



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2009 Wisconsin Act 16
[2009 Senate Bill 94]

**Regulation of Thermal System
Installation Mechanics**

Under current law, the Department of Commerce (Commerce) administers various laws, including building codes, that promote safety in public and private buildings and in the subsystems of those buildings. Commerce also issues various licenses, permits, registrations, and other credentials (licenses) to persons engaged in the construction trades, such as electricians and plumbers.

Act 16 requires Commerce to regulate the business of installing and maintaining thermal system installation in commercial and industrial buildings and in residential buildings that contain four or more residential units. The Act defines “thermal system installation” as a product that is used in a heating, ventilation, cooling, plumbing, or refrigeration system to insulate any hot or cold surface, including a pipe, duct, valve, boiler, flue or tank, or equipment on or in a building. The Act requires Commerce to license most persons who install and maintain thermal system installation in heating and cooling systems (mechanics).

The Act requires Commerce to employ a state thermal system installation inspector (state inspector). Act 16 sets forth the minimum requirements for the state inspector and requires the state inspector to inspect buildings to determine whether the buildings comply with standards established by Commerce for the installation and maintenance of thermal system installation (state standards). The state inspector must also maintain complete and accurate records of all inspected buildings and give notice of noncompliance to the owner of every building that fails to comply with state standards. Act 16 further authorizes the state inspector to enter and inspect buildings and to issue orders requiring the owner of a building to make repairs or alterations necessary for the building to conform to state standards. The state inspector must also provide assistance and information to building inspectors who inspect buildings for compliance with the standards established by Commerce under the legislation.

The Act establishes a thermal system installation council (council) which is directed to make recommendations to Commerce relating to the requirements for the licensure of mechanics. This council must also provide other advice to Commerce, including recommending training and continuing education requirements for mechanics.

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/>.

Act 16 establishes minimum licensing requirements for thermal system installation and mechanics. Under the Act, a person may not obtain a mechanic's license unless he or she is acquired a specified amount of experience installing and maintaining thermal system installation and passed a written examination approved by Commerce or has successfully completed an approved apprenticeship program. The licensing requirement under the Act does not apply to a person who makes only minor repairs to thermal system installation. Under the Act, Commerce may waive any licensing requirement for mechanics for a person who is licensed in another state for which the standards for licensure are at least as strict as the Act's requirement. The Act permits Commerce to waive any licensing requirement for experienced mechanics who submit evidence satisfactory to Commerce that the mechanic is qualified for licensure. Further, the Act provides that Commerce may not renew a license issued to a mechanic unless the mechanic completes an approved continuing education course during the prior license period. Under the Act, Commerce may directly access a forfeiture by issuing an order against any person who installs, or contracts to install, insulation products without a license or who fails to comply with an order issued by the state inspector.

Effective Date: Act 16 takes effect on the second day after publication of the 2009-11 Biennial Budget Act.

Prepared by: Russ Whitesel, Senior Staff Attorney

June 9, 2009

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