registration as a professional engineer and is competent in the engineering methods and requirements in Wisconsin for designing and installing storage tank systems for flammable, combustible or hazardous liquids.

(c) The person is under the direct supervision of another person who holds a certification or registration under par. (a) or (b) and who is responsible for the installation.

(2) APPLICATION FOR EXAMINATION. A person applying to take an aboveground tank system installer certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) EXAMINATION. A person seeking to obtain an aboveground tank system installer certification shall take and pass an examination in accordance with s. SPS 305.09.

(4) APPLICATION FOR CERTIFICATION. Upon notification of successfully passing the examination for an aboveground tank system installer certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(5) RESPONSIBILITIES. A person who installs or supervises the installation of tank systems as a certified aboveground tank system installer shall be present at the job site for at least all of the following activities:

(a) Preinstallation tank system testing.

(b) Inspection and repair of coatings.

(c) Placement of tanks.

(d) Installation and testing of all connections and tank−related piping including vapor recovery, vents and supply pipes.

(e) Installation of monitoring or leak detection devices.

(f) Installation of pumps.

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(g) Installation of any underground piping.

(6) RENEWAL. (a) 1. A person may renew his or her certification as an aboveground tank system installer.

2. An aboveground tank system installer certification shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a certification as an aboveground tank system installer shall be contingent upon the installer obtaining at least 12 hours of acceptable continuing education prior to the expiration date of the certification as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a certification as an aboveground tank system installer may apply to the department of agriculture, trade and consumer protection 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 of agriculture, trade and consumer protection.

(7) EXCLUSION. This section does not apply to field−constructed aboveground tanks.

Note: Authority over ss. SPS 305.82 to 305.89 was transferred to Department of Agriculture, Trade and Consumer Protection under 2013 Wis. Act 20, s. 9138 (3) (fm) and (4) (f).

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. (1) (a), (b) and (4), Register, April, 2000, No. 532, eff. 5−1−00; CR 06−127: am. (1) (intro.) and (5) (e) and (f), cr. (5) (g) and (7), Register September 2007 No. 621, eff. 10−1−07; CR 11−020: r. and recr. (1), am. (6) (b) 1., Register December 2011 No. 672, eff. 1−1−12; correction of numbering (5) (a), as renumbered, under s. 13.92 (4) (b) 1., correction in (1) (intro.), (2) (a), (b), (3), (4), (5), (6) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; corrections in (1) (intro.), (a), (6) (b) 2. made under s. 13.92 (4) (b) 6., 7., Stats., Register October 2013 No. 694; CR 14−010: am. (6) (b) 1. Register August 2014 No. 704, eff. 9−1−14; CR 14−010: am. (6) (b) 1. Register August 2014 No. 704, eff. 9−1−14.

SPS 305.85 Underground tank system installers.

(1) GENERAL. No person may install an underground tank system that is regulated under ch. ATCP 93 unless the person complies with one of the following:

(a) The person holds a certification issued by the department of agriculture, trade and consumer protection or department of safety and professional services as a certified underground tank system installer.

(b) The person holds a registration as a professional engineer and is competent in the engineering methods and requirements in Wisconsin for designing and installing storage tank systems for flammable, combustible or hazardous liquids.

(c) The person is under the direct supervision of another person who holds a certification or registration under par. (a) or (b) and who is responsible for the installation.

(2) APPLICATION FOR EXAMINATION. A person applying to take an underground tank system installer certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) EXAMINATION. A person seeking to obtain an underground tank system installer certification shall take and pass an examination in accordance with s. SPS 305.09.

(4) APPLICATION FOR CERTIFICATION. Upon notification of successfully passing the examination for an underground tank system installer certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(5) RESPONSIBILITIES. A person who installs or supervises the installation of tanks as a certified underground tank system installer shall be present at the job site for at least all of the following activities:

(a) Preinstallation tank system testing.

(b) Inspection and repair of coatings.

(c) Placing of bedding material and the setting and bedding of tanks.

(d) Backfilling operations and compacting of backfill around tanks and piping.

(e) Installation or activation of department of agriculture, trade and consumer protection−accepted, factory−supplied cathodic protection systems.

Note: The Department of Agriculture, Trade and Consumer Protection has accepted factory−supplied cathodic protection systems that comply with the sti−P3® specifications from the Steel Tank Institute, and may accept other systems of this type without a rule change.

(f) Installation and testing of all connections and tank−related piping including vapor recovery, vents and supply pipes.

(g) Installation of leak detection devices and any monitoring wells.

(h) Testing of tanks and piping both prior to and after backfilling.

(i) Installation of pumps.

(6) RENEWAL. (a) 1. A person may renew his or her certification as an underground tank system installer.

2. An underground tank system installer certification shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a certification as an underground tank system installer shall be contingent upon the installer obtaining at least 12 hours of acceptable continuing education prior to the expiration date of the certification as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a certification as an underground tank system installer may apply to the department of agriculture, trade and consumer protection 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 of agriculture, trade and consumer protection.

Note: Authority over ss. SPS 305.82 to 305.89 was transferred to Department of Agriculture, Trade and Consumer Protection under 2013 Wis. Act 20, s. 9138 (3) (fm) and (4) (f).

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. (1) (a), (b) and (4), Register, April, 2000, No. 532, eff. 5−1−00; CR 06−127: am. (1) (intro.), (5) (e) and (i), Register September 2007 No. 621, eff. 10−1−07; CR 11−020: r. and recr.. (1), am. (6) (b) 1., Register December 2011 No. 672, eff. 1−1−12; correction in (1) (intro.), (2) (a), (b), (3), (4), (6) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; corrections in (1) (intro.), (a), (5) (e), (6) (b) 2. made under s. 13.92 (4) (b) 6., 7., Stats., Register October 2013 No. 694; CR 14−010: am. (6) (b) 1. Register August 2014 No. 704, eff. 9−1−14.

SPS 305.86 Underground tank system liners.

(1) GENERAL. No person may line or reline an underground tank system that has held or will hold flammable or combustible liquids which are regulated under ch. ATCP 93 unless the person complies with one of the following:

(a) The person holds a certification issued by the department of agriculture, trade and consumer protection or department of safety and professional services as a certified tank system liner.

(b) The person is under the direct supervision of another person who holds a certification issued by the department of agriculture, trade and consumer protection or department of safety and professional services as a certified tank system liner.

(2) APPLICATION FOR EXAMINATION. A person applying to take a tank system liner certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) EXAMINATION. A person seeking to obtain a tank system liner certification shall take and pass an examination in accordance with s. SPS 305.09.

(4) APPLICATION FOR CERTIFICATION. Upon notification of successfully passing the examination for a tank system liner certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

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(5) RESPONSIBILITIES. A person who lines or supervises the lining of underground tanks as a certified tank system liner shall be present at the job site for at least all of the following activities:

(a) Removal of product from the tanks and making the atmosphere of the tanks inert or vapor–free.

Note: Chapter ATCP 93 requires plan submittal and approval prior to lining a tank.

(b) Cutting of openings in tanks.

(c) Removal and handling of sludge and other wastes from tanks.

(d) Sand blasting of the tank interior.

(e) Inspection for holes and wall thickness.

(f) Notifying the owner if an internal tank assessment determines that a tank system assessment under ch. ATCP 93 is required.

(g) Repair of holes.

(h) Notifying and arranging for a certified tank system inspector to visit the site and authorize the lining, prior to applying the lining to the tank.

(i) Coating of tanks.

(j) Testing for holidays.

(k) Testing for coating hardness.

(L) Resealing of tanks.

(m) Completing an API 1631 inspection form B, as required by ch. ATCP 93, and submitting it to the owner, inspector and department of agriculture, trade and consumer protection.

(6) RENEWAL. (a) A person may renew his or her certification as a tank system liner.

(b) A tank system liner certification shall be renewed in accordance with s. SPS 305.07.

Note: Authority over ss. SPS 305.82 to 305.89 was transferred to Department of Agriculture, Trade and Consumer Protection under 2013 Wis. Act 20, s. 9138 (3) (fm) and (4) (f).

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; am. (1) (a), (b) and (4), Register, April, 2000, No. 532, eff. 5–1–00; CR 06–127: am. (1) (intro.), and (5) (intro.), renum. (5) (f) and (g) to (j) to be (5) (g) and (i) to (L), cr. (5) (f), (h) and (m), renum. (6) (a) 1. and 2. to be (6) (a) and (b), r. (6) (b), Register September 2007 No. 621, eff. 10–1–07; CR 11–020: r. and recr. (1), Register December 2011 No. 672, eff. 1–1–12; correction in (1) (intro.), (2) (a), (b), (3), (4), (5) (f), (m), (6) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; corrections in (1) (intro.), (a), (b), (5) (f), (m) made under s. 13.92 (4) (b) 6., 7., Stats., Register October 2013 No. 694.

SPS 305.87 Tank system removers and cleaners.

(1) GENERAL. Except as provided in sub. (7), no person may remove or clean a tank system that is regulated under ch. ATCP 93 unless the person complies with one of the following:

(a) The person holds a certification issued by the department of agriculture, trade and consumer protection or department of safety and professional services as a certified tank system remover–cleaner.

(b) The person is under the direct supervision of another person who holds a certification issued by the department of agriculture, trade and consumer protection or department of safety and professional services as a certified tank system remover–cleaner.

(2) APPLICATION FOR EXAMINATION. A person applying to take a tank system remover–cleaner certification examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(c) Proof of the liability coverage specified in s. SPS 305.82 (1) (b).

(3) EXAMINATION. A person seeking to obtain a tank system remover–cleaner certification shall take and pass an examination in accordance with s. SPS 305.09.

(4) APPLICATION FOR CERTIFICATION. Upon notification of successfully passing the examination for a tank system remover–cleaner certification, a person may obtain the certification by submitting an application and the certification fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(5) RESPONSIBILITIES. A person who removes or cleans or supervises the removing or cleaning of tanks as a certified tank system remover–cleaner shall be present at the job site for at least all of the following activities:

(a) Disconnecting and draining of piping.

(b) Capping of piping.

(c) Vapor freeing or inerting of tanks.

(d) Cleaning of tanks and handling of sludge and other wastes.

(e) Removal of tank systems from the ground and loading them for transport or filling the tank systems with an inert material.

(f) Visual inspection of the soils around the excavation or tank system location.

(6) RENEWAL. (a) A person may renew his or her certification as a tank system remover–cleaner.

(b) A tank system remover–cleaner certification shall be renewed in accordance with s. SPS 305.07.

(c) An application for a renewal under this section shall include proof of the liability coverage specified in s. SPS 305.82 (1) (b).

(7) EXCLUSIONS. This section does not apply to any of the following:

(a) Field–constructed aboveground tanks.

(b) Heating fuel tanks located aboveground or in basements of 1– or 2–family dwellings.

Note: Authority over ss. SPS 305.82 to 305.89 was transferred to Department of Agriculture, Trade and Consumer Protection under 2013 Wis. Act 20, s. 9138 (3) (fm) and (4) (f).

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; am. (1) (b), (6) (a) 2., Register, March, 1998, No. 507, eff. 4–1–98; am. (1) (a), (b) and (4), Register, April, 2000, No. 532, eff. 5–1–00; CR 06–127: r. and recr. (1) (intro.), renum. (1) (a) and (b) to be (1) (b) and (c) and am. (b), cr. (1) (d), (2) (c), (6) (c) and (7), renum. (6) (a) 1. and 2. to be (6) (a) and (b), r. (6) (b), Register September 2007 No. 621, eff. 10–1–07; CR 11–020: renum. (1) (a) to (c) to be (1) (intro.), (a), (b) and am., r. (1) (d), Register December 2011 No. 672, eff. 1–1–12; correction in (1) (intro.), (2) (a), (b), (c), (3), (4), (6) (b), (c) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; corrections in (1) (intro.), (a), (b) made under s. 13.92 (4) (b) 6., 7., Stats., Register October 2013 No. 694.

SPS 305.88 Tank system tightness testers.

(1) GENERAL. (a) No person may conduct the tightness testing specified in ch. ATCP 93 for a tank system unless the person holds a certification issued by the department of agriculture, trade and consumer protection or department of safety and professional services as a certified tank system tightness tester.

(b) Tank system tightness testing shall be performed by a person with no personal or monetary interest in the facility and whose employer has no personal or monetary interest in the facility.

(2) APPLICATION FOR CERTIFICATION. A person applying for a tank system tightness tester certification shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a certification fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR CERTIFICATION. (a) A person applying for a tank system tightness tester certification shall have completed training in one or more tightness test methods that have been approved under ch. ATCP 93, within the 2 years immediately preceding the application.

(b) The test methodology training qualifying for certification shall have been provided by the person or entity that obtained the approval under ch. ATCP 93 for the methodology.

(4) RESPONSIBILITIES. A person who conducts tightness tests for tank systems as a certified tank system tightness tester shall do all of the following:

(a) Conduct tightness tests in accordance with the material approval under ch. ATCP 93 and any additional manufacturer's instructions.

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(b) Employ only those test methodologies for which training has been obtained.

(5) RENEWAL. (a) A person may renew his or her certification as a tank system tightness tester.

(b) A tank system tightness tester certification shall be renewed in accordance with s. SPS 305.07.

Note: Authority over ss. SPS 305.82 to 305.89 was transferred to Department of Agriculture, Trade and Consumer Protection under 2013 Wis. Act 20, s. 9138 (3) (fm) and (4) (f).

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; am. (5) (b), Register, March, 1998, No. 507, eff. 4–1–98; am. (1) and (2) (b), Register, April, 2000, No. 532, eff. 5–1–00; CR 06–127: renum. (1) to be (1) (a) and am., cr. (1) (b), am. (3) and (4) (a), Register September 2007 No. 621, eff. 10–1–07; CR 11–020: am. (3) (a), (4) (intro.), correction in (1) (a), (2) (a), (b), (3) (a), (b), (4) (a), (5) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; corrections in (1) (a), (3) (a), (b), (4) (a) made under s. 13.92 (4) (b) 6., 7., Stats., Register October 2013 No. 694.

SPS 305.89 Cathodic protection specialties. (1) GENERAL. (a) *Cathodic protection tester.* No person may conduct cathodic protection testing of a tank system that is regulated under ch. ATCP 93 unless the person holds a certification issued by the department of agriculture, trade and consumer protection or department of safety and professional services as a certified cathodic protection tester.

(b) *Corrosion expert.* 1. No person may design or install a cathodic protection system for a tank system that is regulated under ch. ATCP 93 unless the person holds a certification issued by the department of agriculture, trade and consumer protection or department of safety and professional services as a certified corrosion expert.

2. This paragraph does not apply to department of agriculture, trade and consumer protection–accepted, factory–supplied cathodic protection systems.

Note: The Department of Agriculture, Trade and Consumer Protection has accepted factory–supplied cathodic protection systems that comply with the sti–P3® specifications from the Steel Tank Institute, and may accept other systems of this type without a rule change.

(c) *Independence.* Cathodic protection activities covered under this section shall be performed by a person with no personal or monetary interest in the facility and whose employer has no personal or monetary interest in the facility.

(2) APPLICATION FOR CERTIFICATION. A person applying for certification as a cathodic protection tester or a corrosion expert shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and certification fee in accordance with s. SPS 305.02, Table 305.02.

(c) Documentation showing formal education relating to soil resistivity, stray current, structure–to–soil potential, component electrical isolation measurements of buried metal piping and tank systems, and corrosion control.

(d) Documentation from a cathodic protection certification entity recognized by the department of agriculture, trade and consumer protection, showing the applicant has successfully completed a certification examination that corresponds to the cathodic protection specialty addressed in the application.

Note: The Department of Agriculture, Trade and Consumer Protection will accept the following certifications as demonstrating compliance with pars. (c) and (d), for a cathodic protection tester:

NACE certification as a CP1, CP2 or CP3 cathodic protection technician.
NACE certification as a senior corrosion technologist.
NACE certification as a corrosion technologist.
NACE certification as a corrosion technician.
STI certification in UST system cathodic protection monitoring.

Note: The department of agriculture, trade and consumer protection will accept the following certifications as demonstrating compliance with pars. (c) and (d), for a corrosion expert:

NACE certification as a corrosion specialist.
NACE certification as a CP4 cathodic protection specialist.

Note: NACE, formerly known as the National Association of Corrosion Engineers, can be contacted at NACE International, P.O. Box 218340, Houston, TX 77218. STI can be contacted at Steel Tank Institute, 570 Oakwood Road, Lake Zurich, IL 60047.

(3) RESPONSIBILITIES. A person who conducts cathodic protection tests or who designs or installs cathodic protection systems shall do all of the following:

(a) Conduct all cathodic protection tests in accordance with ch. ATCP 93 and any manufacturer's instructions.

(b) Employ only those methodologies for which training has been obtained and documented.

Note: Although several different levels of expertise may qualify for the same certification, this section is intended to prohibit performing cathodic protection activities unless the specific expertise for that activity has been attained and documented.

(4) RENEWAL. (a) A person may renew his or her certification as a cathodic protection tester or corrosion expert.

(b) A certification for a cathodic protection tester or corrosion expert shall be renewed in accordance with s. SPS 305.07.

Note: Authority over ss. SPS 305.82 to 305.89 was transferred to Department of Agriculture, Trade and Consumer Protection under 2013 Wis. Act 20, s. 9138 (3) (fm) and (4) (f).

History: CR 06–127: cr. Register September 2007 No. 621, eff. 10–1–07; CR 11–020: am. (title), cr. (1) (c) (title), Register December 2011 No. 672, eff. 1–1–12; correction in (1) (a), (b) 1., (2) (a), (b), (3) (a), (4) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; corrections in (1) (a), (b) 1., 2., (2) (d), (3) (a) made under s. 13.92 (4) (b) 6., 7., Stats., Register October 2013 No. 694.

Subchapter IX — Plumbing

SPS 305.90 Plumbing. (1) (a) Except as provided under s. 145.06 (4), Stats., and pursuant to s. 145.06, Stats., no person may install plumbing unless the person holds a license or registration issued by the department as a licensed master plumber, licensed master plumber–restricted, licensed journeyman plumber, licensed journeyman plumber–restricted, registered plumbing apprentice, registered plumbing learner–restricted, registered utility contractor or registered pipelayer.

(b) 1. Pursuant to s. 145.14, Stats., the plumbing activities that may be undertaken by a person who holds a license or registration as a licensed master plumber–restricted service, licensed journeyman plumber–restricted service or a registered plumbing learner–restricted service shall be limited to the installation or modification of all of the following:

a. Privately owned wastewater treatment systems and components as defined in ch. SPS 381.

b. Building sewers and private interceptor main sewers as defined in ch. SPS 381.

c. Water services and private water mains as defined in ch. SPS 381.

d. That portion of the drain system or water supply system that connects a building sewer or water service to the connection provided by the manufactured/mobile home manufacturer.

2. a. The plumbing activities that may be undertaken by a person who holds a license as a licensed master plumber–restricted service type 2 or licensed journeyman plumber–restricted service type 2 shall be limited to the installation or modification of underground drain and vent piping and plumbing delineated under subd. 1.

b. The plumbing activities that may be undertaken by a person who holds a license as a licensed master plumber–restricted service type 3 or licensed journeyman plumber–restricted service type 3 shall be limited to the modification of existing water distribution systems and plumbing delineated under subd. 1.

c. The plumbing activities that may be undertaken by a person who holds a license as a licensed master plumber–restricted service type 4 or licensed journeyman plumber–restricted service type 4 shall be limited to the installation or modification of drain and vent piping to existing drain stacks and vent stacks for the conversion from a private sewage system to municipal sewers and plumbing delineated under subd. 1.

Note: Prior to November 1, 1996, plumber–restricted service licenses were referred to as plumber–restricted sewer licenses and those licenses formerly referred to as plumber–restricted sewer type 1 are now titled plumber–restricted service. Restricted service plumbing licenses types 2 to 4 are no longer available to new applicants. Individuals who currently hold these types of licenses are permitted to renew

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the licenses and continue to perform the activities under subd. 2. Individuals who hold a journeyman plumber–restricted service type 2 to 4 may seek to obtain the appropriate type of master plumber–restricted service license in accordance with s. SPS 305.92.

3. Pursuant to s. 145.14, Stats., the plumbing activities that may be undertaken by a person who holds a license or registration as a licensed master plumber–restricted appliance, licensed journeyman plumber–restricted appliance, or registered plumbing learner–restricted appliance shall be limited to the installation and modification of water heaters, water softeners, water treatment devices and other items in connection with an existing water supply system which do not require direct connection to the drain system.

4. The plumbing activities that may be undertaken by a person who holds a license or registration as a licensed utility contractor or registered pipelayer shall be limited to the installation or modification of water services, private water mains, building sewers, and private interceptor main sewers.

(2) Pursuant to s. 145.06 (3m), Stats., no person may perform the required testing of cross connection control devices unless the person holds a registration issued by the department as a cross–connection control tester.

(3) A business engaged in the installation of plumbing that utilizes plumbing learners shall maintain a ratio of at least one journeyman plumber or journeyman plumber–restricted for each plumbing learner. For this purpose, a master plumber or master plumber–restricted may act as a journeyman plumber or journeyman plumber–restricted, respectively.

(4) Pursuant to s. 145.09, Stats., a person may be accepted for examination for the appropriate classification of license upon submittal of any of the following:

(a) An application in accordance with s. SPS 305.01, together with the application fee, and examination fee in accordance with s. SPS 305.02, Table 305.02.

(b) A petition for variance documenting evidence of equivalency as provided in s. 145.09 (1) or (2), Stats., and a petition for variance fee in accordance with s. SPS 305.02 (4).

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; am. (1) and (2), Register, April, 2000, No. 532, eff. 5–1–00; CR 03–075: am. (1) (b) 1. a. to c., cr. (1) (b) 1. d. and (4) Register June 2004 No. 582, eff. 8–1–04; CR 11–020: am. (1) (b) 4., Register December 2011 No. 672, eff. 1–1–12; correction in (1) (b) 1. a., b., c., (4) (a), (b), (c) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14–010: am. (4) (intro.), consol. (4) (a) and (b) and renum. to (a) and am., renum. (4) (c) to (b) and am., r. (4) (d) Register August 2014 No. 704, eff. 9–1–14.

SPS 305.91 Master plumbers. (1) GENERAL. A person may obtain a license as a licensed master plumber by taking and passing the master plumber license examination.

(2) APPLICATION FOR EXAMINATION. A person applying to take a master plumber license examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. A person applying for a master plumber license examination shall have one of the following qualifications:

(a) At least 1,000 hours of plumbing–related work experience per year for at least 3 years as a licensed journeyman plumber.

(b) Graduated from an accredited engineering university or college with a degree in civil engineering, mechanical engineering or other approved engineering curriculum related to plumbing.

(4) EXAMINATION. Except as provided in sub. (1) (b), a person seeking to obtain a master plumber license shall take and pass an examination in accordance with s. SPS 305.09.

Note: Section SPS 305.91 (1) (b) was repealed by CR 14–010, Register August 2014 No. 704, eff. 9–1–14. Future rule–making by the department will correct the no longer valid reference.

Note: After December 31, 2001, the examination for a master plumber license will include questions relative to the design and installation of multipurpose piping systems.

(5) APPLICATION FOR LICENSE. (a) Upon notification of the successful passage of the examination for a master plumber license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(b) A person may apply for a license as a licensed master plumber by submitting an application, application fee, and a license fee in accordance with ss. SPS 305.01 and 305.02, Table 305.02.

(6) RESPONSIBILITIES. (a) A person who as a licensed master plumber is responsible for the installation or modification of plumbing shall utilize the appropriately licensed or registered persons to install or modify plumbing.

(b) 1. A person who has obtained his or her master plumber license prior to January 1, 2002 and who is responsible for the installation or modification of a multipurpose piping system shall have completed an approved course in the engineering principles and skills associated with the design, installation and maintenance of multipurpose piping systems prior to installing such a system.

2. A course to fulfill the obligation under subd. 1. shall be approved and conducted in accordance with s. SPS 305.08.

(c) For any plumbing installation that requires a uniform building permit under s. SPS 320.08, a person who holds a master plumber license may not commence installation of plumbing until a permit is issued for the installation.

Note: Chs. SPS 320 to 325 apply to one– and 2–family dwellings and manufactured dwellings. The department's uniform building permit is issued either by the municipality in which the dwelling is located or by a UDC inspection agency where the municipality does not administer the Uniform Dwelling Code.

(d) For any construction that involves installation or modification of a private onsite wastewater treatment system, a person who holds a master plumber license may not commence installation of plumbing until a sanitary permit is issued for the installation in accordance with s. SPS 383.21.

Note: Section 101.16 (4) (a), Stats., provides that: The person performing the work of installing equipment utilizing liquefied petroleum gas for fuel purposes shall furnish the user of the equipment a statement, the form of which shall be prescribed by the department showing the design, construction, location, and installation of the equipment conforms with the rules promulgated by the department under this section.

(7) EXCHANGES. (a) A person who holds a master plumber license may, upon application to the department, exchange his or her master plumber license for a journeyman plumber license.

(b) A person who has exchanged his or her master plumber license for a journeyman plumber license may, upon application to the department, exchange his or her journeyman plumber license for a master plumber license provided:

1. The person holds a valid journeyman plumber license;

2. The person submits with the application a copy of his or her former master plumber license; and

3. The license fee for a master plumber specified in s. SPS 305.02, Table 305.02 is submitted.

(8) RENEWAL. (a) 1. A person may renew his or her license as a master plumber.

2. A master plumber license shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a license as a master plumber shall be contingent upon the master plumber obtaining at least 24 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as a master plumber 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

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waiver shall be considered individually on its merits by the department.

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; am. (1) (intro.), (5), (7) (b) 3. and (8) (b), renum. (6) to be (6) (a) and am., cr. (6) (b), Register, April, 2000, No. 532, eff. 5–1–00, except (6) (b) 1. eff. 8–1–00; CR 03–075: am. (3) (a), cr. (6) (c) and (d) Register June 2004 No. 582, eff. 8–1–04; CR 06–031: renum. (8) (b) 1. to be 1. a. and am., cr. (8) (b) 1. b. Register October 2006 No. 610, eff. 11–1–06; CR 11–020: r. (8) (b) 1. a., renum. (8) (b) 1. b. to be (8) (b) 1. and amend, Register December 2011 No. 672, eff. 1–1–12; correction in (2) (a), (b), (4), (5) (a), (b) 1., (6) (b) 2., (c), (d), (7) (b) 3., (8) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 13–014: am. (3) (a) Register September 2013 No. 693, eff. 10–1–13; CR 14–010: renum. (1) (intro.) to (1) and am., r. (1) (a), (b), renum. (5) (b) (intro.) to (5) (b) and am., r. (5) (b) 1., 2., am. (8) (b) 1. Register August 2014 No. 704, eff. 9–1–14.

SPS 305.92 Master plumbers–restricted. (1) GENERAL. A person may obtain a license as a licensed master plumber–restricted by taking and passing the master plumber–restricted license examination.

(2) APPLICATION FOR EXAMINATION. A person applying to take a master plumber–restricted service license examination or master plumber–restricted appliance license examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. (a) A person applying for a master plumber–restricted service license examination shall have at least 1,000 hours of plumbing–related work experience per year for at least 2 years as a licensed journeyman plumber or a licensed journeyman plumber–restricted service.

(b) A person applying for a master plumber–restricted appliance license examination shall have at least 1,000 hours of plumbing–related work experience per year for at least 2 years as a licensed journeyman plumber or a licensed journeyman plumber–restricted appliance.

(4) EXAMINATION. Except as provided in sub. (1) (b), a person seeking to obtain a master plumber–restricted service or a master plumber–restricted appliance license shall take and pass an examination in accordance with s. SPS 305.09.

Note: Section SPS 305.92 (1) (b) was repealed by CR 14–010, Register August 2014 No. 704, effective 9–1–14. Future rule–making by the department will correct the no longer valid reference.

Note: After December 31, 2001, the examination for a master plumber–restricted appliance license will include questions relative to the design and installation of multipurpose piping systems.

(5) APPLICATION FOR LICENSE. (a) Upon notification of the successful passage of the examination for a master plumber–restricted service or master plumber–restricted appliance license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(b) A person may apply for a license as a licensed master plumber–restricted service or a licensed master plumber–restricted appliance by submitting an application, application fee, and a license fee in accordance with ss. SPS 305.01 and 305.02, Table 305.02.

(6) RESPONSIBILITIES. (a) A person who, as a licensed master plumber–restricted service or licensed master plumber–restricted appliance, is responsible for an installation or modification of plumbing shall utilize the appropriately licensed or registered persons to install or modify plumbing.

(c) For any plumbing installation that requires a uniform building permit under s. SPS 320.08, a person who holds a master plumber–restricted appliance license or a master plumber–restricted service license may not commence installation of plumbing until a permit is issued for the installation.

Note: Chs. SPS 320 to 325 apply to one– and 2–family dwellings and manufactured dwellings. The department's uniform building permit is issued either by the municipality in which the dwelling is located or by a UDC inspection agency where the municipality does not administer the Uniform Dwelling Code.

(d) For any construction that involves installation or modification of a private onsite wastewater treatment system, a person who holds a master plumber–restricted service license may not commence installation of plumbing until a sanitary permit is issued for the installation in accordance with s. SPS 383.21.

Note: Section 101.16 (4) (a), Stats., provides that: The person performing the work of installing equipment utilizing liquefied petroleum gas for fuel purposes shall furnish the user of the equipment a statement, the form of which shall be prescribed by the department showing the design, construction, location, and installation of the equipment conforms with the rules promulgated by the department under this section.

(7) EXCHANGES. (a) A person who holds a master plumber–restricted service license or master plumber–restricted appliance license may, upon application to the department, exchange his or her master plumber license for the appropriate journeyman plumber–restricted license.

(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–restricted license provided:

1. The person holds a valid journeyman plumber–restricted license;

2. The person submits with the application a copy of his or her former master plumber–restricted license; and

3. The license fee for a master plumber–restricted license specified in s. SPS 305.02, Table 305.02 is submitted.

(8) RENEWAL. (a) 1. A person may renew his or her license as a master plumber–restricted service or master plumber–restricted appliance.

2. A master plumber–restricted service license and a master plumber–restricted appliance license shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a license as a master plumber–restricted service or master plumber–restricted appliance shall be contingent upon the master plumber obtaining at least 12 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as a master plumber–restricted service or master plumber–restricted appliance 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.

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; am. (7) (b) (intro.), Register, March, 1998, No. 507, eff. 4–1–98; am. (1) (intro.), (5), (6), (7) (b) 3. and (8) (b), Register, April, 2000, No. 532, eff. 5–1–00; am. (3), Register, May, 2001, No. 545, eff. 6–1–01; CR 03–075: am. (3), renum. (6) to be (6) (a), cr. (6) (b) and (c) Register June 2004 No. 582, eff. 8–1–04; CR 05–011: renum. (6) (b) and (c) to be (6) (c) and (d), cr. (6) (b) Register July 2005 No. 595, eff. 8–1–05; CR 06–031: renum. (8) (b) 1. to be 1. a. and am., cr. (8) (b) 1. b. Register October 2006 No. 610, eff. 11–1–06; CR 11–020: r. (8) (b) 1. a., renum. (8) (b) 1. b. to be (8) (b) 1. and amend, Register December 2011 No. 672, eff. 1–1–12; correction in (2) (a), (b), (4), (5) (a), (b) 1., (6) (b) 2., (c), (d), (7) (b) 3., (8) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 13–014: am. (3) Register September 2013 No. 693, eff. 10–1–13; CR 14–010: renum. (1) (intro.) to (1) and am., r. (1) (a), (b), renum. (5) (b) (intro.) to (5) (b) and am., r. (5) (b) 1., 2., r. (6) (b), am. (8) (b) 1. Register August 2014 No. 704, eff. 9–1–14.

SPS 305.93 Journeyman plumbers. (1) GENERAL. (a) The plumbing activities that may be undertaken by a person who holds a license as a licensed journeyman plumber shall be performed under the general supervision of a person who holds a master plumber license, master plumber–restricted license, or utility contractor license.

Note: A journeyman plumber who is working under the general supervision of a licensed master plumber–restricted or licensed utility contractor is limited to the type of plumbing installations associated with the specific license of the person providing the supervision.

(b) A person may obtain a license as a licensed journeyman plumber by taking and passing the journeyman plumber license examination.

(2) APPLICATION FOR EXAMINATION. A person applying to take a journeyman plumber license examination shall submit all of the following:

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(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. A person applying for a journeyman plumber license examination shall have completed a plumbing apprenticeship program recognized under ch. 106, Stats.

(4) EXAMINATION. Except as provided in sub. (1) (b), a person seeking to obtain a journeyman plumber license shall take and pass an examination in accordance with s. SPS 305.09.

(5) APPLICATION FOR LICENSE. (a) Upon notification of the successful passage of the examination for a journeyman plumber license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(b) A person may apply for a license as a licensed journeyman plumber by submitting an application, application fee, and a license fee in accordance with ss. SPS 305.01 and 305.02, Table 305.02.

(6) RENEWAL. (a) 1. A person may renew his or her license as a journeyman plumber.

2. A journeyman plumber license shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a license as a journeyman plumber shall be contingent upon the journeyman plumber obtaining at least 24 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as a journeyman plumber 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.

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; am. (6) (a) 2., Register, March, 1998, No. 507, eff. 4–1–98; am. (1) (a), (b) (intro.) and (5), Register, April, 2000, No. 532, eff. 5–1–00; CR 06–031: renum. (6) (b) 1. to be 1. a. and am., cr. (6) (b) 1. b. Register October 2006 No. 610, eff. 11–1–06; CR 11–020: r. (6) (b) 1. a., renum. (6) (b) 1. b. to be (6) (b) 1. and amend, Register December 2011 No. 672, eff. 1–1–12; correction in (2) (a), (b), (4), (5) (a), (b) 1., (6) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR14–010: renum. (1) (b) (intro.) to (1) and am., r. (1) (b) 1., 2., renum. (5) (b) (intro.) to (5) (b) and am., r. (5) (b) 1., 2., am. (6) (b) 1. Register August 2014 No. 704, eff. 9–1–14.

SPS 305.94 Journeyman plumbers–restricted service. (1) GENERAL. (a) The plumbing activities as delineated under s. SPS 305.90 (1) (b) that may be undertaken by a person who holds a license as a licensed journeyman plumber–restricted service shall be performed under the general supervision of a person who is a licensed master plumber or a licensed master plumber–restricted service.

(b) A person may obtain a license as a licensed journeyman plumber–restricted service by taking and passing the journeyman plumber–restricted license examination.

(2) APPLICATION FOR EXAMINATION. A person applying to take a journeyman plumber–restricted service license examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. A person applying for a journeyman plumber–restricted service license examination shall have met all of the following:

(a) At least 1,000 hours of plumbing–related work experience as a registered learner–restricted service.

(b) Received shop training and instruction in at least the following:

1. Forty hours of plumbing code, chs. SPS 381 to 387.
2. Twenty hours of blueprint or blueline reading.
3. Ten hours of transit or builder's level.
4. Twenty hours of plumbing–related mathematics.
5. Ten hours of first aid and safety.

(4) EXAMINATION. Except as provided in sub. (1) (b), a person seeking to obtain a journeyman plumber–restricted service license shall take and pass an examination in accordance with s. SPS 305.09.

(5) APPLICATION FOR LICENSE. (a) Upon notification of the successful passage of the examination for a journeyman plumber–restricted license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(b) A person may apply for a license as a licensed journeyman plumber–restricted service by submitting an application, an application fee, and a license fee in accordance with ss. SPS 305.01 and 305.02.

(6) RENEWAL. (a) 1. A person may renew his or her license as a journeyman plumber–restricted service.

2. A journeyman plumber–restricted service license shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a license as a journeyman plumber–restricted service shall be contingent upon the journeyman plumber obtaining at least 12 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as a journeyman plumber–restricted service 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.

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; am. (1) (a), (b) (intro.) and (5), Register, April, 2000, No. 532, eff. 5–1–00; corrections in (3) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2000, No. 532; CR 03–075: r. and recr. (3) Register June 2004 No. 582, eff. 8–1–04; CR 06–031: renum. (6) (b) 1. to be 1. a. and am., cr. (6) (b) 1. b. Register October 2006 No. 610, eff. 11–1–06; CR 11–020: r. (6) (b) 1. a., renum. (6) (b) 1. b. to be (6) (b) 1. and amend, Register December 2011 No. 672, eff. 1–1–12; correction in (1) (a) 1., 2., (2) (a), (b), (3) (a) 2. a., (b) 2. a., (4), (5) (a), (b) 1., (6) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14–010: am. (title), renum. (1) (a) 1. to (1) (a), r. (1) (a) 2., renum. (1) (b) (intro.) to (1) (b) and am., r. (1) (b) 1., 2., am. (2) (intro.), renum. (3) (a) to (3) (intro.), r. (3) (b), renum. (3) (a) 1., 2. to (3) (a), (b) and am. (a), am. (4), renum. (5) (b) (intro.) to (5) (b) and am., r. (5) (b) 1., 2., am. (6) Register August 2014 No. 704, eff. 9–1–14.

SPS 305.945 Journeyman plumbers–restricted appliance. (1) GENERAL. The plumbing activities as delineated under s. SPS 305.90 (1) (b) 3. that may be undertaken by a person who holds a license as a licensed journeyman plumber–restricted appliance shall be performed under the general supervision of a person who is a licensed master plumber or a licensed master plumber–restricted appliance.

(2) QUALIFICATIONS FOR LICENSURE. A person applying for a journeyman plumber–restricted appliance license shall complete all of the following:

(a) At least 1,000 hours of plumbing–related work experience as a registered learner–restricted appliance.

(b) Shop training and instruction in at least all of the following:

1. Plumbing code, chs. SPS 381 to 387.
2. Blueprint or blueline reading.
3. Appliance and equipment servicing.

(c) Successful passage of an examination administered by the department or an examination approved by the department in accordance with subs. (3) and (4).

(3) EXAMINATION. A person seeking to obtain a journeyman plumber–restricted appliance license shall take and pass an examination administered by the department, as provided in s. SPS 305.09, or an examination approved by the department and deemed to be equivalent to the department administered examination. Examination providers shall receive written approval from

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the department prior to administering a journeyman plumber–restricted appliance license examination.

(4) EXAMINATION APPROVAL. (a) Examination providers seeking department approval of a journeyman plumber–restricted appliance license examination shall submit to the department all of the following:

1. All exam items in the exam item bank.

2. An example of an exam score report.

3. An example test form or forms.

4. An exam content outline clearly indicating exam topic areas.

(b) A journeyman plumber–restricted appliance license examination approved by the department shall be determined by the department to have examination content equivalent to the examination content of the journeyman plumbers–restricted appliance exam administered by the department. The department may conduct an examination site inspection during an exam administration to ensure compliance with general test industry standards. The department may revoke the approval status of any examination.

(c) A score determined by the department to represent minimum competence to practice is required to pass each examination.

(d) Providers of approved journeyman plumber restricted–appliance license examinations shall provide exam applicants with the results of the examination in writing within 21 days of the examination date.

(e) 1. Providers of approved journeyman plumber restricted–appliance license examinations shall maintain examination records of those individuals who completed the examination for at least 5 years from the date of the examination and must make the records available to the department and to individual exam candidates upon request.

2. The attendance record for each exam candidate shall include all of the following:

a. The date the examination was held.

b. The name of the exam candidate.

c. The exam score and results indicating the pass or fail status of the exam candidate.

d. The name and address of the exam provider.

(f) Providers of approved journeyman plumber restricted–appliance license examinations shall notify the department of changes to the examination content outline, newly developed items in the exam item bank, and any other changes that bring the examination out of compliance with this section.

Note: Additional information regarding exam equivalency is available from the Department of Safety and Professional Services at P.O. Box 8366, Madison, WI 53708–8366 or at the Department Web site: http://dsps.wi.gov/Home.

(5) APPLICATION FOR LICENSE. (a) Upon notification of the successful passage of a department administered examination for a journeyman plumber–restricted appliance license a person may apply for a license as a licensed journeyman plumber–restricted appliance by submitting all of the following:

1. An application in accordance with ss. SPS 305.01 and SPS 305.09 (7) (c).

2. An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

3. Proof of satisfactory completion of the qualifications for licensure under sub. (2).

(b) Upon notification of the successful passage of an examination approved by the department for a journeyman plumber–restricted appliance license a person may apply for a license as a licensed journeyman plumber–restricted appliance within 3 months after the date that notice of exam results is released by the exam provider to the candidate. Failure to apply for a journeyman plumber–restricted appliance license within 3 months, shall necessitate the applicant to apply, retake, and pass another license examination in order to obtain the journeyman plumber restricted appliance license. A person may apply for a journeyman plumber–restricted appliance license by submitting all of the following:

1. An application in accordance with s. SPS 305.01.

2. An application fee in accordance with s. SPS 305.02, Table 305.02.

3. Proof of satisfactory completion of the qualifications for licensure under sub. (2).

(6) RENEWAL. (a) 1. A person may renew his or her license as a journeyman plumber–restricted appliance.

2. A journeyman plumber–restricted appliance license shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a license as a journeyman plumber–restricted appliance shall be contingent upon the journeyman plumber obtaining at least 12 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as a journeyman plumber–restricted appliance 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.

History: CR 14–010: cr. Register August 2014 No. 704, eff. 9–1–14; correction in (4) (title) made under s. 13.92 (4) (b) 2., Stats., Register August 2014.

SPS 305.95 Plumbing apprentices. (1) GENERAL. A person who holds a registration as a registered plumbing apprentice may install or modify plumbing under the general supervision of a person who is a licensed master plumber.

Note: The Department of workforce development, bureau of apprenticeship standards has additional supervision standards for apprentices for the purpose of training and education.

(2) APPLICATION FOR REGISTRATION. A person applying for a plumbing apprentice registration to install plumbing shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS. A person applying for plumbing apprentice registration to install plumbing shall be entered into a plumbing apprentice contract recognized under ch. 106, Stats.

(4) RESPONSIBILITIES. A person who installs or modifies plumbing as a registered plumbing apprentice may do so if he or she is entered into a plumbing apprentice contract recognized under ch. 106, Stats.

(5) RENEWAL. (a) 1. A person may renew his or her registration as a plumbing apprentice.

2. A plumbing apprentice registration to install plumbing shall be renewed in accordance with s. SPS 305.07.

(b) The renewal of a registration as a plumbing apprentice is contingent upon the person submitting evidence that the person is entered into a plumbing apprentice contract recognized under ch. 106, Stats.

History: Cr. Register, October, 1996, No. 490, eff. 11–1–96; am. (5) (b), Register, March, 1998, No. 507, eff. 4–1–98; am. (1) and (2) (b), Register, April, 2000, No. 532, eff. 5–1–00; CR 11–020: am, (3), (4), (5) (b), Register December 2011 No. 672, eff. 1–1–12; correction in (2) (a), (b), (5) (a) 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.96 Plumbing learners. (1) GENERAL. (a) The plumbing activities that may be undertaken by a person who holds a registration as a registered learner–restricted service shall be performed under the direct supervision of a person who holds a master plumber license, a master plumber–restricted service license, a journeyman plumber license or a journeyman plumber–restricted service license.

(b) The plumbing activities that may be undertaken by a person who holds a registration as a registered learner–restricted appliance shall be performed under the direct supervision of a person

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who holds a master plumber license, a master plumber−restricted appliance license, a journeyman plumber license or a journeyman plumber−restricted appliance license.

(2) APPLICATION FOR REGISTRATION. A person applying for a plumbing learner−restricted service registration or plumbing learner−restricted appliance registration shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR REGISTRATION. A person applying for a plumbing learner−restricted service registration or plumbing learner−restricted appliance registration to install or modify plumbing shall be at least 16 years old and shall have completed the 12th grade in school or its equivalent.

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. (1) and (2) (b), Register, April, 2000, No. 532, eff. 5−1−00; correction in (2) (a), (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.97 Utility contractors. (1) GENERAL. A person may obtain a license as a licensed utility contractor by taking and passing the utility contractor license examination.

(2) APPLICATION FOR EXAMINATION. A person applying to take an utility contractor license examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. The person applying for an utility contractor license examination shall be at least 18 years old.

(4) EXAMINATION. A person seeking to obtain an utility contractor license shall take and pass an examination in accordance with s. SPS 305.09.

(5) APPLICATION FOR LICENSE. Upon notification of the successful passage of the examination for a utility contractor license, a person may obtain the license by submitting an application and a license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(6) RESPONSIBILITIES. A person who, as a licensed utility contractor, installs or modifies water services, private water mains, sanitary building sewers, storm building sewers, or private interceptor main sewers shall utilize the appropriately licensed or registered persons to install or modify the plumbing.

(7) RENEWAL. (a) A person may renew his or her license as a utility contractor.

(b) An utility contractor license shall be renewed in accordance with s. SPS 305.07.

(c) 1. The renewal of a license as a utility contractor shall be contingent upon the utility contractor obtaining at least 6 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, 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.

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. (1), (5) and (6), Register, April, 2000, No. 532, eff. 5−1−00; CR 06−031: cr. (7) (c) Register October 2006 No. 610, eff. 11−1−06; CR 11−020: r. and recr. (1), am, (7) (c) 1., Register December 2011 No. 672, eff. 1−1−12; correction in (2) (a), (b), (4), (5), (7) (b), (c) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14−010: am. (7) (c) 1. Register August 2014 No. 704, eff. 9−1−14.

SPS 305.98 Pipelayers. (1) GENERAL. Pursuant to s. 145.07 (11), Stats., a person who holds a registration as a registered pipelayer may install or modify water services, private water mains, sanitary building sewers, storm building sewers, or private interceptor main sewers under the general supervision of a licensed utility contractor, licensed master plumber, or a licensed master plumber−restricted service.

(2) APPLICATION FOR REGISTRATION. A person applying for a pipelayer registration to install plumbing shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR REGISTRATION. A person applying for a pipelayer registration to install plumbing shall be at least 18 years old.

(4) RENEWAL. (a) A person may renew his or her registration as a pipelayer.

(b) A pipelayer registration shall be renewed in accordance with s. SPS 305.07.

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. (2) (a) and (b), Register, March, 1998, No. 507, eff. 4−1−98; am. (1) and (2) (b), Register, April, 2000, No. 532, eff. 5−1−00; correction in (2) (a), (b), (4) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.99 Cross connection control testers. (1) GENERAL. Pursuant to s. 145.06 (3m), Stats., no person may conduct a performance test of a cross connection control assembly as required by s. SPS 382.22 (8) unless the person holds a registration issued by the department as a registered cross connection control tester.

(2) APPLICATION FOR REGISTRATION. A person applying for a cross connection control tester registration shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR REGISTRATION. A person applying for a cross connection control tester registration shall have completed at least 40 hours in an approved course or courses in the theory of cross connection control, the operation, testing and maintenance of cross connection control assemblies, and the national standards for these cross connection control assemblies. The course or courses shall include instruction in at least all of the following:

(a) Reduced pressure principle backflow preventers.

(b) Reduced pressure detector fire protection backflow prevention assemblies.

(c) Pressure vacuum breaker assembly.

(d) Double check detector fire protection backflow prevention assemblies.

(e) Double check fire protection backflow prevention assemblies.

(f) Spill resistant vacuum breakers.

(4) RESPONSIBILITIES. A person who, as a registered cross connection control tester, conducts performance tests of cross connection control assemblies shall be responsible for all of the following:

(a) Maintaining a record of each cross connection control assembly performance test conducted, including the date and the result of the test, for at least 2 years.

(b) Making available to the department upon request his or her performance test records.

(c) Following all procedures established by the department for conducting performance tests and filing the results.

(5) RENEWAL. (a) A person may renew his or her registration as a cross connection control tester.

(b) A cross connection control tester registration shall be renewed in accordance with s. SPS 305.07.

(c) 1. The renewal of a certification as a cross connection control tester which has an expiration date after June 30, 2013 shall be contingent upon the cross connection control tester obtaining

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at least 6 hours of approved continuing education prior to the expiration date of the certification as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a certification as a cross connection control tester 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. The department shall consider each application for waiver individually on its merits.

History: Cr. Register, October, 1996, No. 490, eff. 11−1−96; am. (3) (b) to (e), cr. (3) (f), Register, February, 1997, No. 494, eff. 3−1−97; am. (1) and (2) (b), Register, April, 2000, No. 532, eff. 5−1−00; CR 03−075: am. (3) (intro.) Register June 2004 No. 582, eff. 8−1−04; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register May 2009 No. 641; CR 09−050: am. (1) and (3), renum. (4) to be (5), cr. (4) Register December 2009 No. 648, eff. 1−1−10; CR 10−064: cr. (5) (c) Register December 2010 No. 660, eff. 1−1−11; correction in (1), (2) (a), (b), (5) (b), (c) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14−010: am. (5) (c) 1. Register August 2014 No. 704, eff. 9−1−14.

Subchapter X — Conveyances

SPS 305.9905 Elevator contractor. (1) GENERAL. (a) Pursuant to s. 101.984 (1), Stats., no person or entity, as of June 1, 2008, may engage in the business or offer to engage in the business of constructing, installing, altering, servicing, replacing or maintaining conveyances unless the person or entity holds a license issued by the department as a licensed elevator contractor, except as provided under par. (b).

(b) A person, entity or business is not required to hold a license as a licensed elevator contractor to service or maintain existing conveyances within facilities or properties owned by the person, entity or business.

(2) APPLICATION FOR LICENSE. A person applying for an elevator contractor license shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a license fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR LICENSE. (a) A person applying for an elevator contractor license shall provide all of the following:

1. A statement certifying that the person complies with the worker's compensation requirements under ch. 102, Stats.

2. Evidence of compliance with the liability insurance requirements as specified under s. 101.985 (1), Stats.

Note: Section 101.985 (1), Stats. reads: "Except as otherwise provided in this subsection, the department shall issue an elevator contractor's license to each person who demonstrates to the satisfaction of the department that the person is adequately qualified and able to engage in business as elevator contractor. The department may summarily issue an elevator contractor's license to a person who is licensed as an elevator contractor under the laws of another state, if, in the opinion of the department, that state's regulation of elevator contractors is substantially the same as this state's. Every person who applies for a license under this subsection shall provide the department with a certificate of insurance issued by one or more insurers authorized to do business in this state, indicating that the person is insured in the amount of at least $1,000,000 per occurrence because of bodily injury to or death of others, is insured in the amount of at least $500,000 per occurrence because of damage to the property of others, and is insured to the extent required under ch. 102. A person who is issued a license under this subsection shall notify the department in writing of any material change in these insurance coverages at least 10 days before the change takes effect."

(b) The person applying for an elevator contractor license 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) A licensed elevator contractor shall be responsible for the contractor's work on conveyances with respect to compliance to ch. SPS 318.

(b) A licensed elevator contractor shall utilize the appropriately licensed or registered individuals to construct, install, alter, service, replace or maintain conveyances.

(c) For any construction, installation, alteration, repair or replacement of a conveyance or conveyance component that requires a permit under s. SPS 318.1007, a licensed elevator contractor may not commence the work until a permit is issued for the project.

(d) A licensed elevator contractor shall maintain their liability insurance as specified under s. 101.985 (1), Stats.

Note: See "note" under s. SPS 305.9905 (3) (a) 2. for reprint of s. 101.985 (1), Stats.

(e) A licensed elevator contractor may not contract with another person or entity to engage in construction business activities unless the person or entity holds a credential under s. SPS 305.30 (1) (a) or (b).

Note: Section SPS 305.30 was repealed by CR 14−010, Register August 2014 No. 704, effective 9−1−14. Future rule−making by the department will correct the no longer valid reference.

(5) RENEWAL. (a) 1. A person may renew his or her elevator contractor license.

2. An elevator contractor license shall be renewed in accordance with s. SPS 305.07.

(b) The renewal of a license as an elevator contractor shall be contingent upon the department's review of the applicant's criminal history record from the department of justice.

History: CR 07−089: cr. Register June 2008 No. 630, eff. 7−1−08, except (1) eff. 1−1−09; renumber from Comm 5.990 made under s. 13.92 (4) (b) 1., Stats., Register June 2008 No. 630; correction in (4) (c) made under s. 13.92 (4) (b) 7., Stats., Register June 2008 No. 630; CR 08−110: cr. (4) (e) Register September 2009 No. 645, eff. 10−1−09; correction in (2) (a), (b), (4) (a), (c), (e), (5) (a) 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.991 Elevator installers. (1) GENERAL. (a) Except as specified in sub. (2), no person may erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances unless the person holds a license or registration issued by the department as one of the following:

1. A licensed elevator mechanic.
2. A licensed elevator mechanic−restricted.
3. A registered elevator apprentice.
4. A registered elevator apprentice−restricted.
5. A registered elevator helper.
6. A licensed lift mechanic.
7. A registered lift apprentice.
8. A registered lift helper.

(b) The activities under par. (a) (intro.) that may be undertaken by a person who holds a license or registration as a licensed elevator mechanic−restricted or a registered elevator apprentice−restricted shall be limited to the repair and maintenance of conveyances and the replacement of conveyance components and subsystems except the replacement of hoist ropes and governor ropes.

(c) The activities under par. (a) (intro.) that may be undertaken by a person who holds a license or registration as a licensed lift mechanic, a registered lift apprentice, or a registered lift helper shall be limited to the erection, construction, alteration, replacement, maintenance, repair, removal or dismantling of conveyances covered under ASME A18.1 and ASME A17.1 sections 5.2, 5.3, 5.4, 7.1, 7.2, 7.3 and 7.8.

(2) EXCEPTIONS. (a) *Removal or dismantling of conveyances.* The requirements under sub. (1) do not apply to the removal or dismantling of conveyances as addressed under s. 101.984 (2) (c) 1., Stats.

Note: Section 101.984 (2) (c) 1., Stats. reads: "Paragraph (a) does not apply to an individual who removes or dismantles a conveyance that is destroyed as a result of a complete demolition of a building or where the hoistway or wellway is demolished back to the basic support structure such that the hoistway or wellway is inaccessible."

(b) *Maintenance or repair of conveyances.* The requirements under sub. (1) do not apply to maintenance or repair activities that do not affect the operation of the conveyance including any of the following:

1. Changes to the interior finishes of a conveyance that do not significantly affect the dead load of the conveyance.

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2. Changing lamps for conveyance illumination.

History: CR 07–089: cr. Register June 2008 No. 630, eff. 1–1–09; CR 08–030: am. (1) (c) Register December 2008 No. 636, eff. 1–1–09.

SPS 305.992 Elevator mechanic. (1) GENERAL. A person may obtain a license as a licensed elevator mechanic by one of the following methods:

(a) Taking and passing the elevator mechanic license examination.

(b) Completing an elevator apprenticeship program lasting at least 4 years and recognized under ch. 106, Stats., or recognized by the U.S. department of labor.

(c) Completing a 4–year training program established by the national elevator industry educational program or department approved equivalent and having one of the following employment experiences:

1. Having been employed for at least 1,000 hours per year for 5 years immediately preceding the date of license application and the employment in each of the years involves any of the following:

a. Management activities for a company that engages in the sale, installation, repair, or maintenance of conveyances.

b. Supervision of elevator mechanic activities.

c. Conveyance labor relations.

2. Having been employed for at least 1,000 hours per year for 5 years preceding the date of license application and the employment includes elevator mechanic level work experience in each year of the 5 years.

(2) APPLICATION FOR EXAMINATION. A person applying to take an elevator mechanic license examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. A person applying for an elevator mechanic license examination shall have been employed for at least 1,000 hours per year for 5 consecutive years immediately preceding the date of application and the employment includes elevator mechanic level work experience in each year of the 5 years.

(4) APPLICATION FOR LICENSE. (a) Upon notification of the successful passage of the examination for an elevator mechanic license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(b) A person may apply for a license as a licensed elevator mechanic by submitting all of the following:

1. An application, application fee and a license fee in accordance with ss. SPS 305.01 and 305.02, Table 305.02.

2. The appropriate evidence documenting eligibility under sub. (1) (b) or (c).

(5) RESPONSIBILITIES. A person, who as a licensed elevator mechanic provides supervision of a registered elevator apprentice, a registered elevator apprentice–restricted, a registered elevator helper, a registered lift apprentice or a registered lift helper, shall be responsible for the work of the apprentice or helper with respect to compliance to ch. SPS 318.

(6) RENEWAL. (a) 1. A person may renew his or her license as an elevator mechanic.

2. An elevator mechanic license shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a license as an elevator mechanic shall be contingent upon the elevator mechanic obtaining at least 12 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as an elevator mechanic 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.

3. A person, who initially obtained his or her elevator mechanic license by completing an elevator apprenticeship and whose request to renew his or her license is denied because of failure to fulfill the continuing education requirements of subd. 1., shall be required to take and pass the elevator mechanic examination in order to reacquire the elevator mechanic license.

(c) The renewal of a license as an elevator mechanic shall be contingent upon the department's review of the applicant's criminal history record from the department of justice.

History: CR 07–089: cr. Register June 2008 No. 630, eff. 7–1–08; correction in (2) (a), (b), (4) (a), (b) 1., (5), (6) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 13–014: r. and recr. (1) (c) Register September 2013 No. 693, eff. 10–1–13; CR 14–010: am. (6) (b) 1. Register August 2014 No. 704, eff. 9–1–14.

SPS 305.993 Elevator mechanic–restricted. (1) GENERAL. A person may obtain a license as a licensed elevator mechanic–restricted by one of the following methods:

(a) Taking and passing the elevator mechanic–restricted license examination.

(b) Completing an elevator maintenance apprenticeship program lasting at least 2 years and recognized under ch. 106, Stats., or recognized by the U.S. department of labor.

(2) APPLICATION FOR EXAMINATION. A person applying to take an elevator–restricted mechanic license examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. A person applying for an elevator mechanic–restricted license examination shall have been employed for at least 1,000 hours per year for 3 consecutive years immediately preceding the date of application and the employment includes elevator mechanic–restricted level work experience in each year of the 3 years.

(4) APPLICATION FOR LICENSE. (a) Upon notification of the successful passage of the examination for an elevator mechanic–restricted license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(b) A person may apply for a license as a licensed elevator mechanic–restricted by submitting all of the following:

1. An application, application fee and a license fee in accordance with ss. SPS 305.01 and 305.02, Table 305.02.

2. The appropriate evidence documenting eligibility under sub. (1) (b).

(5) RESPONSIBILITIES. A person, who as a licensed elevator mechanic–restricted provides supervision of a registered elevator apprentice, a registered elevator apprentice–restricted, a registered elevator helper, a registered lift apprentice or a registered lift helper, shall be responsible for the work of the apprentice or helper with to respect to compliance to ch. SPS 318.

(6) RENEWAL. (a) 1. A person may renew his or her license as an elevator mechanic–restricted.

2. An elevator mechanic–restricted license shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a license as an elevator mechanic–restricted shall be contingent upon the elevator mechanic obtaining at least 12 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

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2. A person who holds a license as an elevator mechanic–restricted 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.

3. A person, who initially obtained his or her elevator mechanic–restricted license by completing a elevator maintenance apprenticeship and whose request to renew his or her license is denied because of failure to fulfill the continuing education requirements of subd. 1., shall be required to take and pass the elevator mechanic–restricted examination in order to reacquire the elevator mechanic–restricted license.

(c) The renewal of a license as an elevator mechanic–restricted shall be contingent upon the department's review of the applicant's criminal history record from the department of justice.

History: CR 07–089: cr. Register June 2008 No. 630, eff. 7–1–08; correction in (2) (a), (b), (4) (a), (b) 1., (5), (6) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 13–014: r. (1) (c) Register September 2013 No. 693, eff. 10–1–13; correction in (4) (b) 2. made under s. 13.92 (4) (b) 7., Stats., Register September 2013 No. 693; CR 14–010: am. (6) (b) 1. Register August 2014 No. 704, eff. 9–1–14.

SPS 305.994 Elevator apprentice. (1) GENERAL. (a) The activities of an individual, who holds a registration issued by the department as a registered elevator apprentice to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances, shall be performed under the general supervision of a person who is a licensed elevator mechanic, except as provided in par. (b).

(b) 1. The activities of an individual, who holds a registration issued by the department as a registered elevator apprentice to maintain and repair conveyances and to replace conveyance components and subsystems, except the replacement of hoist ropes and governor ropes, shall be performed under the general supervision of a person who is a licensed elevator mechanic or a licensed elevator mechanic–restricted.

2. The activities of an individual, who holds a registration issued by the department as a registered elevator apprentice to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances covered under ASME A18.1 and ASME A17.1 section 5.2, shall be performed under the general supervision of a person who is a licensed elevator mechanic or lift mechanic.

Note: The Department of workforce development, bureau of apprenticeship standards may have additional supervision standards for apprentices for the purpose of training and education.

(2) APPLICATION FOR REGISTRATION. A person applying for an elevator apprentice registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS. A person applying for an elevator apprentice registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall be entered into an elevator apprentice contract recognized under ch. 106, Stats., or by the U.S. department of labor.

(4) RESPONSIBILITIES. A person who erects, constructs, alters, replaces, maintains, repairs, removes or dismantles conveyances as a registered elevator apprentice may do so if he or she is entered into an elevator apprentice contract recognized under ch. 106, Stats., or the U.S. department of labor.

(5) RENEWAL. (a) 1. A person may renew his or her registration as an elevator apprentice.

2. An elevator apprentice registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall be renewed in accordance with s. SPS 305.07.

(b) The renewal of a registration as an elevator apprentice is contingent upon the person submitting evidence that the person is entered into an elevator apprentice contract program recognized under ch. 106, Stats., or by the U.S. department of labor.

History: CR 07–089: cr. Register June 2008 No. 630, eff. 7–1–08; CR 11–020: am. (3), (4), (5) (b), Register December 2011 No. 672, eff. 1–1–12; correction in (2) (a), (b), (5) (a) 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.995 Elevator apprentice–restricted. (1) GENERAL. (a) The activities of an individual, who holds a registration issued by the department as a registered elevator apprentice–restricted to maintain and repair conveyances and replace conveyance components and subsystems, except the replacement of hoist ropes and governor ropes, shall be performed under the general supervision of a person who is a licensed elevator mechanic or licensed elevator mechanic–restricted, except as provided in par. (b).

(b) The activities of an individual, who holds a registration issued by the department as a registered elevator apprentice–restricted to maintain and repair conveyances covered under ASME A18.1 and ASME A17.1 section 5.2, shall be performed under the general supervision of a person who is a licensed elevator mechanic, a licensed elevator mechanic–restricted, or a licensed lift mechanic.

Note: The Department of workforce development, bureau of apprenticeship standards may have additional supervision standards for apprentices for the purpose of training and education.

(2) APPLICATION FOR REGISTRATION. A person applying for an elevator apprentice–restricted registration to maintain or repair conveyances or replace conveyance components or subsystems, except the replacement of hoist ropes and governor ropes, shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS. A person applying for an elevator apprentice–restricted registration to maintain or repair conveyances or replace conveyance components or subsystems, except the replacement of hoist ropes and governor ropes, shall be entered into an elevator apprentice contract recognized under ch. 106, Stats., or by the U.S. department of labor.

(4) RESPONSIBILITIES. A person who maintains or repairs conveyances or replaces conveyance components or subsystems, except the replacement of hoist ropes and governor ropes, as a registered elevator apprentice–restricted may do so if he or she is entered into an elevator apprentice contract recognized under ch. 106, Stats., or the U.S. department of labor.

(5) RENEWAL. (a) 1. A person may renew his or her registration as an elevator apprentice–restricted.

2. An elevator apprentice–restricted registration to maintain or repair conveyances or replace conveyance components or subsystems, except the replacement of hoist ropes and governor ropes, shall be renewed in accordance with s. SPS 305.07.

(b) The renewal of a registration as an elevator apprentice–restricted is contingent upon the person submitting evidence that the person is entered into an elevator apprentice contract recognized under ch. 106, Stats., or by the U.S. department of labor.

History: CR 07–089: cr. Register June 2008 No. 630, eff. 7–1–08; CR 11–020: am. (3), (4), (5) (b), Register December 2011 No. 672, eff. 1–1–12; correction in (2) (a), (b), (5) (a) 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.996 Elevator helpers. (1) GENERAL. (a) Pursuant to s. 101.984 (2), Stats., the activities of an individual, who holds a registration as a registered elevator helper to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances, shall be performed under the direct supervision of a licensed elevator mechanic, except as provided in par. (b).

(b) 1. The activities of an individual, who holds a registration as a registered elevator helper to maintain and repair conveyances

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and to replace conveyance components and subsystems, shall be performed under the general supervision of a person who is a licensed elevator mechanic or a licensed elevator mechanic−restricted.

2. The activities of an individual, who holds a registration issued by the department as a registered elevator helper to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances covered under ASME A18.1 and ASME A17.1 section 5.2, shall be performed under the general supervision of a person who is a licensed elevator mechanic or lift mechanic.

(2) APPLICATION FOR REGISTRATION. A person applying for an elevator helper registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR REGISTRATION. A person applying for an elevator helper registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall be at least 18 years old.

(4) RENEWAL. (a) A person may renew his or her registration as an elevator helper.

(b) An elevator helper registration shall be renewed in accordance with s. SPS 305.07.

History: CR 07−089: cr. Register June 2008 No. 630, eff. 7−1−08; correction in (2) (a), (b), (4) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.997 Lift mechanic. (1) GENERAL. A person may obtain a license as a licensed lift mechanic by one of the following methods:

(a) Taking and passing the lift mechanic license examination.

(b) Completing a lift apprenticeship program lasting at least 2 years and recognized under ch. 106, Stats., or recognized by the U.S. department of labor.

(c) 1. Having been employed for at least 1,000 hours per year for 3 years preceding the date of application and employment includes lift mechanic level work experience in each year of the 3 years.

2. This paragraph does not apply 2 years after July 1, 2008.

(2) APPLICATION FOR EXAMINATION. A person applying to take a lift mechanic license examination shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and examination fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR EXAMINATION. A person applying for a lift mechanic license examination shall have been employed for at least 1,000 hours per year for 3 consecutive years immediately preceding the date of application and the employment includes lift mechanic level work experience in each year of the 3 years.

(4) APPLICATION FOR LICENSE. (a) Upon notification of the successful passage of the examination for a lift mechanic license, a person may obtain the license by submitting an application and the license fee in accordance with ss. SPS 305.01 and 305.09 (7) (c).

(b) A person may apply for a license as a licensed lift mechanic by submitting all of the following:

1. An application, application fee and a license fee in accordance with ss. SPS 305.01 and 305.02, Table 305.02.

2. The appropriate evidence documenting eligibility under sub. (1) (b) or (c).

(5) RESPONSIBILITIES. A person who as a licensed lift mechanic provides supervision of a registered lift apprentice or a registered lift helper shall be responsible for the work of the apprentice or helper with to respect to compliance to ch. SPS 318.

(6) RENEWAL. (a) 1. A person may renew his or her license as a lift mechanic.

2. A lift mechanic license shall be renewed in accordance with s. SPS 305.07.

(b) 1. The renewal of a license as a lift mechanic shall be contingent upon the lift mechanic obtaining at least 12 hours of acceptable continuing education prior to the expiration date of the license as specified in s. SPS 305.08 and Table 305.06, except as provided in subd. 2.

2. A person who holds a license as a lift mechanic 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.

3. A person, who initially obtained his or her lift mechanic license by completing a lift apprenticeship and whose request to renew his or her license is denied because of failure to fulfill the continuing education requirements of subd. 1., shall be required to take and pass the lift mechanic examination in order to reacquire the lift mechanic license.

(c) The renewal of a license as an elevator mechanic−restricted shall be contingent upon the department's review of the applicant's criminal history record from the department of justice.

Note: CR 07−089 inadvertently referenced elevator mechanic−restricted license instead of the lift mechanic license. Section SPS 305.997 relates to lift mechanics. A correction will be made in subsequent rulemaking.

History: CR 07−089: cr. Register June 2008 No. 630, eff. 7−1−08; correction in (2) (a), (b), (4) (a), (b) 1., (5), (6) (a) 2., (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14−010: am. (6) (b) 1. Register August 2014 No. 704, eff. 9−1−14.

SPS 305.998 Lift apprentice. (1) GENERAL. (a) The activities of an individual, who holds a registration issued by the department as a registered lift apprentice to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances as described under s. SPS 305.991, shall be performed under the general supervision of a person who is a licensed lift mechanic or a licensed elevator mechanic, except as provided in par. (b).

(b) The activities of an individual, who holds a registration issued by the department as a registered lift apprentice to maintain and repair conveyances under the scope of ASME A18.1 and ASME A17.1 sections 5.2, 5.3, 5.4, 7.1, 7.2, 7.3 and 7.8, shall be performed under the general supervision of a person who is a licensed lift mechanic, a licensed elevator mechanic or a licensed elevator mechanic−restricted.

Note: The department of workforce development, bureau of apprenticeship standards may have additional supervision standards for apprentices for the purpose of training and education.

(2) APPLICATION FOR REGISTRATION. A person applying for a lift apprentice registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS. A person applying for a lift apprentice registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall be entered into an elevator apprentice contract recognized under ch. 106, Stats., or by the U.S. department of labor.

(4) RESPONSIBILITIES. A person who erects, constructs, alters, replaces, maintains, repairs, removes or dismantles conveyances as a registered lift apprentice may do so if he or she is entered into an elevator apprentice contract recognized under ch. 106, Stats., or the U.S. department of labor.

(5) RENEWAL. (a) 1. A person may renew his or her registration as a lift apprentice.

2. A lift apprentice registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall be renewed in accordance with s. SPS 305.07.

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http://docs.legis.wisconsin.gov/code/admin_code

(b) The renewal of a registration as a lift apprentice is contingent upon the person submitting evidence that the person is entered into an elevator apprentice contract recognized under ch. 106, Stats., or by the U.S. department of labor.

History: CR 07−089: cr. Register June 2008 No. 630, eff. 7−1−08; CR 08−030: am. (1) (b) Register December 2008 No. 636, eff. 1−1−09; CR 11−020: am. (3), (4), (5) (b), Register December 2011 No. 672, eff. 1−1−12; correction in (1) (a), (2) (a), (b), (5) (a) 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 305.999 Lift helpers. (1) GENERAL. (a) Pursuant to s. 101.984 (2), Stats., the activities of an individual, who holds a registration as a registered lift helper to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances as described under s. SPS 305.991, shall be performed under the general supervision of a person who is a licensed lift mechanic or a licensed elevator mechanic, except as provided in par. (b).

(b) The activities of an individual, who holds a registration issued by the department as a registered lift helper to maintain and repair conveyances under the scope of ASME A18.1 and ASME A17.1 sections 5.2, 5.3, 5.4, 7.1, 7.2, 7.3, and 7.8, shall be performed under the general supervision of a person who is a licensed lift mechanic, a licensed elevator mechanic or a licensed elevator mechanic−restricted.

(2) APPLICATION FOR REGISTRATION. A person applying for a lift helper registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall submit all of the following:

(a) An application in accordance with s. SPS 305.01.

(b) An application fee and a registration fee in accordance with s. SPS 305.02, Table 305.02.

(3) QUALIFICATIONS FOR REGISTRATION. A person applying for a lift helper registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall be at least 18 years old.

(4) RENEWAL. (a) A person may renew his or her registration as a lift helper.

(b) A lift helper registration shall be renewed in accordance with s. SPS 305.07.

History: CR 07−089: cr. Register June 2008 No. 630, eff. 7−1−08; CR 08−030: am. (1) (b) Register December 2008 No. 636, eff. 1−1−09; correction in (1) (a), (2) (a), (b), (4) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.