



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0567/1
KP&ZDW:skw

2023 ASSEMBLY BILL 199

April 20, 2023 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Housing and Real Estate.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to renumber* 101.12 (2); and *to create* 101.12 (2) (b) and 101.12 (7) of
2 the statutes; **relating to:** permission to start construction of a commercial
3 building before plan approval.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

Because this bill may increase or decrease, directly or indirectly, the cost of the development, construction, financing, purchasing, sale, ownership, or availability of housing in this state, the Department of Administration, as required by law, will prepare a report to be printed as an appendix to this bill.

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:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council Study Committee on the Commercial Building Permitting Process. The bill codifies and expands the authority for the Department of Safety and Professional Services (DSPS) and local units of government to allow a building owner to start construction of certain building components while a commercial building plan review is pending.

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Administrative rules adopted by DSPS currently allow a building owner who has submitted commercial building plans for examination by DSPS or a local unit of government to request permission to start construction of footings and foundations while plan review is pending. In practice, DSPS issues a “permission to start” letter to convey approval for this type of construction to begin.

DSPS’s rules require a plan reviewer to make a determination on a permission to start request within three business days after receiving all required documents, plan review fees, and an additional fee of \$75. The rules specify that a building owner who is granted permission to start construction of footings and foundations may proceed at the owner’s own risk, without assurance that a conditional approval will be granted for the building. The current statutes do not directly address permission to start construction while plan review is pending, but they specify that nothing in the section of the statutes relating to commercial building plan review relieves a building designer of the responsibility for designing a safe building, structure, or component.

The bill codifies the authority for “permission to start” letters in the statutes and expands the scope of construction activities that DSPS or a local unit of government may allow to proceed while plan review is pending. Under the bill, DSPS or a local unit of government may authorize a building owner to start construction of underground plumbing and exterior plumbing, in addition to footings and foundations. The bill retains a building designer’s responsibility for designing a safe building, structure, or component. The bill also specifies that permission to start construction does not relieve a licensed architect or professional engineer who prepared commercial building plans of responsibility regarding the plans.

1 **SECTION 1.** 101.12 (2) of the statutes is renumbered 101.12 (2) (a).

2 **SECTION 2.** 101.12 (2) (b) of the statutes is created to read:

3 101.12 (2) (b) Permission granted under sub. (7) (a) to start construction of a
4 building, structure, or component does not relieve an architect or professional
5 engineer authorized to practice under ch. 443 who prepared the plans of the building,
6 structure, or component of responsibility regarding the plans.

7 **SECTION 3.** 101.12 (7) of the statutes is created to read:

8 101.12 (7) (a) Notwithstanding sub. (2) (a), an owner who submits essential
9 drawings, calculations, and specifications under this section may request, and the
10 department or a city, village, town, or county authorized to perform examinations
11 under this section may grant, permission to start construction for the footings,
12 foundations, underground plumbing, and exterior plumbing.

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1 (b) An owner who has been granted permission to start construction under par.

2 (a) may proceed at the owner's own risk without assurance that a conditional

3 approval for the building will be granted.

4 (END)