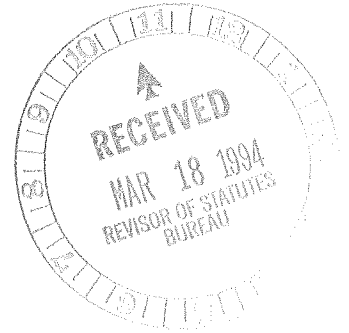


CR 93-195

# RULES CERTIFICATE

STATE OF WISCONSIN )  
 ) SS  
DEPT. OF INDUSTRY, )  
LABOR & HUMAN RELATIONS )



TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carol Skornicka, Secretary of the Department of Industry,  
Labor and Human Relations, and custodian of the official records of said department, do hereby certify that  
the annexed rule(s) relating to plumbing and fire sprinkler licenses & soil testing certifications  
(Subject)  
were duly approved and adopted by this department on March 18, 1994.  
(Date)

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

IN TESTIMONY WHEREOF, I have hereunto set  
my hand and affixed the official seal of the  
department at 8:00 a.m.  
in the city of Madison, this 18th  
day of March A.D. 19 94.

*Carol Skornicka*  
Secretary

# ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s)

101.02 (1) and 145.02 (3)

Stats., the Department of Industry, Labor and Human Relations  creates;  amends;

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

ILHR 2

Fee Schedule

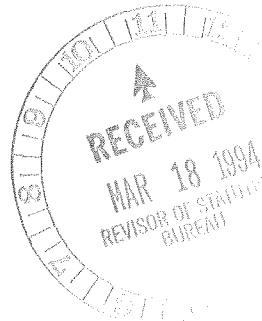
ILHR 81-87

Plumbing Code

(Number)

(Title)

The attached rules shall take effect on the first day of the month following publication  
in the Wisconsin Administrative Register pursuant to section 227.22, Stats.



Adopted at Madison, Wisconsin this

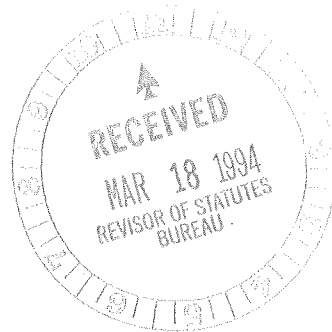
date: March 18, 1994

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN  
RELATIONS

  
Secretary



# RULES in FINAL DRAFT FORM



**Rule No.:**            Chapters ILHR 2 and 81

**Relating to:**            Plumbing & Fire Sprinkler Licenses & Soil Testing Certifications

**Clearinghouse Rule No.:**            93-195

The Wisconsin Department of Industry, Labor and Human Relations proposes an order to repeal ILHR 81.13 (3) (a) 2, and 81.135 (3) (b); to renumber ILHR 81.135 (3) (a); to renumber and amend ILHR 81.13 (3) (a) 3; to amend ILHR 2.62 (1) (a) 2 and 3, (b) 2 and 3, (e) 2 and 3, (g), (h), (i), (j) 2 and 3, (k) 2 and 3, (m) 2 and 3, and (n), 2.62 (2) (b) and (c), ILHR 81.12 (intro.), 81.13 (1) (title) and (intro.), 81.13 (3) (b), 81.135 (1), 81.65 and 81.66 (1) and (2); to repeal and recreate ILHR 81.07, 81.08 (intro.) and (1), 81.13 (3) (a) 1, and 81.135 (2) (a) and (b); and to create ILHR 81.13 (1) Note, 81.135 (4) (g), relating to plumbing licenses, fire sprinkler system licenses and soil tester certifications.

\*\*\*\*\*

### ANALYSIS OF RULES

Statutory authority: ss. 101.02 (1), 101.19, 145.02 (3) and 145.045, Stats.  
Statutes interpreted: s. 145.08, Stats.

The enactment of the state budget, 1993 Wisconsin Act 16, changes the terms of plumbing and fire sprinkler licenses from one year to 2 years. The act also adjusts the statutory specified maximum fee limits to reflect the new 2- year terms. The plumbing code and the fee schedules of the department currently reflect the one-year terms for plumbing and fire sprinkler licenses. Therefore, the proposed revisions to chapters ILHR 2 and 81 are intended to coordinate the administrative rules with the new statutory provisions. These proposed revisions have also been implemented by emergency rule which is a temporary process and will be made permanent by this rule-making process.

The act also mandates that the department phase in the transition to a 2-year cycle period by initially renewing half the licenses renewals for one year and the other half for 2 years. Therefore, for the licensing period beginning on January 1, 1994 the department has renewed those individuals whose last names begin with the letters A to M initially for one year and those individuals whose last names begin with the letters N to Z for a two-year period.

In coordinating the various processes affected by the new license terms, the department is proposing to eliminate the requirement for individuals who have exchanged their master plumbing licenses for journeyman plumbing licenses to renew the master plumbing licenses at least once every 5 years. The department will still allow the exchange of the licenses but will now permit the individuals to revert back to the master plumbing licenses at their option at anytime. The department will also permit the exchange of a plumbing license for a plumbing license retiree at no charge to the individual.

In addition to plumbing and fire sprinkler licenses the department is proposing to change the certification terms for soil testers from one year to 2 years. The department is planning to phase in the 2-year cycle period for these certifications.

SECTION 1. ILHR 2.62 (1) (a) 2 and 3, (b) 2 and 3, (d) 2 and 3, (e) 2 and 3, (g), (h), (i), (j) 2 and 3, (k) 2 and 3, (m) 2 and 3, and (n) are amended to read:

ILHR 2.62 (1) (a) 2. 'License fee'. Master plumber license, ~~\$125.00~~ \$250.00 and ~~\$125.00~~ \$250.00 for each renewal of license, if application is made prior to January 1, ~~annually~~; after that date an additional fee of \$20.00

3. 'Temporary permit fee'. Temporary permit pending examination and issuance of license for master plumber, ~~\$200.00~~ \$400.00. The fee shall cover the examination fee prescribed and the license fee for the year 2-year period in which issued.

(b) 2. 'License fee'. Journeyman plumber license, ~~\$45.00~~ \$90.00 and ~~\$45.00~~ \$90.00 for each renewal of license, if application is made prior to January 1, ~~annually~~; after that date an additional fee of \$10.00.

3. 'Temporary permit fee'. Temporary permit pending examination and issuance of license for journeyman plumber, ~~\$75.00~~ \$150.00. The fee shall cover the examination fee prescribed and the license fee for the year 2-year period issued.

(d) 2. 'License fee'. Master plumber-restricted license, ~~\$125.00~~ \$250.00 and ~~\$125.00~~ \$250.00 for each renewal of license, if application is made prior to January 1, ~~annually~~; after that date an additional fee of \$20.00.

3. 'Temporary permit fee'. Temporary permit pending examination and issuance of license for master plumber-restricted, ~~\$200.00~~ \$400.00. The fee shall cover the examination fee prescribed and the license fee for the year 2-year period in which issued.

(e) 2. 'License fee'. Journeyman plumber-restricted, ~~\$45.00~~ \$90.00 and ~~\$45.00~~ \$90.00 for each renewal of license, if application is made prior to January 1, ~~annually~~; after that date an additional fee of \$10.00.

3. 'Temporary permit fee'. Temporary permit pending examination and issuance of license for journeyman plumber-restricted, ~~\$75.00~~ \$150.00. The fee shall cover the examination fee prescribed and the license fee for the year 2-year period issued.

~~(g) Plumber license retiree. The fee for a plumber license retiree in the categories of a master plumber, master plumber-restricted, journeyman plumber or journeyman plumber-restricted shall be equivalent to the current renewal fee for the applicable journeyman plumber license or journeyman plumber-restricted license. A plumber license retiree shall be valid for the lifetime of the license.~~

(h) Utility contractor. The fees for the utility contractor shall be ~~\$125.00~~ \$250.00 and ~~\$125.00~~ \$250.00 for each renewal of license, if application is made prior to January 1, ~~annually~~; after that date an additional fee of \$10.00.

(i) Pipe layer. The registration fees for pipelayer shall be ~~\$45.00~~ ~~\$90.00~~ and ~~\$45.00~~ \$90.00 for each renewal of registration, if application is made prior to January 1, ~~annually~~; after that date an additional fee of \$10.

(j) 2. 'License fee'. Automatic fire sprinkler contractor license, ~~\$500.00~~ \$1,000.00 and ~~\$500.00~~ \$1,000.00 for each renewal of license, if application is made prior to January 1, ~~annually~~; after that date an additional fee of \$25.00.

3. 'Temporary permit fee'. A temporary permit pending examination will be issued upon receipt of application and a fee of ~~\$350.00~~ \$700.00 which covers the examination fee and the temporary permit fee. When the contractor successfully passes the examination an additional fee of ~~\$250.00~~ \$500.00 shall be paid prior to the issuance of the license for the remainder of the ~~calendar year~~ 2-year license period.

(k) 2. 'License fee'. Journeyman automatic fire sprinkler fitter license, ~~\$45.00~~ \$90.00 and ~~\$45.00~~ \$90.00 for each renewal of license, if application is made prior to January 1, ~~annually~~; after that date an additional fee of \$10.00.

3. 'Temporary permit fee'. Temporary permits pending examination and issuance of license for a journeyman automatic fire sprinkler fitter, ~~\$75.00~~ \$150.00. The fee shall cover the examination fee prescribed and the license fee for the ~~calendar-year~~ 2-year period issued.

(m) 2. 'License fee'. Automatic fire sprinkler maintenance registration certificate, ~~\$100.00~~ \$200.00 and ~~\$100.00~~ \$200.00 for each renewal of registration, if application is made prior to January 1, ~~annually~~; after that date an additional fee of \$25.00.

3. 'Temporary permit fee'. Temporary permit pending examination and issuance of an automatic fire sprinkler maintenance certificate, ~~\$125.00~~ \$250.00 which covers the examination fee. Upon successful passage of the examination an additional ~~\$100.00~~ \$200.00 shall be paid prior to the issuance of the registration certificate for the remainder of the ~~year~~ 2-year license period.

(n) Automatic fire sprinkler fitter maintenance. The registration certificate fees for an automatic fire sprinkler fitter maintenance shall be ~~\$15.00~~ \$30.00 and ~~\$15.00~~ \$30.00 for each renewal of registration, if application is made prior to January 1, ~~annually~~; after that date an additional fee of \$10.00.

SECTION 2. ILHR 2.62 (2) (b) and (c) are amended to read:

ILHR 2.62 (2) (b) Certification. Upon successfully passing the written examination, the applicant for a certified soil tester certificate shall submit a fee of ~~\$60.00~~ \$120.00.

(c) Recertification. The fee for renewal of a valid soil tester certification shall be ~~\$60.00~~ \$120.00.

SECTION 3. ILHR 81.07 is repealed and recreated to read:

ILHR 81.07 EXCHANGE OF LICENSE WITHOUT EXAMINATION. An individual who possesses a valid master plumber license or master plumber-restricted license may upon application to the department exchange his or her license for a journeyman plumber license or journeyman plumber-restricted license, respectively. An individual who has exchanged his or her master plumber license or master plumber-restricted license for a journeyman plumber license or journeyman plumber-restricted license may apply to the department to reissue his or her respective master plumber license or master plumber-restricted license, provided:

- (1) The individual possesses a valid journeyman license; and
- (2) The individual submits a fee equivalent to the appropriate license renewal fee for either a master plumber license or master plumber-restricted license in accordance with s. ILHR 2.62 (1) (a) 2. or (d) 2., respectively.

SECTION 4. ILHR 81.08 (intro.) and (1) are repealed and recreated to read:

ILHR 81.08 PLUMBER LICENSE-RETIREE. An individual who possesses a valid master plumber license, master plumber-restricted license, journeyman plumber license, or journeyman plumber-restricted license may upon application to the department exchange his or her license for a plumber license designate as a retiree in the respective category provided the individual is at least 62 years old or is physically unable to carry out the responsibilities of the profession.

- (1) ISSUANCE. A plumber license-retiree shall be issued upon receipt of a completed application.

SECTION 5. ILHR 81.12 (intro.) is amended to read:

ILHR 81.12 EXPIRATION OF LICENSES AND REGISTRATIONS. Except as provided in s. ILHR 81.08 (2) and ~~ch. ILHR-2~~, no license or registration issued under this subchapter shall be valid for longer than ~~one year and all licenses and registrations shall expire on December 31 of each year~~ 2 years. Except as provided in s. ILHR 81.08 (2), licenses or registrations issued under this subchapter shall expire on December 31 of the second year of the license or registration.

SECTION 6. ILHR 81.13 (1) (title) and (intro.) are amended to read:

ILHR 81.13 (1) RENEWAL NOTICE. Notice for the renewal of licenses and registrations issued under this subchapter shall be sent to all licensees and registrants whose licenses or registrations ~~were in force during the previous year~~ are about to expire at least 30 days prior to the date of expiration.

SECTION 7. ILHR 81.13 (1) Note is created to read:

ILHR 81.13 (1) Note: The 1993 Wisconsin Act 16 mandates that the department phase in the transition to a 2-year license cycle period by renewing half the licenses renewals for one year and the other half for 2 years. Therefore, the department has for the license period that began on January 1, 1994 renewed renewal requests of those individuals whose last names begin with the letters A to M for one year and those individuals whose last names begin with the letters N to Z for 2 years.

SECTION 8. ILHR 81.13 (3) (a) 1 is repealed and recreated to read:

ILHR 81.13 (3) (a) 1. Except as provided in s. 145.05 (1), Stats., and subd. 2, an individual who does not renew his or her plumbing license in accordance with s. ILHR 81.12 shall take and pass the appropriate license examination in accordance with s. ILHR 81.05 again to qualify for licensure.

SECTION 9. ILHR 81.13 (3) (a) 2 is repealed.

SECTION 10. ILHR 81.13 (3) (a) 3 is renumbered 81.13 (3) (a) 2 and amended to read:

ILHR 81.13 (3) (a) 2. With respect to s. 145.05 (1), Stats., a person, who as a municipal plumbing inspector of a city of the first, second or third class, having a system of waterworks or sewerage, has not renewed ~~their~~ his or her respective plumbing license ~~annually~~, upon termination as a municipal plumbing inspector may renew their respective plumbing license without payment of a late renewal fee and without licensure reexamination, if a renewal application is submitted within the licensure year when termination occurs. Failure to do so shall require re-examination to again qualify for licensure. Municipal plumbing inspectors who do not renew their respective plumbing licenses ~~annually~~ may not engage in the installation of plumbing in accordance with s. 145.06, Stats.

SECTION 11. ILHR 81.13 (3) (b) is amended to read:

ILHR 81.13 (3) (b) Utility contractor licenses. Whenever a person fails to renew a utility contractor license for a period of ~~3~~ 2 years, the department shall require evidence to show that the renewal applicant is competent to perform the work of utility contractor before such license is renewed.

SECTION 12. ILHR 81.135 (1) is amended to read:

ILHR 81.135 (1) IMPLEMENTATION. ~~Except as provided in sub. (3) (b), this~~ This section applies to all master plumbers, master plumbers-restricted, journeyman plumbers and journeyman plumbers-restricted applying for renewal of their 1993 plumber licenses and each subsequent license renewal.



SECTION 13. ILHR 81.135 (2) (a) and (b) are repealed and recreated to read:

ILHR 81.135 (2) (a) Full-licensed plumbers. The license renewal of each master plumber and journeyman plumber shall be contingent upon the plumber obtaining at least 12 hours of acceptable continuing education in the 2-year period preceding the license expiration date, except as provided in sub. (3).

(b) Restricted-licensed plumbers. The license renewal of each master plumber-restricted and journeyman plumber-restricted shall be contingent upon the plumber obtaining at least 6 hours of acceptable continuing education in the 2-year period preceding the license expiration date, except as provided in sub. (3).

SECTION 14. ILHR 81.135 (3) (b) is repealed.

SECTION 15. ILHR 81.135 (3) (a) is renumbered 81.135 (3).

SECTION 16. ILHR 81.135 (4) (g) is created to read:

ILHR 81.135 (4) (g) For the purposes of this section, taking and completing a licensing examination under s. ILHR 81.05 shall be considered as:

1. Six hours of continuing education credit for a master plumber or journeyman plumber; and

2. Three hours of continuing education credit for a master plumber-restricted or journeyman plumber-restricted.

SECTION 17. ILHR 81.65 is amended to read:

ILHR 81.65 ISSUANCE OF CERTIFICATE. Each person receiving an examination grade of at least 75 of a possible score of 100 shall upon receipt of the appropriate fee by the department be issued a certificate stating that they are a "Certified Soil Tester". ~~Certificates shall expire on June 30 of each year commencing on July 1, 1983, unless duly renewed.~~ No certification issued under this subchapter shall be valid for longer than 2 years. Certifications issued under this subchapter shall expire on June 30 of the second year of the certification.

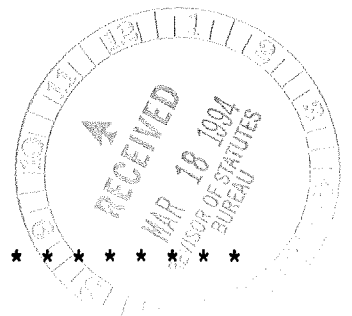
SECTION 18. ILHR 81.66 (1) and (2) are amended to read:

ILHR 81.66 (1) RENEWAL OF CERTIFICATE. ~~Renewal of the certificate shall be submitted by July 1 of every year.~~ Notice for the renewal of certificate and the renewal application shall be sent to all certified soil testers whose certificates were in force during the previous applicable certification period. Such notice and application shall be sent by the department by first class mail to the address given on the latest renewal application on file unless written notice of another address has been given. Failure to receive the notice for renewal of certificate may not be an excuse for failure to renew.

Note: The 1993 Wisconsin Act 16 mandated that the department phase in the transition to a 2-year plumbing and fire sprinkler license cycle period by renewing half the licenses renewals for one year and the other half for 2 years. Therefore, in keeping the process similar for soil tester certifications, the department will for the certification period that begins on July 1, 1994 renew renewal requests of those individuals whose last names begin with the letters A to M for one year and those individuals whose last names begin with the letters N to Z for 2 years.

(2) DELINQUENCY AND REINSTATEMENT. ~~If the renewal application and the renewal fee as specified in ch. ILHR 2 are not postmarked by July 1, the certificate shall be revoked automatically.~~ Within 12 months after revocation expiration, the department may reinstate a ~~revoked~~ an expired certificate upon receipt of a completed certification renewal application and payment of the renewal fee, plus a late filing fee as specified in ch. ILHR 2. A certificate which has lapsed for a period of more than 12 months shall be reinstated by the department only after filing a new application, payment of the application fee, passing an examination and payment of the certification fee. No certificate may be renewed by the department after July 1, 1994, unless the certified soil tester has been certified to use the soil evaluation procedures specified in s. ILHR 83.09 (4m).

(END)



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EFFECTIVE DATE

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

\*\*\*\*\*

Tommy G. Thompson  
Governor  
Carol Skornicka  
Secretary



Mailing Address:  
201 E. Washington Avenue  
Post Office Box 7946  
Madison, WI 53707-7946  
Telephone (608) 266-7552

## State of Wisconsin Department of Industry, Labor and Human Relations

March 18, 1994

Gary Poulson  
Assistant Revisor of Statutes  
Suite 800  
131 W. Wilson St.  
Madison, Wisconsin 53703-3233

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

Dear Messrs. Poulson and LaFollette:

### TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 93-195  
RULE NO. Chapters ILHR 2 and 81  
RELATING TO: Plumbing and Fire Sprinkler Licenses and Soil Testing  
Certifications

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

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

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

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Carol Skornicka'.

Carol Skornicka  
Secretary

