

Chapter Comm 5

APPENDIX

This appendix contains materials of an advisory nature and provides additional information that is intended to help the reader understand the requirements or processes delineated in this chapter. The paragraph numbers correspond to the sections, subsections, paragraphs, subdivisions and subparagraphs of the chapter, and therefore, may not be consecutively numbered.

A5.003 (26) and (29), journeyman plumber–restricted and master plumber–restricted. Section 145.14, Stats., reads as follows:

145.14 Plumbers license (restricted). (1) LIMITATIONS. (a) *Persons licensed as master plumbers (restricted), journeyman plumbers (restricted) or registered learners shall be classified by the department under sub. (2) and shall be restricted to the type of work for which they have been classified and to the requirements indicated in this section.*

(b) *Persons licensed as journeyman plumbers (restricted) or registered learners shall work under the supervision of a master plumber or a master plumber (restricted). A master plumber (restricted) may also work as a journeyman plumber (restricted). No journeyman plumber (restricted) or registered learner shall contract for work, advertise or do anything which would lead others to believe him to be qualified as a master plumber (restricted) in his classification.*

(c) *All persons licensed as master plumbers (restricted), journeyman plumbers (restricted) or registered learners shall be subject to all laws and rules governing plumbers. If qualified, persons may be licensed under any number of classifications under sub. (2). Separate licenses shall be issued under sub. (2) (a) and (b), but licenses issued under sub. (2) (b) may extend to any number of items under that paragraph.*

(2) CLASSIFICATIONS. *The classifications which the department shall use are a sewer services classification and an “appliances, equipment and devices” classification. Persons so classified may engage in the following types of work:*

(a) *Sewer services. Persons classified under this paragraph may install septic tanks for private sewage disposal systems, drain fields designed to serve such septic tanks, and the sewer service from the septic tank or sewer extensions from mains to the immediate inside or proposed inside foundation wall of the building.*

(b) *Appliances, equipment or devices. Under this paragraph persons installing water softeners, water heaters or other items in connection with the water supply or water distribution systems which do not require a direct connection to the waste or drain piping systems are limited to making connection to existing installations. There shall be no drilling, tapping or direct connection made to any waste or drain pipe to serve items installed under this section. The maximum length of water piping permitted to be installed under this section shall be the maximum required to connect the item to the system.*

A5.03 Petitions for Variance. Under ch. Comm 3 the department considers and may grant a petition for variance upon receipt of a fee and completed petition for variance form, provided an equivalency is established in the petition which meets the intent of the rule being petitioned. In granting a petition for variance the department may impose specific conditions to promote the protection of the health, safety and welfare of the public or employees. A violation of any condition imposed by the department under which the variance is granted shall be considered a violation of the chapter. As indicated in ch. Comm 3, the department will review and make a determination on a petition within 30 business

days of receipt of information, documents and fees required to complete the review, except for priority petitions. The department will process priority petitions for variance within 10 business days of receipt of the required information, documents and fees. The fees for priority petitions for variance are double the amounts for petitions processed within the standard processing time of 30 business days.

A5.12 Penalties.

Section 101.02 (12), Stats., states that *every day during which any person fails to observe and comply with any order of the department or to perform any duty enjoined by ss. 101.01 to 101.25, shall constitute a separate and distinct violation of the order or the statute.*

Section 101.02 (13) (a), Stats., states that *if any person violates ss. 101.01 to 101.25, or fails or refuses to perform any duty lawfully enjoined, within the time prescribed by the department, for which no penalty has been specifically provided, or fails, neglects or refuses to obey any lawful order given or made by the department, for each such violation, such person shall forfeit and pay into the state treasury a sum not less than \$10 nor more than \$100 for each such offense.*

Section 145.12, Stats., states:

(1) *Any person who engages in or follows the business or occupation of, or advertises or holds himself or herself out as or acts temporarily or otherwise as a master plumber; as an automatic fire sprinkler contractor or as a business establishment holding an automatic fire sprinkler–maintenance only registration certificate without first having secured the required license or certificate, or who otherwise violates any provisions of this chapter, shall be fined not less than \$100 nor more than \$500 or imprisoned for 30 days or both. Each day such violation continues shall be a separate offense.*

(2) *Any person violating this chapter or failing to obey a lawful order of the department, or a judgment or decree of a court in connection with this chapter, may be imprisoned for not more than 3 months or fined not more than \$500.*

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

(4) *Any person who violates any order under s. 145.02 (3) (f) or 145.20 (2) (f) or any rule or standard adopted under s. 145.13 shall forfeit not less than \$10 nor more than \$1,000 for each violation. Each violation of an order under s. 145.02 (3) (f) or 145.20 (2) (f) or a rule or standard under s. 145.13 constitutes a separate offense and each day of continued violation is a separate offense.*

A5.31 Dwelling contractor financial responsibility certification. Section 101.654 (2), (2m) and (4) of the statutes reads:

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

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

1. *A bond endorsed by a surety company authorized to do business in this state of not less than \$5,000, conditioned upon the applicant complying with all applicable provisions of the one–*

and 2-family dwelling code and any ordinance enacted under s. 101.65 (1) (a).

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

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

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

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

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

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

A5.41 Electrical contractor. Section 101.87 (2) and (4) of the statutes reads:

101.87 (2) Any municipality which by ordinance requires the licensure of electrical contractors shall issue a license to any elec-

trical contractor who wishes to perform electrical construction work in the municipality upon the submission by the electrical contractor of evidence that at least one of his or her full-time employees has been certified by the state as a master electrician under sub. (1), and upon the payment of the municipality's licensure fee and the posting of any required bond. The municipality's license fee may not exceed the amount required to cover the administrative costs of issuing the license.

101.87 (4) No municipality may, before January 1, 1995, require the licensure of electrical contractors unless that municipality requires that licensure on May 11, 1990.

A5.43 Restricted master electrician. Section 101.87 (3) of the statutes reads:

101.87 (3) If a municipality that requires the licensure of electrical contractors on March 28, 1984, thereafter ceases to require such licensure but requires state certification under sub. (1), a person licensed by the municipality may continue to perform electrical construction work in that municipality upon application to the department for restricted certification limited to that municipality. The department may charge a fee for such certification.

A5.72 (4) REFRIGERANT HANDLING TECHNICIAN RESPONSIBILITIES. Section 101.177 (2) of the statutes reads:

101.177 (2) No person, including a state agency, as defined in s. 234.75 (10), may install or service a piece of refrigeration equipment that contains ozone-depleting refrigerant unless the person certifies all of the following to the department:

(a) That the person does not use ozone-depleting refrigerant for cleaning purposes, including to clean the interior or exterior surfaces of refrigeration equipment.

(b) That the person transfers the ozone-depleting refrigerant from refrigeration equipment to storage containers using equipment that is approved by the department whenever the person removes ozone-depleting refrigerant from refrigeration equipment.

(c) The individuals who use the equipment to transfer ozone-depleting refrigerant under par. (b) have the qualifications established under sub. (4) (a) 2.

(d) That the person does not knowingly or negligently release ozone-depleting refrigerant to the environment, except for minimal releases that occur as a result of efforts to recover, reclaim or recycle ozone-depleting refrigerant removed from refrigeration equipment.

(e) That the person inspects and, if necessary, repairs refrigeration equipment that leaks, or is suspected of leaking, before putting additional ozone-depleting refrigerant removed from refrigeration equipment.

(g) That, for the purposes of determining whether repairs are necessary under par. (e), the person uses a yearly leak rate identified by the federal environmental protection agency.