

maintenance registration certificate or a temporary permit may, within its facilities:

(a) Replace or repair any component of an existing automatic fire sprinkler system including daily maintenance and emergency repairs to underground fire mains and fire pumps; and

(b) Modify or extend an existing automatic fire sprinkler system by no more than 15 sprinkler heads per project.

Note: Section ILHR 51.23 requires that all installed automatic fire sprinkler systems be maintained for efficient service as specified in NFPA No. 25.

(6) **TERMINATION OF QUALIFYING PERSON.** If the person who is responsible for the repair and maintenance activities permitted under sub. (5) and who has qualified a business establishment for an automatic fire sprinkler maintenance registration certificate under sub. (2) (c) leaves the employment of the business establishment, the business establishment:

(a) Shall surrender to the department its automatic fire sprinkler maintenance registration certificate; and

(b) May apply for a new automatic fire sprinkler system registration certificate or a temporary permit.

(7) **FITTER MAINTENANCE REGISTRATION.** An employe of a business establishment possessing a valid automatic fire sprinkler maintenance registration certificate shall obtain from the department an automatic fire sprinkler fitter maintenance registration certificate before engaging in any of the repair or maintenance activities specified in sub. (5).

(a) *Limitations of registration certificate.* 1. A person possessing a valid automatic fire sprinkler fitter maintenance registration certificate may perform the repair and maintenance activities specified in sub. (5) for only one business establishment.

2. The automatic fire sprinkler fitter maintenance registration certificate shall indicate the specific business establishment for which a person may perform the repair and maintenance activities specified in sub. (5).

3. Upon the expiration, revocation or nonrenewal of the automatic fire sprinkler maintenance registration certificate of the business establishment, all automatic fire sprinkler fitter maintenance registration certificates issued under that business establishment shall become invalid.

(b) *Application.* A person seeking an automatic fire sprinkler fitter maintenance registration certificate shall submit to the department:

1. A completed application on forms furnished by the department; and

Note: Application for fitter registration certificate is to be made on form SBD 6796.

2. The registration certificate fee specified in ch. ILHR 2.

(c) *Termination of employment.* If for any reason an employe possessing a valid automatic fire sprinkler fitter maintenance registration certificate leaves the employment of the business establishment for which the person

may perform the repair and maintenance activities specified in sub. (5), the registration certificate shall expire on the day of termination.

(8) **REVOCAION OF CERTIFICATES.** Pursuant to s. ILHR 81.14, the department may revoke any automatic fire sprinkler maintenance registration certificate of a business establishment or any automatic fire sprinkler fitter maintenance registration certificate.

(9) **TESTING AND EMERGENCY REPAIRS.** The weekly or monthly testing of sprinkler alarm equipment, fire pumps, valves, or appurtenances; the refilling of storage and pressure tanks; or replacement of automatic fire sprinkler heads under emergency conditions, shall not require registration under this subchapter.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; corrections in (2) (b), (3) (c), (4) (a) and (7) (b), made under s. 13.93 (2m) (b) 7, Stats., Register, June, 1992, No. 438.

ILHR 81.115 Registration of cross connection control device testers. (1) **GENERAL.** An individual who conducts a performance test of a cross connection control device as required by s. ILHR 82.21 (3) shall be registered by the department in accordance with this section.

(2) **QUALIFICATIONS.** An applicant for registration as a cross connection control device tester shall have completed at least 32 hours in an approved course or courses in the theory of cross connection control, the operation, testing, and maintenance of cross connection control devices, and the national standards for these cross connection control devices. The course or courses shall include instruction in at least:

(a) Reduced pressure principle backflow preventers;

(b) Reduced pressure detector assembly backflow preventers;

(c) Vacuum breakers - anti-siphon, pressure type;

(d) Double check detector assembly backflow preventers; and

(e) Double check backflow prevention assemblies.

(3) **APPLICATIONS.** (a) An application for registration as a cross connection control device tester shall be made on forms prescribed by the department.

Note: Registered tester applications are available from the Bureau of Building Water Systems, P.O. Box 7969, Madison, WI 53707.

(b) An application for a registered tester shall be accompanied by a fee as specified in s. ILHR 2.62 (1) (o).

(4) **REVOCATIONS.** Pursuant to s. ILHR 81.15, the department may suspend or cancel the registration as a cross connection control device tester.

(5) **EXPIRATIONS.** All registrations for cross connection control device testers shall expire 2 years from the date of issuance and shall be invalid after that date unless renewed.

(a) 1. The department shall send a renewal notice to each individual registered under this section.

2. A renewal notice shall be sent to the address given on the latest registration form on file with the department.

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3. A registered tester shall be responsible for notifying the department of any change in his or her mailing address.

4. Failure to receive a notice for renewal shall not be considered as an excuse for failure to renew a registration.

(b) A tester registration may be renewed upon application and payment of a renewal fee as specified in s. ILHR 2.62 (1) (o).

(c) Whenever a person fails to renew a tester registration within 2 years after expiration, the department shall require evidence to show that the applicant for renewal is competent to perform the work of cross connection control tester before such a registration is renewed.

(6) **SUNSET OF LISTED RP TESTERS.** Individuals listed by the department to test reduced pressure principle backflow preventers prior to the effective date of this section may submit a renewal application for registration as a cross connection control device tester to the department. Failure to submit a completed renewal application within 6 months after the effective date of this section shall be considered as a surrender of the listing to conduct performance tests of cross connection control devices as required by s. ILHR 82.21 (3).

(a) 1. The department shall send a renewal notice to each individual listed as a RP tester.

2. A renewal notice shall be sent to the address of each listed RP tester on file with the department.

3. Failure to receive a notice of renewal shall not be considered as an excuse for failure to apply for registration as a cross connection control tester under this subsection.

(b) A RP tester listing may be renewed as cross connector control device tester registration upon application and payment of a renewal fee as specified in s. ILHR 2.62 (1) (o).

History: Cr. Register, February, 1994, No. 458, eff. 3-1-94.

ILHR 81.12 Expiration of licenses and registrations. Except as provided in s. ILHR 81.08 (2), no license or registration issued under this subchapter shall be valid for longer than 2 years. Except as provided in sub. (4) and s. ILHR 81.08 (2), licenses or registrations issued under this subchapter shall expire on March 31 of the second year of the license or registration.

(1) A license or a registration may be renewed upon application and payment of a renewal fee received by the department prior to the date of expiration.

(2) Except as provided in sub. (4), a license or a registration may be renewed upon application and payment of a renewal fee received by the department prior to the date of expiration.

(3) The department may renew a license or a registration upon application and payment of a renewal fee and a late fee received by the department more than 3 months following the date of expiration, if it is determined that the applicant has good cause for not making an application for renewal within the 3 months following the date of expiration.

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(4) (a) Licenses and registrations which expire on December 31, 1994 and December 31, 1995, shall be automatically renewed by the department without applications and renewal fees provided the license or registration has not been revoked or suspended under s. ILHR 81.14 or 81.15.

(b) A license or registration which has been renewed under par. (a) shall expire on March 31 of the following year and may be renewed in accordance with s. ILHR 81.13.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; r. and recr. Register, May, 1988, No. 389, eff. 6-1-88; correction in (intro.) made under s. 13.93 (2m) (b) 7, Stats., Register, June, 1992, No. 438; am. (intro.), Register, May, 1994, No. 461, eff. 6-1-94; am. (intro.), (2), cr. (4), Register, September, 1994, No. 465, eff. 10-1-94.

ILHR 81.13 License and registration renewal. (1) RENEWAL NOTICE. Notice for the renewal of licenses and registrations issued under this subchapter shall be sent to all licensees and registrants whose licenses or registrations are about to expire at least 30 days prior to the date of expiration.

(a) A renewal notice shall be sent to the address given on the latest license or registration renewal form on file with the department.

(b) A licensee shall be responsible for notifying the department of any change in the licensee's mailing address.

(c) Failure to receive a notice for license or registration renewal shall not be an excuse for failure to renew.

Note: The 1993 Wis. Act 16 mandates that the department phase in the transition to a 2-year license cycle period by renewing half the licenses renewals for one year and the other half for 2 years. Therefore, the department has for the license period that begun on January 1, 1994 renewed renewal requests of those individuals whose last names begin with the letters A to M for one year and those individuals whose last names begin with the letters N to Z for 2 years.

(2) **RENEWAL QUALIFICATIONS.** (a) The renewal of a license or a registration by the department shall be dependent upon the applicant completing the appropriate renewal application and fee.

(b) The renewal of a license for a master plumber, master plumber-restricted, journeyman plumber or journeyman plumber-restricted shall be dependent upon the applicant completing the appropriate continuing education requirements under s. ILHR 81.135.

(c) An individual who fails to comply with the appropriate continuing education requirements under s. ILHR 81.135 shall take and pass the appropriate license examination in accordance with s. ILHR 81.05 in order to renew his or her license.

(3) **DELINQUENT OR ELAPSED LICENSES.** (a) *Plumber licenses.* 1. Except as provided in s. 145.05 (1), Stats., and subd. 2, an individual who does not renew his or her plumbing license in accordance with s. ILHR 81.12 shall take and pass the appropriate license examination in accordance with s. ILHR 81.05 again to qualify for licensure.

3. With respect to s. 145.05 (1), Stats., a person, who as a municipal plumbing inspector of a city of the first, second or third class, having a system of waterworks or sewerage, has not renewed his or her respective plumbing license, upon termination as a municipal plumbing inspector may renew their respective plumbing license without

payment of a late renewal fee and without licensure reexamination, if a renewal application is submitted within the licensure year when termination occurs. Failure to do so shall require reexamination to again qualify for licensure. Municipal plumbing inspectors who do not renew their respective plumbing licenses may not engage in the installation of plumbing in accordance with s. 145.06, Stats.

(b) *Utility contractor licenses.* Whenever a person fails to renew a utility contractor license for a period of 2 years, the department shall require evidence to show that the renewal applicant is competent to perform the work of utility contractor before such license is renewed.

(c) *Automatic sprinkler licenses.* Whenever a person fails to renew a sprinkler fitter or contractor license for a period of 2 years, the department shall require evidence to show that the applicant for renewal is competent to perform the work of either a contractor or journeyman fire sprinkler fitter before such a license is renewed.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; am. (3) (a) 1. and 2., Register, May, 1988, No. 389, eff. 6-1-88; am. (1) (intro.), Register, February, 1994, No. 458, eff. 3-1-94; am. (1) (intro.) and (3) (b), r. and recr. (3) (a) 1., r. (3) (a) 2., renum. (3) (a) 3. to be 2. and am., Register, May, 1994, No. 461, eff. 6-1-94; r. and recr. (2), Register, September, 1994, No. 465, eff. 10-1-94.

ILHR 81.135 Continuing education. (1) IMPLEMENTATION. This section applies to all master plumbers, master plumbers-restricted, journeyman plumbers and journeyman plumbers-restricted applying for renewal of their 1993 plumber licenses and each subsequent license renewal.

(2) **TYPES OF LICENSES.** (a) *Full-licensed plumbers.* The license renewal of each master plumber and journeyman plumber shall be contingent upon the plumber obtaining at least 12 hours of acceptable continuing education during the 2 calendar years immediately preceding the license expiration date, except as provided in sub. (3).

(b) *Restricted-licensed plumbers.* The license renewal of each master plumber-restricted and journeyman plumber-restricted shall be contingent upon the plumber obtaining at least 6 hours of acceptable continuing education during the 2-calendar years immediately preceding the license expiration date, except as provided in sub. (3).

Note: See s. ILHR 81.13 (2) as to the process for license renewal when continuing education requirements have not been fulfilled.

(3) **EXEMPTIONS.** A plumber may apply to the department for waiver of the continuing education requirements under sub. (2) 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.

(4) **PROGRAM SPECIFICATIONS.** (a) 1. Only courses, programs and seminars approved in writing by the department shall be used for credit to fulfill continuing education requirements.

2. The department shall consult with the plumbers council as to the types or categories of courses, programs and seminars which are to be considered for continuing education credit.

(b) Requests for a course, program or seminar to be recognized for approval shall be submitted in writing to

the department at least 30 days prior to the first day the course, program or seminar is to be conducted.

1. Requests for approval shall include sufficient information to determine if the course, program or seminar complies with this subsection.

2. The department shall review and make a determination on a request for approval within 15 business days of receipt of the request and information necessary to complete the review.

(c) Thirty minutes of attendance in an approved course, program or seminar shall be deemed equal to 30 minutes of acceptable continuing education.

(d) Courses, programs and seminars to be considered for approval towards continuing education credit shall relate to:

1. The license classification or classifications;
2. The design, installation, maintenance, inspection, planning or superintending of plumbing; or
3. The plumbing code, chs. ILHR 81 to 87.

(e) 1. The individual or organization providing an approved continuing education course, program or seminar shall maintain an attendance record of those individuals who have attended and completed the course, program or seminar.

2. The attendance record shall include the names of each attendee along with the attendee's plumber license number and social security number.

3. A copy of the attendance record shall be forwarded by the person or party which had obtained the course or program approval to the department within 10 days of the completion of the course, program or seminar.

Note: The mailing address for the attendance records is:

Bureau of Building Water Systems
P.O. Box 7969
Madison, WI 53707

4. The individual or organization that holds an approved continuing education course shall provide to each person in attendance written documentation of his or her participation within 10 days of completion of the course or program.

(f) 1. The department may impose specific conditions in approving a course, program or seminar for continuing education credit.

2. The department may revoke the approval of a course, program or seminar for continuing education credit for any false statements, misrepresentation of facts or violation of the conditions on which the approval was based. The department may not revoke the approval of course, program or seminar less than 30 days prior to the course, program or seminar being held.

(g) For the purposes of this section, taking and completing a licensing examination under s. ILHR 81.05 shall be considered as:

1. Six hours of continuing education credit for a master plumber or journeyman plumber; and

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2. Three hours of continuing education credit for a master plumber-restricted or journeyman plumber-restricted.

(5) **EVIDENCE OF COMPLIANCE.** Each plumber shall retain evidence of compliance with continuing education requirements throughout the license period for which continuing education credit was required for license renewal.

(a) The department shall accept as evidence of compliance original or copies of documents, certified by the individual or organization providing the course, program or seminar, indicating attendance at and completion of the continuing education credit.

(b) The department may require a license holder to submit evidence of compliance for the continuing education credit which was required to renew the current license.

(6) **REEXAMINATION.** (a) *Full licensed plumbers.* Failure to obtain at least 12 hours of continuing education credit over 2 consecutive years may result in an individual having to take and pass the appropriate licensure examination in accordance with s. ILHR 81.05 in order to renew a master plumber license or journeyman plumber license.

(b) *Restricted-licensed plumbers.* Failure to obtain at least 6 hours of continuing education credit over 2 consecutive years may result in an individual having to take and pass the appropriate licensure examination in accordance with s. ILHR 81.05 in order to renew a master plumber-restricted license or journeyman plumber-restricted license.

History: Cr. Register, August, 1991, No. 428, eff. 1-1-92; correction in (4) (d) 3. made under s. 13.93 (2m) (b) 7, Stats., Register, June, 1992, No. 438; am. (1), r. and recr. (2) (a) and (b), r. (3) (b), renum. (3) (a) to be (b), cr. (4) (g), Register, May, 1994, No. 461, eff. 6-1-94; am. (2), (3), cr. (4) (e) 4., Register, September, 1994, No. 465, eff. 10-1-94.

ILHR 81.14 Suspension and revocation of licenses. Pursuant to ss. 145.10 and 145.17, Stats., the department may suspend or revoke the license of any master plumber, journeyman plumber, master plumber-restricted, journeyman plumber-restricted, utility contractor, automatic fire sprinkler contractor, or journeyman automatic fire sprinkler fitter.

(1) **GENERAL.** The department may suspend or revoke a license for any of the following reasons:

- (a) The practice of fraud or deceit in obtaining a license;
- (b) Gross negligence, incompetence or misconduct in the practice or work allowed by the license;
- (c) Failure to correct an installation for which the licensee is responsible within the time prescribed by the department; and

Note: Section 145.10 (1) (b), Stats., indicates that the correction of an installation must take place within 30 days following notification by the department of a violation.

(d) Falsified information on an inspection form under s. 145.245 (3), Stats.

(2) **INVESTIGATIONS.** The department may conduct an investigation of any alleged violations of this chapter or chs. ILHR 82 and 83. If it is determined that no further action is warranted, the department shall notify the persons affected. If the department determines that there is

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probable cause, it shall order a hearing and notify the persons affected.

(3) **SUMMARY SUSPENSION.** In accordance with s. 145.10 (1), Stats., the department may summarily suspend any license after providing not less than 10 days notice to the licensee, if it has reason to believe that the allegations in the complaints are justified. The summary suspension shall remain in effect until after a hearing finding is reached.

(4) **HEARINGS.** Hearings for the suspension or revocation of licenses shall be conducted as contested case hearings in accordance with ch. 227, Stats., and s. 145.10, Stats.

(5) **FINDINGS.** The department may make findings and enter its order on the basis of the facts revealed by its investigation. Any findings as a result of petition or hearing shall be in writing and shall be binding unless appealed to the secretary.

(a) *Suspension.* The period for suspension shall be determined by the hearing examiner or the department. The period for suspension may not exceed one year. A person whose license has been suspended may have the license reinstated by filing a new application for licensure and payment of the appropriate fee specified in ch. ILHR 2.

(b) *Revocation.* The period for revocation shall be determined by the hearing examiner or the department. The period for revocation shall not exceed one year. A person whose license has been revoked shall be eligible for licensure only after the time set for revocation by department order has passed. A person whose license has been revoked may have the license reinstated only after submitting a completed application for licensure examination, payment of the examination fee, passing of the examination and payment of the license fee specified in ch. ILHR 2.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; corrections in (5) made under s. 13.93 (2m) (b) 7, Stats., Register, June, 1992, No. 438; correction in (1) (d) made under s. 13.93 (2m) (b) 7, Stats., Register, February, 1994, No. 458.

ILHR 81.15 Suspension and cancellation of registrations. The department may suspend or cancel the registration of any plumbing apprentice, registered learner, pipe layer, automatic fire sprinkler system apprentice, or cross connection control device tester, automatic fire sprinkler maintenance registration certificate or automatic fire sprinkler fitter maintenance registration certificate.

(1) **GENERAL.** The department may suspend or cancel a registration for any of the following reasons:

- (a) The practice of fraud or deceit in obtaining registration;
- (b) Failure to complete the apprenticeship or learner educational requirements of this subchapter;
- (c) Gross negligence, incompetence or misconduct in the practice or work allowed by the registration; and
- (d) Willful noncompliance with the apprenticeship or learner shop requirements needed to obtain registration.

(2) **COMPLAINTS TO JOBS, EMPLOYMENT AND TRAINING SERVICES DIVISION.** The department may file a complaint with the jobs, employment and training services division of the department of industry, labor and human relations

regarding violations of this chapter or chs. ILHR 82 and 83 and request that action be taken to terminate or reassign the apprenticeship contract or agreement.

(3) **NOTICE OF SUSPENSION OR CANCELLATION.** Upon suspension or cancellation of any registration, the department shall notify the affected persons in writing stating the reasons for suspension or cancellation. The notice shall be made by affidavit of mailing or certified mail sent to the address filed with the application for registration.

(4) **HEARINGS.** Upon receipt of notice of registration, suspension or cancellation, the registrant may submit a written request for a contested case hearing in accordance with ch. 227, Stats. The right to hearing shall be considered waived, if the registrant fails to submit the request within 30 days after notice of registration, suspension or cancellation. Hearings shall be conducted by the department.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; am. (intro.), Register, February, 1994, No. 458, eff. 3-1-94; corrections in (2) made under s. 13.93 (2m) (b) 6, Stats., Register, February, 1994, No. 458.

Subchapter II — Certification of Plumbing Inspectors

ILHR 81.301 Purpose. The purpose of this subchapter is to promote effective and uniform enforcement of the state uniform plumbing code for one-and 2-family dwellings, manufactured buildings for dwellings and private sewage systems. Pursuant to ch. 101, subchs. II and III, Stats., and ch. 145, Stats., this subchapter establishes the stan-

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