



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 182
[2005 Assembly Bill 750]

Plumbing Violations

2005 Wisconsin Act 182 allows for the assessment of forfeitures by the Department of Commerce against persons who engage in plumbing without a license.

Under the statutes, no person may engage in or work at plumbing unless licensed to do so by the Department of Commerce. The statutes provide several exceptions to this prohibition. For example, the prohibition does not apply to plumbing work done by a property owner in a one-family building owned and occupied by him or her as his or her home or farm building, except where a license is required by local ordinance. In addition, the prohibition does not apply to making minor repairs to faucets, valves, pipes, or appliances, repair or replacement of electrical or gas energy or other automatic valves or control devices, or removing stoppages in waste or drainage pipes. The statutes provide that any person violating the prohibition on engaging in plumbing without a license is subject to imprisonment for not more than three months, or a fine of not more than \$500.

Act 182 states that in lieu of any other penalty, the Department of Commerce may directly assess a forfeiture by issuing an order against any person who violates the prohibition on engaging in plumbing without a license described above. The department may not assess a forfeiture exceeding \$2,000 for each violation.

The Act requires the Department of Commerce to promulgate rules specifying the procedures governing the assessment of forfeitures including the following: (1) the procedure for issuing an order for an alleged violation; (2) the amount of a forfeiture that the department may assess for an alleged violation, subject to the statutory limitation; (3) the procedure for contesting an order issued for an alleged violation; and (4) the procedure for contesting the assessment of a forfeiture for an alleged violation.

The Act requires the department to remit all forfeitures to the Secretary of Administration for deposit in the School Fund. All forfeitures that are not paid as required accrue interest at the rate of 12% per year. In addition, the Act states that the Attorney General may bring an action in the name of the

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

state to collect any forfeiture imposed, or interest accrued, if the forfeiture or interest has not been paid after the exhaustion of all administrative and judicial reviews.

Effective Date: The Act takes effect on April 6, 2006.

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RNS:ksm