

STATEMENT OF SCOPE

Department of Commerce

Rule No. : Chapter Comm 5

Relating to Licenses, Certifications and Registrations

:

1. Description of the objective of the rule.

The objective of the rule is to revise chapter Comm 5, in one or more rule packages, to address at least the following subjects:

- a) The terms of the licenses for plumbers and automatic fire sprinkler installers.
- b) The definition of "HVAC equipment" as it relates to the registration of HVAC contractors.
- c) The scope of application of the HVAC contractor registration requirements.
- d) The evaluation and revision of license, certification and registration rules as needed to coordinate with changes in related statutes, codes or programs.

2. Description of existing policies relevant to the rule and of new policies proposed to be included in the rule and an analysis of policy alternatives.

The terms of most of the credentials for plumbers and automatic fire sprinkler installers in chapter Comm 5 are determined by statute in chapter 145, Stats., as being no longer than 2 years. 2005 Wisconsin Act 25 contained revisions to the credential terms specified in chapter 145, Stats. The rule will propose revisions to chapter Comm 5 that will set most credential terms for plumbers and automatic fire sprinkler installers at 4 years, as now allowed in chapter 145, Stats.

The current definition of "HVAC equipment" in chapter Comm 5 specifies equipment that is included and not included under the definition. This definition is used to determine whether or not a person must be registered as an HVAC contractor in order to install or service HVAC equipment. The rule will propose revisions to that definition for clarification of the contractor registration requirement.

The existing requirements for registration as an HVAC contractor do not address the activity where a person installs an HVAC system in a facility owned by the person. The rule may propose revisions to the HVAC contractor registration requirements to address that activity.

The current license, certification and registration rules in chapter Comm 5 are coordinated with the current statutes, codes and programs upon which the rules are based. As those related statutes, codes and programs change, the respective rules in chapter Comm 5 need to be changed. The rule will propose revisions as needed in order to keep current with those related statutes, codes and programs.

3. Statutory authority for the rule.

Chapters 101 and 145, Stats.

4. Estimate of the amount of time that state employees will spend to develop the rule and of other resources necessary to develop the rule.

The Department estimates that it will take approximately 200 hours to develop this rule package. This time includes meeting with affected industry groups, then drafting the rule and processing the rule through public hearings, legislative review and adoption. The Department will assign existing staff to develop the rule. There are no other resources necessary to develop the rule.

5. Description of all of the entities that will be affected by the rule.

The rule will affect any person or business that obtains a license, certification or registration under chapter Comm 5 from the Department.

6. Summary and preliminary comparison of any existing or proposed federal regulation that is intended to address the activities to be regulated by the rule.

There are no existing or proposed federal regulations that address the activities to be regulated by the rules applying to the licensure of plumbers or automatic fire sprinkler system installers, or to the registration of HVAC contractors.

The federal government issues licenses for a variety of activities, such as radio services, exporting, fisheries, storage of spent nuclear fuel, nuclear power plants, explosive materials dealer, and patents. The following 2 rules in chapter Comm 5 relate to activities addressed by the federal government.

a) Section Comm 5.21 requires a person to hold a license issued by the department as a licensed fireworks manufacturer in order to manufacture fireworks in this state. To qualify for the fireworks manufacturer license, a person must hold a federal license issued under 18 USC chapter 40 section 843.

b) Section Comm 5.72 requires a person to hold a certification issued by the department as a certified refrigerant handling technician in order to install or service a piece of refrigeration equipment that would release or may release an ozone-depleting refrigerant. To qualify for the refrigerant handling technician certification, a person must hold a technician certification issued in accordance with the federal regulations under title 40 CFR Part 82 Protection of Stratospheric Ozone, Subpart F Recycling and Emissions Reduction.

Approved for publication in the Wisconsin Administrative Register at Madison, Wisconsin, this date: _____

DEPARTMENT OF COMMERCE

Mary P. Burke, Secretary

Approved for implementation at Madison, Wisconsin, this date: _____

DEPARTMENT OF COMMERCE

Mary P. Burke, Secretary