



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5307/P2
KRP:amn

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to repeal* 101.12 (3m) (c); *to renumber* 101.12 (3c); *to amend* 101.12
2 (1) (intro.), 101.12 (2) and 101.19 (1g) (a); and *to create* 101.12 (2m), 101.12 (3c)
3 (a) and 145.02 (5) (c) of the statutes; **relating to:** examination of building plans
4 for public buildings, public structures, and places of employment; examination
5 of plumbing plans; and requiring the exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

This bill creates an exemption from the examination requirement for certain building plans and plumbing plans and modifies other aspects of the building plan review process.

Under current law, essential drawings, calculations, and specifications (building plans) for public buildings, public structures, and places of employment (commercial buildings) and plumbing plans and specifications (plumbing plans) for plumbing installations, additions, or alterations (plumbing systems) must be examined for compliance with the rules promulgated by the Department of Safety and Professional Services.

The bill creates an exception from building plan examination requirements. Under the bill, DSPS may not require the submission or examination of building plans for a commercial building that 1) is a single story containing less than 200,000 cubic feet of volume; 2) is not classified by DSPS as intended for certain occupancies and uses, including high hazard uses and educational uses; and 3) a registered architect, registered professional engineer, or designer permit holder prepares and signs, dates, and seals or stamps the building plans.

The bill also creates a similar exception for plumbing plan examination requirements. Under the bill, DSPS may not require the examination of plumbing plans for a plumbing system that 1) involves fewer than 25 plumbing fixtures; 2) is in connection with a building or structure that is not classified by DSPS as intended for certain occupancies and uses, including high hazard uses and educational uses; and 3) a registered architect, registered professional engineer, or designer permit holder prepares and signs, dates, and seals or stamps, or a licensed master plumber, licensed master plumber (restricted), or utility contractor signs and dates, the plumbing plans.

Under current law, building plans may be examined by DSPS, first class cities, and other cities, villages, towns, or counties certified or appointed by DSPS to perform building plan examination, and the owner of a commercial building may choose whether to submit building plans to DSPS or to the city, village, town, or county in which the commercial building is located. The bill requires that the owner of a commercial building must submit building plans to the city, village, town, or county in which the commercial building is located unless the city, village, town, or county grants permission for the owner to submit building plans to DSPS.

Under current law, DSPS must fix and collect fees that, as closely as possible, equal the cost of examining building plans. The bill provides that 50 percent of building plan examination fees must be submitted as a nonrefundable deposit at the time an appointment for examination of building plans is scheduled.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 101.12 (1) (intro.) of the statutes is amended to read:

2 101.12 (1) (intro.) Except for plans that are reviewed by the department of
3 health services under ss. s. 50.02 (2) (b), 50.025, 50.36 (2), or 50.92 (3m) and except
4 as provided under sub. (2m), the department shall require the submission of
5 essential drawings, calculations, and specifications for public buildings, public
6 structures, and places of employment including the following components:

7 **SECTION 2.** 101.12 (2) of the statutes is amended to read:

8 101.12 (2) ~~Plans of said~~ Except as provided under sub. (2m), essential
9 drawings, calculations, and specifications for public buildings, public structures, and
10 components described under sub. (1) shall be examined for compliance with the rules

1 of the department and a statement of the examination returned to the designer and
2 owner before construction is started. Nothing in this section shall ~~relieve~~ relieves
3 the designer of the responsibility for designing a safe building, structure, or
4 component.

5 **SECTION 3.** 101.12 (2m) of the statutes is created to read:

6 101.12 (2m) The department may not require the submission or examination
7 of essential drawings, calculations, and specifications for a public building, public
8 structure, or place of employment to which all of the following apply:

9 (a) The public building, structure, or place of employment is a single-story
10 building or structure containing less than 200,000 cubic feet of volume.

11 (b) No portion of the public building, structure, or place of employment is
12 classified by the department, under rules promulgated by the department, into any
13 of the following occupancy groups:

****NOTE: The reference in this provision to promulgating rules is intended to refer to the use and occupancy classifications in chapter 3 of the International Building Code (2015), which the Department of Safety and Professional Services has adopted under s. SPS 361.05 (1), Wis. Adm. Code. In other words, DSPS will not need to promulgate new rules to comply with this requirement. On the other hand, if the IBC or DSPS's rules change in the future, the references to particular use and occupancy classification groups may change or become obsolete, which could change the scope of the plan review exception created in this bill. Let me know if you would prefer to spell out the types of occupancies to which the exception does or does not apply, rather than relying on current classification groups in the IBC. This note also applies to the exception for review of plumbing plans created in the bill.

- 14 1. Assembly Group A.
- 15 2. Educational Group E.
- 16 3. High hazard Group H.
- 17 4. Institutional Group I.
- 18 5. Residential Group R.

1 (c) The essential drawings, calculations, and specifications are prepared by a
2 person who is registered as an architect or professional engineer under ch. 443 or who
3 holds a designer permit under s. 443.07, and that person signs, dates, and seals or
4 stamps the essential drawings, calculations, and specifications.

5 **SECTION 4.** 101.12 (3c) of the statutes is renumbered 101.12 (3c) (b).

6 **SECTION 5.** 101.12 (3c) (a) of the statutes is created to read:

7 101.12 (3c) (a) If the department has delegated authority to examine essential
8 drawings, calculations, and specifications under this section to a city, village, town,
9 or county, and the city, village, town, or county has assumed that responsibility, the
10 department may not perform examination services within the scope of that
11 delegation in the city, village, town, or county unless all of the following apply:

12 1. The owner of a public building, public structure, or place of employment
13 requests from the city, village, town, or county permission to submit essential
14 drawings, calculations, and specifications to the department for examination in
15 accordance with sub. (1).

16 2. The city, village, town, or county approves the request described under subd.

17 1.

****NOTE: This provision is modeled on s. 101.12 (3c), stats., which prohibits the Department of Safety and Professional Services from performing inspections in a city, village, town, or county to which DSPS has delegated authority under s. 101.12, stats. Is the word "delegated" broad enough to include 1st class cities authorized under s. 101.12 (3) (a), stats., to perform plan review?

****NOTE: As currently drafted, this provision does not apply to review and determination on variances. See, for example, s. 101.12 (3) (br) and (bw), stats., which expressly allow an owner to choose whether to submit a variance request to DSPS or the city, village, town, or county. Let me know if that is not consistent with your intent.

18 **SECTION 6.** 101.12 (3m) (c) of the statutes is repealed.

19 **SECTION 7.** 101.19 (1g) (a) of the statutes is amended to read:

1 101.19 **(1g)** (a) The examination of plans for public buildings, public structures,
2 places of employment, and the components thereof. The department shall require
3 that 50 percent of plan examination fees be submitted as a nonrefundable deposit at
4 the time an appointment for examination of plans is scheduled.

5 **SECTION 8.** 145.02 (5) (c) of the statutes is created to read:

6 145.02 **(5)** (c) The department may not require examination of plumbing plans
7 and specifications for a plumbing installation, addition, or alteration to which all of
8 the following apply:

9 1. The plumbing installation, addition, or alteration involves fewer than 25
10 plumbing fixtures.

11 2. No portion of the building or structure with which the plumbing installation,
12 addition, or alteration is connected is classified by the department, under rules
13 promulgated by the department, into any of the following occupancy groups:

14 a. Assembly Group A.

15 b. Educational Group E.

16 c. High hazard Group H.

17 d. Institutional Group I.

18 e. Residential Group R.

19 3. The plumbing plans and specifications are prepared by any of the following:

20 a. A person who is registered as an architect or professional engineer under ch.
21 443 and who signs, dates, and seals or stamps the plumbing plans and specifications.

22 b. A person who holds a designer permit under s. 443.07 in the field of plumbing
23 systems and who signs, dates, and seals or stamps the plumbing plans and
24 specifications.

1 c. A licensed master plumber, licensed master plumber (restricted), or utility
2 contractor who signs and dates the plumbing plans and specifications.

****NOTE: It appears that, under current law, plumbing plans and specifications may be signed by any of the persons described under subd. 3. a. to c., above. See s. SPS 382.20 (4) (c), Wis. Adm. Code. Is that consistent with your understanding of current law? Is it consistent with your intent to allow any of those professionals to sign plans under this provision, or do you want to limit it to a subset of those professionals?

3 **SECTION 9. Initial applicability.**

4 (1) The treatment of s. 101.12 (1) (intro.), (2), (2m), and (3m) (c), the
5 renumbering of s. 101.12 (3c), and the creation of s. 101.12 (3c) (a) first apply to
6 essential drawings, calculations, and specifications submitted for examination
7 under s. 101.12 on the effective date of this subsection.

8 (2) The treatment of s. 101.19 (1g) (a) first applies to an appointment for
9 examination of plans that is scheduled on the effective date of this subsection.

****NOTE: I modified this initial applicability provision to make the nonrefundable deposit first apply to new appointments for examination, rather than to new submissions of plans. Okay?

10 (3) The treatment of s. 145.02 (5) (c) first applies to plumbing plans and
11 specifications submitted for examination under ch. 145 on the effective date of this
12 subsection.

13 (END)