



1997 Assembly Bill 668

Date of enactment: **June 15, 1998**
Date of publication*: **June 29, 1998**

1997 WISCONSIN ACT 288

AN ACT *to repeal* 101.122 (2) (a) 3.; *to amend* 101.122 (1) (e) 2. and 3., 101.122 (2) (a) 1., 101.122 (2) (e), 101.122 (4) (a), 778.25 (1) (b), 778.25 (2) (intro.), 778.25 (2) (b) and 778.25 (3); and *to create* 101.122 (1) (e) 5., 101.122 (3) (c), 101.122 (7) (e), 778.25 (1) (a) 7. and 778.25 (1) (c) of the statutes; **relating to:** changing rental unit energy efficiency requirements and creating a procedure for issuing citations for failure to comply with existing stipulations relating to rental unit energy efficiency requirements.

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

SECTION 1. 101.122 (1) (e) 2. and 3. of the statutes are amended to read:

101.122 (1) (e) 2. Any building constructed after December 1, 1978, which contains up to 2 dwelling units and which is less than 10 years old.

3. Any building constructed after April 15, 1976, which contains more than 2 dwelling units and which is less than 10 years old.

SECTION 1m. 101.122 (1) (e) 5. of the statutes is created to read:

101.122 (1) (e) 5. A building that is subject to a condominium declaration under ch. 703 and that contains 3 or more units, as defined in s. 703.02 (15).

SECTION 2. 101.122 (2) (a) 1. of the statutes is amended to read:

101.122 (2) (a) 1. Promulgate rules which establish a code of minimum energy efficiency standards for the attics, sill boxes, heat and plumbing supply systems in unheated crawl spaces, shower heads, furnaces, boilers, air conditioners, appliances, lighting systems and storm windows and doors of rental units. The rules shall include a standard that establishes a maximum air infiltration rate

of the thermal envelope, as defined by the department by rule. At the request of the owner of a rental unit, the department shall apply this air infiltration standard in lieu of the standard for storm windows and doors. The rules shall require installation of specified energy conservation measures. The present value benefits of each energy measure, in terms of saved energy over a 5-year period after installation, shall be more than the total present value cost of installing the measures.

SECTION 3. 101.122 (2) (a) 3. of the statutes is repealed.

SECTION 3m. 101.122 (2) (e) of the statutes is amended to read:

101.122 (2) (e) Review the rules adopted under this section at least once every 5 years and may determine whether new energy conservation technologies meet the standards under sub. (3) (a) and whether the rules promulgated under par. (a) should require the use of those technologies.

SECTION 6. 101.122 (3) (c) of the statutes is created to read:

101.122 (3) (c) Enforce stipulations entered into under sub. (4) (c) by use of the citation procedure under s. 778.25.

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 7. 101.122 (4) (a) of the statutes is amended to read:

101.122 (4) (a) ~~The rules adopted under sub. (2) (a) shall take effect on the first day of the 24th month after adoption of the rules. After the rules take effect, except~~ Except as provided under pars. (b) and (c), no owner may transfer a rental unit unless, ~~within the previous 5 years,~~ an inspector has inspected the unit and has issued a certificate stating that the unit satisfies applicable standards under sub. (2) (a) 1. or 2.

SECTION 8. 101.122 (7) (e) of the statutes is created to read:

101.122 (7) (e) *Citation.* If a person fails to comply with the requirements of a stipulation under sub. (4) (c) by the date specified in the stipulation, the department or the city, village or town that entered into the stipulation with the person may, anytime after the first day of the first month beginning after the date specified in the stipulation, proceed under s. 778.25 to recover a forfeiture under par. (d). A person may be charged with multiple violations under par. (d) if each violation covers a period of at least 90 consecutive days of continued failure to comply, if there is no overlap between periods and if each period begins after the date by which a rental unit was to have been brought into compliance.

SECTION 9. 778.25 (1) (a) 7. of the statutes is created to read:

778.25 (1) (a) 7. Under s. 101.122 (7) (d).

SECTION 10. 778.25 (1) (b) of the statutes is amended to read:

778.25 (1) (b) The citation form provided by this section may serve as the initial pleading for the action and, except as provided in par. (c), is adequate process to give a court jurisdiction over the person if the citation is filed with the court.

SECTION 11. 778.25 (1) (c) of the statutes is created to read:

778.25 (1) (c) If served as provided under s. 801.11, the citation form issued under par. (a) 7. is adequate process to give a court jurisdiction over the person.

SECTION 12. 778.25 (2) (intro.) of the statutes is amended to read:

778.25 (2) (intro.) A citation under this section shall be signed by the issuing agent or officer or by an officer who has authority to make arrests for the violation and shall contain substantially the following information:

SECTION 13. 778.25 (2) (b) of the statutes is amended to read:

778.25 (2) (b) The name and department of the issuing agent or officer.

SECTION 14. 778.25 (3) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

778.25 (3) If a person is issued a citation under this section the person may deposit the amount of money the issuing agent or officer directs by mailing or delivering the deposit and a copy of the citation to the clerk of court of the county where the violation occurred or the ~~sheriff's~~ office or ~~police~~ headquarters of the agent or officer who issued the citation prior to the court appearance date. The basic amount of the deposit shall be determined under a deposit schedule established by the judicial conference. The judicial conference shall annually review and revise the schedule. In addition to the basic amount determined by the schedule the deposit shall include costs, including any applicable fees prescribed in ch. 814, penalty assessment, jail assessment and crime laboratories and drug law enforcement assessment.

SECTION 15. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 101.122 (7) (e) and 778.25 (1) (a) 7., (b) and (c), (2) (intro.) and (b) and (3) of the statutes takes effect on the first day of the 6th month beginning after publication.