



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-2089/1
MCP:kjf

2017 ASSEMBLY BILL 184

March 28, 2017 - Introduced by Representatives PETRYK, ALLEN, E. BROOKS, BROSTOFF, EDMING, KERKMAN, LOUDENBECK, SKOWRONSKI, THIESFELDT and WEATHERSTON, cosponsored by Senators DARLING and RINGHAND. Referred to Committee on Jobs and the Economy.

1 **AN ACT** *to amend* 100.20 (5) and 100.20 (6); and *to create* 66.0439, 100.20 (1v)
2 and 100.70 of the statutes; **relating to:** regulating the use of certain
3 professional credentials and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits a person from using the title of certified dangerous goods professional, certified hazardous materials manager, certified hazardous materials practitioner, certified health physicist, certified industrial hygienist, certified safety professional, or registered radiation protection technologist, or the initials for these titles, unless the person is certified or registered to use that title by the Institute of Hazardous Materials Management, the American Board of Health Physics, the American Board of Industrial Hygiene, the Board of Certified Safety Professionals, or the National Registry of Radiation Protection Technologists.

The bill also prohibits a business from representing that the services that the business provides are furnished by one of these certified or registered professionals unless those services are provided by, or are provided under the direct supervision of, a person who is permitted to use that title under this bill. Under the bill, a person is also prohibited from misleading or deceiving another person by the unauthorized use of a certification mark awarded by the U.S. Patent and Trademark Office that includes one of these titles.

Under the bill, a person who violates these prohibitions is guilty of a misdemeanor and may be fined not more than \$1,000. The bill also provides that a violation of these prohibitions is an unfair method of competition in business or an

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unfair trade practice, and allows a person who suffers a monetary loss because of a violation to sue for twice the amount of the monetary loss and reasonable attorney fees. The bill also allows the Department of Agriculture, Trade and Consumer Protection to bring a court action for an injunction to restrain a violation of these prohibitions.

In addition, this bill prohibits a city, village, town, or county from enacting an ordinance or adopting a resolution that restricts the use of these professional titles.

For further information see the *state* 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.** 66.0439 of the statutes is created to read:

2 **66.0439 Environmental, occupational health, and safety credentials.**

3 **(1)** No city, village, town, or county may enact an ordinance or adopt a resolution that
4 restricts the use of a title or a representation described in s. 100.70 (1) (a) to (h).

5 **(2)** If a city, village, town, or county has in effect on the effective date of this
6 subsection ... [LRB inserts date], an ordinance that the city, village, town, or county
7 is prohibited from enacting under sub. (1), the ordinance does not apply and may not
8 be enforced.

9 **SECTION 2.** 100.20 (1v) of the statutes is created to read:

10 **100.20 (1v)** It is an unfair method of competition in business or an unfair trade
11 practice for a person or business entity to violate s. 100.70 (2).

12 **SECTION 3.** 100.20 (5) of the statutes is amended to read:

13 **100.20 (5)** Any person suffering pecuniary loss because of a violation by any
14 other person of s. 100.70 or any order issued under this section may sue for damages
15 therefor in any court of competent jurisdiction and shall recover twice the amount
16 of such pecuniary loss, together with costs, including a reasonable attorney's
17 attorney fee.

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1 **SECTION 4.** 100.20 (6) of the statutes is amended to read:

2 100.20 **(6)** The department may commence an action in circuit court in the
3 name of the state to restrain by temporary or permanent injunction the violation of
4 s. 100.70 or any order issued under this section. The court may in its discretion, prior
5 to entry of final judgment make such orders or judgments as may be necessary to
6 restore to any person any pecuniary loss suffered because of the acts or practices
7 involved in the action, provided proof thereof is submitted to the satisfaction of the
8 court. The department may use its authority in ss. 93.14 and 93.15 to investigate
9 violations of s. 100.70 or any order issued under this section.

10 **SECTION 5.** 100.70 of the statutes is created to read:

11 **100.70 Environmental, occupational health, and safety credentials. (1)**
12 **PROHIBITIONS.** (a) *Certified dangerous goods professional.* No person may use the
13 title “Certified Dangerous Goods Professional,” the initials “C.D.G.P.,” or any
14 variation or combination of those terms to identify, advertise, or represent, by any
15 means, that the person is a certified dangerous goods professional unless the person
16 is designated as a certified dangerous goods professional by the Institute of
17 Hazardous Materials Management and that designation has not expired or been
18 revoked.

19 (b) *Certified hazardous materials manager.* No person may use the title
20 “Certified Hazardous Materials Manager,” the initials “C.H.M.M.,” or any variation
21 or combination of those terms to identify, advertise, or represent, by any means, that
22 the person is a certified hazardous materials manager unless the person is
23 designated as a certified hazardous materials manager by the Institute of Hazardous
24 Materials Management and that designation has not expired or been revoked.

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1 (c) *Certified hazardous materials practitioner.* No person may use the title
2 “Certified Hazardous Materials Practitioner,” the initials “C.H.M.P.,” or any
3 variation or combination of those terms to identify, advertise, or represent, by any
4 means, that the person is a certified hazardous materials practitioner unless the
5 person is designated as a certified hazardous materials practitioner by the Institute
6 of Hazardous Materials Management and that designation has not expired or been
7 revoked.

8 (d) *Certified health physicist.* No person may use the title “Certified Health
9 Physicist,” the initials “C.H.P.,” or any variation or combination of those terms to
10 identify, advertise, or represent, by any means, that the person is a certified health
11 physicist unless the person is designated as a certified health physicist by the
12 American Board of Health Physics and that designation has not expired or been
13 revoked.

14 (e) *Certified industrial hygienist.* No person may use the title “Certified
15 Industrial Hygienist,” the initials “C.I.H.,” or any variation or combination of those
16 terms to identify, advertise, or represent, by any means, that the person is a certified
17 industrial hygienist unless the person is designated as a certified industrial
18 hygienist by the American Board of Industrial Hygiene and that designation has not
19 expired or been revoked.

20 (f) *Certified safety professional.* No person may use the title “Certified Safety
21 Professional,” the initials “C.S.P.,” or any variation or combination of those terms to
22 identify, advertise, or represent, by any means, that the person is a certified safety
23 professional unless the person is designated as a certified safety professional by the
24 Board of Certified Safety Professionals and that designation has not expired or been
25 revoked.

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1 (g) *Registered radiation protection technologist.* No person may use the title
2 “Registered Radiation Protection Technologist,” the initials “R.R.P.T.,” or any
3 variation or combination of those terms to identify, advertise, or represent, by any
4 means, that the person is a registered radiation protection technologist unless the
5 person is designated as a registered radiation protection technologist by the National
6 Registry of Radiation Protection Technologists and that designation has not expired
7 or been revoked.

8 (h) *Commercial representation.* No business entity may identify, advertise, or
9 represent, by any means, that the services provided by the business entity are
10 furnished by a certified or registered professional described under pars. (a) to (g)
11 unless those services are provided by, or are provided under the direct supervision
12 of, a person who is permitted to use that title under pars. (a) to (g).

13 (i) *Certification mark.* No person may mislead or deceive a person by the
14 unauthorized use of a certification mark awarded by the U.S. patent and trademark
15 office that includes a title described in pars. (a) to (g).

16 (j) *Exception.* Paragraphs (a) to (g) do not apply to an apprentice or student who
17 is acting under the supervision of a person who is permitted to use a title under pars.
18 (a) to (g).

19 **(2) PENALTY.** A person who violates sub. (1) is guilty of a misdemeanor and shall
20 be fined not more than \$1,000.

21 **(END)**