STATE OF WISCONSIN
DEPARTMENT OF COMMERCE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that pursuant to ss. 101.02 (1), 101.02 (15) (j), 101.09, 101.63, 101.654, 101.82, 101.951, 101.985, 145.02, and 145.17 Stats., the Department of Commerce will hold a public hearing on proposed rules under chapter Comm 5 relating to licenses, certifications and registrations.

The public hearing will be held as follows:

Date and Time:
April 27, 2011
10:00 a.m.

Location:
Conference Room 3B
Tommy G. Thompson Center
201 W. Washington Avenue
Madison

Interested persons are invited to appear at the hearing and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until May 6, 2011, to permit submittal of written comments from persons who are unable to attend the hearing or who wish to supplement testimony offered at the hearing. Written comments should be submitted to James Quast, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or Email at jim.quast@WI.gov.

This hearing is held in an accessible facility. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 266-8741 or (608) 264-8777 (TTY) at least 10 days before the hearing date. Accommodations such as interpreters, English translators, or materials in audio tape format will, to the fullest extent possible, be made available upon a request from a person with a disability.

The proposed rules and an analysis of the proposed rules are available on the Internet at the Safety and Buildings Division Web site at www.commerce.wi.gov/SB/. Paper copies may be obtained without cost from Norma McReynolds, at the Department of Commerce, Program Development Bureau, P.O. Box 2689, Madison, WI 53701-2689, or Email norma.mcreynolds @wisconsin.gov, or at telephone (608) 267-7907 or TDD Relay dial 711 in Wisconsin or (800) 947-3529. Copies will also be available at the public hearing.

The small business regulatory coordinator for the Department of Commerce is Carol Dunn, who may be contacted at telephone (608) 267-0297, or Email at carol.dunn@wisconsin.gov.

The Wisconsin Department of Commerce proposes an order to repeal Comm 5.315 (2) (c) (intro.) and 2., 5.325 (1) (b), 5.325 (5) (b), 5.91 (8) (b) 1. a., 5.92 (8) (b) 1. a., 5.93 (6) (b) 1. a., 5.94 (6) (b) 1. a.;

to renumber Comm 5.003 (1m) to (32h), 5.003 (32m) to (33), (35) to (38) and (41) to (52), 5.315 (2) (c) 1., 5.32 (3m) and (4), 5.323 (6) (e) 4. and (f) to (j), 5.325 (1) (a), 5.34 (3) (a) 2., 5.35 (5) (a) 2., 5.51 (2m) to (6), 5.56 (2) to (5), 5.63 (5m) and (6), 5.68 (6) (a) to (c), 5.84 (5) (intro.), 5.85 (5) (intro.), 5.86 (5) (intro.), 5.87 (5) (intro.);

to renumber and amend Comm 5.003 (34), (39) and (40), 5.004 (2), 5.325 (5) (a), 5.88 (4) (intro.), 5.91 (8) (b) 1. b., 5.92 (8) (b) 1. b., 5.93 (6) (b) 1. b., 5.94 (6) (b) 1. b.;

to amend Comm 5.004 (1), 5.323 (6) (e) (intro.), 5.323 (6) (i) (intro.), 5.323 (7) (b), 5.34 (2) (b), 5.35 (2) (b), 5.46 (2), (3) and (4) (b) 2., 5.53 (3) and (4) (b), 5.82 (1) (intro.) and (a), (2) (intro.), (3), (4) and (5) (a) and (b), 5.84 (6) (b) 1., 5.85 (6) (b) 1., 5.87 (1), 5.88 (3) (a), 5.89 (title), 5.90 (1) (b) 4., 5.95 (3), (4) and (5) (b), 5.97 (7) (c) 1., 5.994 (3), (4) and (5) (b), 5.995 (3), (4) and (5) (b), 5.998 (3), (4) and (5) (b);

to repeal and recreate Comm 5.84 (1), 5.85 (1), 5.86 (1), 5.97 (1); and

to create Comm 5.003 (49), 5.004 (2) and (4), 5.323 (6) (f) (title), 5.34 (3) (a) 2. and 4., 5.35 (5) (a) 2. and 4., 5.56 (2), 5.56 (6) (c), 5.68 (6) (a) to (c), 5.88 (4) (b), 5.89 (1) (d), relating to licenses, certifications and registrations.

* * * *

4. Explanation of Agency Authority

Chapter 101, Stats., authorizes the Department of Commerce to adopt reasonable and proper rules relative to the exercise of its powers and authorities, including the issuance and renewal of various credentials to businesses and individuals related to building construction and petroleum storage tanks. Chapter 145, Stats., grants the Department authority to promulgate rules governing plumbers and automatic fire sprinkler system installers.

5. Summary of Proposed Rules

For the most part the proposed rule revisions are non-substantive in nature; correcting or providing consistent format, eliminating irrelevant dates, updating referenced national standards to current editions; clarifying registration obligations; and revising terminology to reflect statutory changes (2009 Wisconsin Act 291).

There are three substantive revisions:

- Establishing qualifying provisions for individuals applying to take the certification exam for automatic sprinkler fire sprinkler system testers. Applicants would be required to complete either level II NICET certification in the inspection and testing of water-based automatic fire sprinkler systems, or level I or II fire protection system contractor license issued by the Florida state fire marshal.
- Establishing 12 hours of continuing education obligations for automatic fire sprinkler system testers for the renewal of the certifications on and after January 1, 2014.
- Reducing the continuing education obligations for utility contractor license renewal from 12 hours to 6 hours.

6. Summary of, and Comparison with, Existing or Proposed Federal Regulations

Relative to the substantive provisions of the proposed rules revisions, the federal government does not license plumbers or individuals who test automatic fire sprinkler systems.

7. Comparison with Rules in Adjacent States

An Internet based search relative to the proposed substantive revisions concerning automatic fire sprinkler system testers and utility contractors did not find any credentialing provisions for these specific categories in Illinois, Iowa, Michigan or Minnesota, although the states do have licensing provisions for automatic fire sprinkler systems and plumbing.

8. Summary of Factual Data and Analytical Methodologies

There are currently 101 individuals certified by the Department as automatic fire sprinkler system testers and 427 individuals licensed as utility contractors. The proposed revisions relating to automatic fire sprinkler testers and utility contractors were developed after evaluating their respective scope of activities performed under their credentials.

9. Effect on Small Business including an Analysis and Supporting Documents used to Determine Effect on Small Business or in Preparation of Economic Impact Report

The proposed revisions relating to the automatic fire sprinkler testers were recommended by the Automatic Fire Sprinkler Contractor and Journeymen Licensing Council. Council members are responsible for bringing forth the concerns that their respective organizations may have with the requirements including economic impacts.

The department also offers an e-mail subscription service to anyone who is interested in rule development and/or council activities. The service provides e-mail notification of council meetings, meeting agendas and council meeting progress reports.

E-mail notifications for revisions under chapter Comm 5 typically are sent to the subscription service subscribers who are affected by the changes. Notifications will be sent to subscribers who are interested in manufactured homes, welding, electrical, automatic fire sprinkler systems, plumbing and elevators. E-mail notifications would be sent to approximately 6,000 subscribers.

The department believes the rules will not increase the effect on small businesses from what the current rules impose on them. An economic impact report is not required pursuant to section 227.137, Stats.

10. Agency Contact.

James Quast, Program Manager, jim.quast@wisconsin.gov, (608) 266-9292.

11. Public Hearing Comments.

The hearing record on this proposed rulemaking will remain open until May 6, 2011. Written comments on the proposed may be submitted to James Quast, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or Email at jim.quast@wisconsin.gov.

* * * *

SECTION 1. Comm 5.003 (1m) to (32h) and (32m) to (52) are renumbered 5.003 (2) to (48) and (50) to (75) and Comm 5.003 (53) Note, (58) Note and (59) Note, as renumbered, are amended to read:

Comm 5.003 (53) Note: Under s. 145.01 (10) (a) "plumbing" means ~~and includes~~:

~~(a)~~ 1. All piping, fixtures, appliances, equipment, devices, and appurtenances in connection with ~~the~~ water supply systems, water distribution ~~and~~ systems, wastewater drainage systems, reclaimed water systems, and stormwater use systems, including hot water storage tanks, water ~~softeners~~ treatment devices, and water heaters connected with ~~such water and drainage~~ these systems and also includes the installation thereof.

~~(b)~~ 2. The construction, connection ~~or~~, installation, service, or repair of any drain or ~~waste~~ wastewater piping system ~~from the outside or proposed outside foundation walls of any building~~ that connects to the mains or other ~~sewage system~~ terminal within the bounds of, or beneath an area subject to easement for highway purposes, including private sewage systems and stormwater treatment and dispersal systems, and the alteration of any such systems, drains or ~~waste~~ wastewater piping.

~~(c)~~ 3. The construction, connection, installation, service, or repair of water service piping ~~from the outside or proposed outside foundation walls of any building~~ that connects to the main or other water utility service terminal within the bounds of, or beneath an area subject to easement for highway purposes and its connections.

~~(d)~~ 4. The water pressure system other than municipal systems as provided in ch. 281.

~~(e)~~ 5. A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circulation and movement; to prevent with a margin of safety unequal air pressures of such force as might blow, siphon or affect trap seals, or retard the discharge from plumbing fixtures, or permit sewer air to escape into the building; to prohibit cross-connection, contamination or pollution of the ~~potable~~ water supply and distribution systems; and to provide an adequate supply of water to properly serve, cleanse and operate all fixtures, equipment, appurtenances and appliances served by the plumbing system.

(br) "Plumbing" does not include any of the following:

1. A rainwater gutter or downspout down to the point that it discharges into a plumbing system, a subsoil drain, or a foundation drain.

2g. A process water reuse system if the process water reuse system is not connected to any plumbing fixture or appliance.

2m. A stormwater culvert under a roadway or walkway that is placed there only to equalize the water level from one end of the culvert to the other end.

3. The practical installation of process piping within a sewage disposal plant.

(58) Note: Under s. Comm 81.01 (193) "private interceptor main sewer" means a ~~privately owned sewer serving 2 or more buildings and not directly controlled by a public authority~~ sewer serving 2 or more buildings and not part of the municipal sewer system.

(59) Note: Under s. Comm 81.01 (195) "private water main" means a ~~privately owned water main serving 2 or more buildings and not directly controlled by a public authority~~ water main serving 2 or more buildings and not part of the municipal water system.

SECTION 2. Comm 5.003 (49) is created to read:

Comm 5.003 (49) "Non-broker" means a manufactured home dealer who has a sales lot, inventory or ownership interest in the manufactured homes being sold.

SECTION 3. Comm 5.004 (1) is amended to read:

Comm 5.004 (1) D 1.1-~~06~~ 10, Structural Welding Code – Steel.

SECTION 4. Comm 5.004 (2) is renumbered 5.004 (3) and amended to read:

Comm 5.004 (3) D 1.3-~~98~~ 08, Structural Welding Code – Sheet Steel.

SECTION 5. Comm 5.004 (2) and (4) are created to read:

Comm 5.004 (2) D 1.2-08, Structural Welding Code – Aluminum.

(4) D 1.6-07, Structural Welding Code – Stainless Steel.

SECTION 6. Comm 5.315 (2) (c) (intro.) and 2. are repealed.

SECTION 7. Comm 5.315 (2) (c) 1. is renumbered 5.315 (2) (c).

SECTION 8. Comm 5.32 (3m) and (4) are renumbered 5.32 (4) and (5).

SECTION 9. Comm 5.323 (6) (e) (intro.) is amended to read:

Comm 5.323 (6) (e) *Price changes*. Any increase in price to a retail purchaser after the manufactured home dealer has accepted an offer is prohibited except when the price increase is due to any of the ~~items in subds. 1. to 3.~~ following:

SECTION 10. Comm 5.323 (6) (e) 4. and (f) to (j) are renumbered 5.323 (6) (f) and (g) to (k).

SECTION 11. Comm 5.323 (6) (f) (title) is created to read:

Comm 5.323 (6) (f) *Contract Notice*.

SECTION 12. Comm 5.323 (6) (i) (intro.) is amended to read:

Comm 5.323 (6) (i) *On-site sales*. If the manufactured home is displayed for sale on a rental lot site or if a licensee represents that a manufactured home may occupy a site in a specified manufactured home community, the manufactured home dealer shall do all of the following:

SECTION 13. Comm 5.323 (7) (b) is amended to read:

Comm 5.323 (7) (b) *On-site sales on rental sites*. Manufactured homes selling agreements for units offered for sale on-site on rental sites shall comply with sub. (6) ~~(h)~~ (i).

SECTION 14. Comm 5.325 (1) (b) is repealed.

SECTION 15. Comm 5.325 (1) (a) is renumbered 5.325 (1).

SECTION 16. Comm 5.325 (5) (b) is repealed.

SECTION 17. Comm 5.325 (5) (a) is renumbered 5.325 (5) and amended to read:

Comm 5.325 (5) INVALID LICENSE. A manufactured home salesperson license shall remain valid until one of the following conditions occur:

(a) The manufactured home ~~dealer license held by the manufactured home salesperson's current employer expires~~ salesperson is not employed by a person who holds a manufactured home dealer license issued by the department.

~~(b) The manufactured home salesperson ceases employment with a licensed manufactured home dealer.~~

~~(c) The manufactured home salesperson's employer goes out of business.~~

~~(d)~~ (b) The department suspends or revokes the manufactured home salesperson's license.

SECTION 18. Comm 5.34 (2) (b) is amended to read:

Comm 5.34 (2) (b) ~~A~~ An application fee and registration fee in accordance with s. Comm 5.02, Table 5.02.

SECTION 19. Comm 5.34 (3) (a) 2. is renumbered 5.34 (3) (a) 3.

SECTION 20. Comm 5.34 (3) (a) 2. and 4. are created to read:

Comm 5.34 (3) (a) 2. American Welding Society D1.2, section 3, part D.

4. American Welding Society D1.6, section 4, part B.

SECTION 21. Comm 5.35 (2) (b) is amended to read:

Comm 5.35 (2) (b) An application fee and examination fee in accordance with s. Comm 5.02, Table 5.02.

SECTION 22. Comm 5.35 (5) (a) 2. is renumbered 5.35 (5) (a) 3.

SECTION 23. Comm 5.35 (5) (a) 2. and 4. are created to read:

Comm 5.35 (5) (a) 2. American Welding Society D 1.2, section 3, part D.

4. American Welding Society D 1.6, section 4, part C.

SECTION 24. Comm 5.46 (2), (3) and (4) (b) 2. are amended to read:

Comm 5.46 (2) QUALIFICATIONS. A person applying for an electrical apprentice, an industrial electrical apprentice, or ~~an~~ a residential electrical apprentice registration shall be ~~indentured in an apprenticeship program~~ entered into an electrical apprentice contract recognized under ch. 106, Stats.

(3) RESPONSIBILITIES. A person who installs, repairs, or maintains electrical wiring as a registered electrical apprentice, registered industrial electrical apprentice, or registered residential electrical apprentice may do so as long as he or she is ~~indentured~~ entered into an electrical apprentice contract recognized under ch. 106, Stats.

(4) (b) 2. The renewal of registration as an electrical apprentice, industrial electrical apprentice, or residential electrical apprentice shall be contingent upon the person submitting evidence that the person is ~~indentured in an electrical apprenticeship~~ entered into an electrical apprentice contract recognized under ch. 106, Stats.

SECTION 25. Comm 5.51 (2m) to (6) is renumbered 5.51 (3) to (7).

SECTION 26. Comm 5.53 (3) and (4) (b) are amended to read:

Comm 5.53 (3) QUALIFICATIONS FOR REGISTRATION. A person applying for automatic fire sprinkler apprentice registration to install, test or maintain automatic fire sprinkler systems shall be ~~indentured in an automatic fire sprinkler apprenticeship~~ entered into a sprinkler fitter apprentice contract recognized under ch. 106, Stats.

(4) (b) The renewal of a registration as an automatic fire sprinkler apprentice is contingent upon the person submitting evidence that the person is indentured ~~in an automatic fire sprinkler system apprenticeship~~ entered into a sprinkler fitter apprentice contract recognized under ch. 106, Stats.

SECTION 27. Comm 5.56 (2) to (5) is renumbered 5.56 (3) to (6).

SECTION 28. Comm 5.56 (2) is created to read:

Comm 5.56 (2) QUALIFICATIONS FOR EXAMINATION. A person applying for an automatic fire sprinkler system tester shall have one of the following qualifications:

(a) A level II certification in the inspection and testing of water-based automatic fire sprinkler systems from the national institute for certification in engineering technologies.

(b) A level I or II fire protection system contractor license issued by the Florida state fire marshal.

SECTION 29. Comm 5.56 (6) (c) is created to read:

Comm 5.56 (6) (c) 1. The renewal of a registration as an automatic fire sprinkler system tester which has an expiration date after December 31, 2013 shall be contingent upon the automatic fire sprinkler system tester obtaining at 12 hours of approved continuing education within the time specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a registration as an automatic fire sprinkler system tester may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

SECTION 30. Comm 5.63 (5m) and (6) are renumbered 5.63 (6) and (7).

SECTION 31. Comm 5.68 (6) (a) to (c) are renumbered Comm 5.68 (6) (d) to (f).

SECTION 32. Comm 5.68 (6) (a) to (c) are created to read:

Comm 5.68 (6) (a) Perform regulatory enforcement of related code requirements in chs. Comm 5 and 10.

(b) Issue non-compliance or violation-correction orders and conduct follow-up inspections as necessary to verify correction.

Note: Inspectors with authority granted by the local municipality may utilize the respective enforcement procedures as granted by the respective authority.

(c) Pursue failure to comply with correction orders through local or department enforcement referral procedures.

SECTION 33. Comm 5.82 (1) (intro.) and (a), (2) (intro.), (3), (4) and (5) (a) and (b) are amended to read:

Comm 5.82 (1) GENERAL. A corporation, partnership, sole proprietor, ~~or~~ independent contractor or person that provides or offers to provide installation, removal, testing, lining, cleaning or assessments for a tank system which is regulated under ch. Comm 10 shall hold both of the following:

(a) A registration issued by the department as a registered ~~specialty~~ tank specialty firm.

(2) APPLICATION FOR REGISTRATION. An entity applying for a ~~specialty~~ tank specialty firm registration shall submit all of the following:

(3) QUALIFICATIONS FOR REGISTRATION. The person applying for a ~~specialty~~ tank specialty firm registration shall be the owner of the business, a partner in the business applying on behalf of a partnership, or the chairman of the board or chief executive officer applying on behalf of the corporation.

(4) RESPONSIBILITIES. An entity that provides storage tank system installation, removal, testing, lining, cleaning or site assessments as a registered ~~specialty~~ tank specialty firm shall utilize the appropriate credentialed persons to install, remove, test, line, or clean storage tanks; to design or install a cathodic protection system for a tank system; or to provide tank-system site assessments.

(5) (a) A person may renew his or her registration as a ~~specialty~~ tank specialty firm.

(b) A ~~specialty~~ tank specialty firm registration shall be renewed in accordance with s. Comm 5.07.

SECTION 34. Comm 5.84 (1) is repealed and recreated to read:

Comm 5.84 (1) GENERAL. Except as provided in sub. (7), no person may install an aboveground tank system that is regulated under ch. Comm 10 unless the person complies with one of the following:

(a) The person holds a certification issued by the department as a certified aboveground tank system installer.

(b) The person holds a registration as a professional engineer and is competent in the engineering methods and requirements in Wisconsin for designing and installing storage tank systems for flammable, combustible or hazardous liquids.

(c) The person is under the direct supervision of another person who holds a certification or registration under par. (a) or (b) and who is responsible for the installation.

SECTION 35. Comm 5.84 (5) (intro.) is renumbered 5.84 (5) (a).

SECTION 36. Comm 5.84 (6) (b) 1. is amended to read:

Comm 5.84 (6) (b) 1. The renewal of a certification as an aboveground tank system installer ~~which has an expiration date after December 31, 1999~~ shall be contingent upon the installer obtaining at least 12 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

SECTION 37. Comm 5.85 (1) is repealed and recreated to read:

Comm 5.85 (1) GENERAL. No person may install an underground tank system that is regulated under ch. Comm 10 unless the person complies with one of the following:

(a) The person holds a certification issued by the department as a certified underground tank system installer.

(b) The person holds a registration as a professional engineer and is competent in the engineering methods and requirements in Wisconsin for designing and installing storage tank systems for flammable, combustible or hazardous liquids.

(c) The person is under the direct supervision of another person who holds a certification or registration under par. (a) or (b) and who is responsible for the installation.

SECTION 38. Comm 5.85 (5) (intro.) is renumbered 5.85 (5) (a).

SECTION 39. Comm 5.85 (6) (b) 1. is amended to read:

Comm 5.85 (6) (b) 1. The renewal of a certification as an underground tank system installer ~~which has an expiration date after December 31, 1999~~ shall be contingent upon the installer obtaining at least 12 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

SECTION 40. Comm 5.86 (1) is repealed and recreated to read:

Comm 5.86 (1) No person may line or reline an underground tank system that has held or will hold flammable or combustible liquids which are regulated under ch. Comm 10 unless the person complies with one of the following:

(a) The person holds a certification issued by the department as a certified tank system liner.

(b) The person is under the direct supervision of another person who holds a certification issued by the department as a certified tank system liner.

SECTION 41. Comm 5.86 (5) (intro.) is renumbered 5.86 (5) (a).

SECTION 42. Comm 5.87 (1) is amended to read:

Comm 5.87 (1) GENERAL. ~~(a)~~ Except as provided in sub. (7), no person may remove or clean a tank system that is regulated under ch. Comm 10 unless the ~~conditions in either par. (b) or (c) are met, and the conditions in par. (d) are met.~~ person complies with one of the following:

~~(b)~~ (a) The person holds a certification issued by the department as a certified tank system remover-cleaner.

~~(c)~~ (b) The person is under the direct supervision of another person who holds a certification issued by the department as a certified tank system remover-cleaner.

~~(d) The person, or the person's supervisor under (c), holds contractor liability coverage, including pollution impairment liability, or no less than $1,000,000 per claim and $1,000,000 annual aggregate and with a deductible of no more than $100,000 per claim.~~

SECTION 43. Comm 5.87 (5) (intro.) is renumbered 5.87 (5) (a).

SECTION 44. Comm 5.88 (3) (a) is amended to read:

Comm 5.88 (3) (a) A person applying for a tank system tightness tester certification shall have completed training in ~~1~~ one or more tightness test methods that have been approved under ch. Comm 10, within the 2 years immediately preceding the application.

SECTION 45. Comm 5.88 (4) (intro.) is renumbered 5.88 (4) (a) and 5.88 (4) (a) (intro.), as renumbered, is amended to read:

Comm 5.88 (4) RESPONSIBILITIES (a) A person who conducts tightness tests for tank systems as a certified tank system tightness tester shall do all of the following:

SECTION 46. Comm 5.88 (4) (b) is created to read:

Comm 5.88 (4) (b) Each certified tank system tightness tester shall be employed by an employer that holds a registration under s. Comm 5.82 as a tank specialty firm.

SECTION 47. Comm 5.89 (title) is amended to read:

Comm 5.89 (title) **Cathodic protection ~~specialities~~ specialties.**

SECTION 48. Comm 5.89 (1) (d) is created to read:

Comm 5.89 (1) (d) Each certified cathodic protection tester shall be employed by an employer that holds a registration under s. Comm 5.82 as a tank specialty firm.

SECTION 49. Comm 5.90 (1) (b) 4. is amended to read:

Comm 5.90 (1) (b) 4. The plumbing activities that may be undertaken by a person who holds a license or registration as a licensed utility contractor or registered pipelayer shall be limited to the installation or modification of water services, private water mains, ~~sanitary building sewers, storm~~ building sewers and private interceptor main sewers.

SECTION 50. Comm 5.91 (8) (b) 1. a. is repealed.

SECTION 51. Comm 5.91 (8) (b) 1. b. is renumbered 5.91 (8) (b) 1. and amended to read:

Comm 5.91 (8) (b) 1. The renewal of a license as a master plumber ~~which has an expiration date after March 31, 2010~~ shall be contingent upon the master plumber obtaining at least 24 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

SECTION 52. Comm 5.92 (8) (b) 1. a. is repealed.

SECTION 53. Comm 5.92 (8) (b) 1. b. is renumbered 5.92 (8) (b) 1. and amended to read:

Comm 5.92 (8) (b) 1. The renewal of a license as a master plumber-restricted service or master plumber-restricted appliance ~~which has an expiration date after March 31, 2010~~ shall be contingent upon the master plumber obtaining at least 12 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

SECTION 54. Comm 5.93 (6) (b) 1. a. is repealed.

SECTION 55. Comm 5.93 (6) (b) 1. b. is renumbered 5.93 (6) (b) 1. and amended to read:

Comm 5.93 (6) (b) 1. The renewal of a license as a journeyman plumber ~~which has an expiration date after March 31, 2010~~ shall be contingent upon the journeyman plumber obtaining at least 24 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

SECTION 56. Comm 5.94 (6) (b) 1. a. is repealed.

SECTION 57. Comm 5.94 (6) (b) 1. b. is renumbered 5.94 (6) (b) 1. and amended to read:

Comm 5.94 (6) (b) 1. The renewal of a license as a journeyman plumber-restricted service or journeyman plumber-restricted appliance ~~which has an expiration date after March 31, 2010~~ shall be contingent upon the journeyman plumber obtaining at least 12 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

SECTION 58. Comm 5.95 (3), (4) and (5) (b) are amended to read:

Comm 5.95 (3) QUALIFICATIONS. A person applying for plumbing apprentice registration to install plumbing shall be ~~indentured in~~ entered into a plumbing ~~apprenticeship~~ apprentice contract recognized under ch. 106, Stats.

(4) RESPONSIBILITIES. A person who installs or modifies plumbing as a registered plumbing apprentice may do so if he or she is ~~indentured~~ entered into a plumbing apprentice contract recognized under ch. 106, Stats.

(5) (b) The renewal of a registration as a plumbing apprentice is contingent upon the person submitting evidence that the person is ~~indentured in~~ entered into a plumbing ~~apprenticeship~~ apprentice contract recognized under ch. 106, Stats.

SECTION 59. Comm 5.97 (1) is repealed and recreated to read:

Comm 5.97 (1) GENERAL. A person may obtain a license as a licensed utility contractor by taking and passing the utility license examination.

SECTION 60. Comm 5.97 (7) (c) 1. is amended to read:

Comm 5.97 (7) (c) 1. The renewal of a license as a utility contractor ~~which has an expiration date after March 31, 2010~~ shall be contingent upon the utility contractor obtaining at least ~~12~~ 6 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

SECTION 61. Comm 5.994 (3), (4) and (5) (b) are amended to read:

Comm 5.994 (3) QUALIFICATIONS. A person applying for an elevator apprentice registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall be ~~indentured in~~ entered into an elevator ~~apprenticeship program~~ apprentice contract recognized under ch. 106, Stats., or by the U.S. department of labor.

(4) RESPONSIBILITIES. A person who erects, constructs, alters, replaces, maintains, repairs, removes or dismantles conveyances as a registered elevator apprentice may do so if he or she is ~~indentured~~ entered into an elevator apprentice contract recognized under ch. 106, Stats., or the U.S. department of labor.

(5) (b) The renewal of a registration as an elevator apprentice is contingent upon the person submitting evidence that the person is ~~indentured in~~ entered into an elevator ~~apprenticeship program~~ apprentice contract recognized under ch. 106, Stats., or by the U.S. department of labor.

SECTION 62. Comm 5.995 (3), (4) and (5) (b) are amended to read:

Comm 5.995 (3) QUALIFICATIONS. A person applying for an elevator apprentice-restricted registration to maintain or repair conveyances or replace conveyance components or subsystems, except the replacement of hoist ropes and governor ropes, shall be ~~indentured in~~ entered into an elevator ~~apprenticeship program~~ apprentice contract recognized under ch. 106, Stats., or by the U.S. department of labor.

(4) RESPONSIBILITIES. A person who maintains or repairs conveyances or replaces conveyance components or subsystems, except the replacement of hoist ropes and governor ropes, as a registered elevator apprentice-restricted may do so if he or she is ~~indentured~~ entered into an elevator apprentice contract recognized under ch. 106, Stats., or the U.S. department of labor.

(5) (b) The renewal of a registration as an elevator apprentice-restricted is contingent upon the person submitting evidence that the person is ~~indentured in~~ entered into an elevator ~~apprenticeship program~~ apprentice contract recognized under ch. 106, Stats., or by the U.S. department of labor.

SECTION 63. Comm 5.998 (3), (4) and (5) (b) are amended to read:

Comm 5.998 (3) QUALIFICATIONS. A person applying for a lift apprentice registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall be ~~indentured in~~ entered into an elevator ~~apprenticeship program~~ apprentice contract recognized under ch. 106, Stats., or by the U.S. department of labor.

(4) RESPONSIBILITIES. A person who erects, constructs, alters, replaces, maintains, repairs, removes or dismantles conveyances as a registered lift apprentice may do so if he or she is ~~indentured~~ entered into an elevator apprentice contract recognized under ch. 106, Stats., or the U.S. department of labor.

(5) (b) The renewal of a registration as a lift apprentice is contingent upon the person submitting evidence that the person is ~~indentured in~~ entered into an elevator ~~apprenticeship program~~ apprentice contract recognized under ch. 106, Stats., or by the U.S. department of labor.

(END)

* * * *