

1979 Assembly Bill 560

Date published: April 7, 1980

CHAPTER 162, Laws of 1979

AN ACT to repeal 446.04 (3), (5) (d) and (f) and (6); to amend 159.08 (9), 159.12 (1) (c), 227.08 (7), 440.41 (9), 441.06 (4), 441.10 (3) (c), 442.02 (5m) (a) and (b), 444.05, 446.02 (1) (b), 447.03 (1), 447.07 (6) (f), 448.07 (1) (b), 449.07 (1) (fm), 449.17 (3) and (4), 450.04 (2), 452.02 (5) and (6), 452.03, 452.06 (4) (b), 452.08 (3) (a) and (5) (c), 452.09, 452.10 (2) (intro.), (a), (b), (e), (f), (h) and (i), 452.13, 452.14, 452.18 (1) and (3), 455.02 (1) (a), 455.06 (2), 455.10, 456.03 (1), 456.07 (2), 456.09 (1) (intro.) and (c), 459.02 (1) and 459.08 (3); to repeal and recreate 446.04 (5) (e); and to create 449.17 (3) (a) to (c) of the statutes, relating to remedial legislation affecting the statutes regulating various occupations. (Suggested as remedial legislation by the department of regulation and licensing).

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

SECTION 1. 159.08 (9) of the statutes is amended to read:

159.08 (9) Applicants for a junior instructor's permit shall be high school graduates, or have an equivalent education as determined by ~~the extension division~~ of the university of Wisconsin-extension, have had at least one year of full-time experience as a cosmetologist and shall complete a minimum of 500 hours of instruction and supervised practice in teaching methods; or shall be high school graduates, or have an equivalent education as determined by ~~the extension division~~ of the university of Wisconsin-extension, licensed as a cosmetologist and shall complete a minimum of 1,000 hours of instruction and supervised practice in teaching methods in accordance with rules established by the examining board. The fee shall be that specified in s. 440.05 (6). The permit shall be issued for a one-year period beginning with the date of issuance and may be renewed for one additional year upon application and payment of the renewal fee specified in s. 440.05 (6). Applicants for an instructor's license shall be high school graduates, or have an equivalent education as determined by ~~the extension division~~ of the university of Wisconsin-extension, have had at least 3 years' experience as a cosmetologist and have been licensed as a managing cosmetologist at least one year, or have completed the junior instructor course or an equivalent training as determined by the examining board, and shall pass such examination as the examining board deems ~~fit~~ appropriate and pay the fee specified in s. 440.05 (1). All persons holding instructor's licenses shall within each 2-year period provide evidence of having completed a minimum of 34 hours of in-service training designed to contribute to their professional growth and development as an instructor. During the time between initial licensure and commencement of a full 2-year licensure period new licensees shall not be required to meet in-service training requirements. The holder of an instructor's license shall have the rights allowed those holding a manager's license.

SECTION 2. 159.12 (1) (c) of the statutes is amended to read:

159.12 (1) (c) Who has shown by affidavit or certificate that he or she has completed the 12th grade or its equivalent as determined by ~~the extension division~~ of the university of Wisconsin-extension or has reached the age of 18 or who is engaged in a vocational education program which uses the cooperative educational method or similar program approved by the department of public instruction.

SECTION 3. 227.08 (7) (intro.) of the statutes is amended to read:

227.08 (7) (intro.) In any class 2 proceeding, each party shall have the right, prior to the date set for hearing, to take and preserve evidence as provided in ch. ~~887 [ch. 804]~~ 804. In any class 1 or class 3 proceeding, an agency may by rule permit the taking and preservation of evidence, but in every such proceeding the taking and preservation of evidence shall be permitted with respect to a witness:

SECTION 4. 440.41 (9) of the statutes is amended to read:

440.41 (9) DESIGNATION OF THE DEPARTMENT AS AGENT FOR SERVICE OF PROCESS; SERVICE OF PROCESS. Any charitable organization, professional fund raiser or professional solicitor resident or having his, her or its principal place of business without the state or organized under the laws of another state, that solicits contributions from people in this state, shall be deemed to have irrevocably appointed the secretary as its agent upon whom may be served any process directed to such charitable organization, professional fund raiser, professional solicitor or any partner, principal, officer or director thereof, in any action or proceeding brought by the attorney general under this section. Any such charitable organization, professional fund raiser or professional solicitor may file with the secretary a designation, in terms complying herewith, duly acknowledged, irrevocably appointing the department as his, her or its agent upon whom may be served any such process. Service of such process upon the secretary shall be made by personally delivering to and leaving with ~~him~~ the secretary or ~~his~~ the secretary's designee a copy thereof at his or her office and such service shall be sufficient service provided that notice of such service and a copy of such process are forthwith sent by the attorney general to such

charitable organization, professional fund raiser or professional solicitor by registered mail with return receipt requested, at his, her or its office as set forth in the registration form required to be filed in the department pursuant to under subs. (2), (5) and (8), or in default of the filing of such form, at the last address known to the attorney general. Service of such process shall be complete 10 days after the receipt by the attorney general of a return receipt purporting to be signed by the addressee or a person qualified to receive his, her or its registered mail or, if acceptance was refused by the addressee or his, her or its agent, 10 days after the return to the attorney general of the original envelope bearing a notation by the postal authorities that receipt thereof was refused.

SECTION 5. 441.06 (4) of the statutes is amended to read:

441.06 (4) No person shall may practice or attempt to practice professional nursing, nor use the title, letters, or anything else to indicate that he or she is a registered or professional nurse unless he or she is registered under this section. No person not so registered shall may use in connection with his or her nursing employment or vocation any title or anything else to indicate that he or she is a trained, certified or graduate nurse.

SECTION 6. 441.10 (3) (c) of the statutes is amended to read:

441.10 (3) (c) No license is required for practical nursing, but no person without a license shall may hold himself or herself out as a trained practical nurse or licensed attendant, use the title or letters "Trained Practical Nurse" or "T.P.N.," "Licensed Practical Nurse" or "L.P.N.," "Licensed Attendant" or "L.A.," "Trained Attendant" or "T.A.," ~~nor~~ or otherwise seek to indicate that he or she is a trained practical nurse or licensed attendant; ~~nor shall a.~~ No trained practical nurse or a licensed attendant may use the title, or otherwise seek to act as a registered, trained, certified, graduate or professional nurse. Anyone violating this subsection shall be subject to the penalties prescribed by s. 441.13. The board shall grant without examination a license as a trained practical nurse to any person who was on July 1, 1949, a licensed attendant.

SECTION 7. 442.02 (5m) (a) and (b) of the statutes are amended to read:

442.02 (5m) (a) Who signs or affixes his or her name or any trade or assumed name used by ~~him~~ the person in his or her business or profession to an opinion or certificate attesting to the reliability of any representation or estimate in regard to any person or organization embracing financial information, financial transactions or accounting records.

(b) This subsection shall does not prohibit any officer, employe, partner or principal of any organization from affixing his or her signature to any statement or report in reference to the affairs of that organization with any wording designating the position, title or office which he or she holds in that organization, ~~nor shall this.~~ This subsection does not prohibit any act of a public official or public employe in the performance of his or her duties.

SECTION 8. 444.05 of the statutes is amended to read:

444.05 Amateur matches regulated; fee. Any club may conduct strictly amateur boxing and sparring exhibitions, on payment of an annual license fee of \$10, ~~throughout the state~~ upon compliance and in accordance with this chapter with respect to obtaining a license and sanction from the ~~athletic~~ examining board and subject to all the rules and regulations of the ~~athletic~~ examining board. Amateur exhibitions within the meaning of this section include only exhibitions in which the participants are bona fide amateurs and receive no money, compensation or reward for their participation in ~~such~~ the exhibition, other than watches, medals, articles of jewelry, silverware, trophies or ornaments suitably inscribed to show that they are given for participation in an amateur boxing exhibition, but the value of any such article given to any contestant ~~must~~ shall not exceed the sum of \$35. No other prize or reward shall may be given or awarded to or accepted by any boxer unless authorized in writing by the ~~athletic~~ examining board. No bout or match in any such exhibition shall may exceed 3 3-minute rounds with a one-minute intermission be-

tween each round or 5 2-minute rounds with a one-minute intermission between each round subject to the approval of the athletic examining board. The athletic examining board shall require membership in a recognized amateur athletic association as evidence of the amateur standing of any contestant, or club, and in case of dispute, may determine upon competent evidence the amateur status of any contestant or club.

SECTION 9. 446.02 (1) (b) of the statutes is amended to read:

446.02 (1) (b) Meets the requirements of continuing education for license renewal as the examining board may require. During the time between initial licensure and commencement of a full 2-year licensure period new licensees shall not be required to meet continuing education requirements. Any person who has not engaged in the practice of chiropractic for 2 years or more, while holding a valid license under this chapter, and desiring to engage in such practice, shall be required by the examining board to complete a continuing education course at a school of chiropractic approved by the examining board or pass a practical examination administered by the examining board, or both.

SECTION 10. 446.04 (3), (5) (d) and (f) and (6) of the statutes are repealed.

SECTION 11. 446.04 (5) (e) of the statutes is repealed and recreated to read:

446.04 (5) (e) Use of the term "clinic" or "center" in office signs unless the office meets the requirements for a clinic or center as defined by the board.

SECTION 12. 447.03 (1) of the statutes is amended to read:

447.03 (1) Only persons possessing a license to practice dentistry under s. 447.05, ~~shall~~ may use or assume the title "doctor", or append to his or her name the words or letters "doctor", "Dr.", or his or her degree in dentistry earned by graduation from a dental school or college approved by the examining board, including but not limited to "Doctor of Dental Surgery", "D.D.S.", or "D.M.D." The degree of "Doctor of Dental Surgery", or its equivalent, shall be recognized only for one who has satisfactorily completed a curriculum of at least 4 years of 32 weeks each in a dental school or college approved by the examining board. No dental school or college within this state ~~shall~~ may enroll anyone not filing with the examining board proof satisfactory to it that he or she has an education equivalent to graduation from a high school or academy in this state offering a 4-year curriculum beyond the 8th grade, and has completed at least 2 years of college satisfactory to the examining board. ~~This~~ The examining board shall admit for examination only graduates of dental schools or colleges which it has approved and which require for admission a minimum of 2 years of college work leading to a baccalaureate degree, and including at least one year of English, and at least one course in each of the sciences of physics, biology and chemistry. An applicant for licensure who graduated from a dental school at any time prior to 1941 ~~must~~ shall meet the requirements of the statutes and of the examining board which were in force at the time of ~~such~~ the applicant's graduation.

SECTION 13. 447.07 (6) (f) of the statutes is amended to read:

447.07 (6) (f) Advertising either by sign or in any manner under the name of a corporation, company, association or trade name. No dentist ~~shall~~ may display any sign or advertise in any manner concerning his or her work by the use of any name except the name under which he or she is licensed to practice dentistry in this state, ~~nor shall he.~~ No dentist may use any trade name or display any sign or advertise in any manner under any trade or assumed name under which his or her practice was formerly conducted, except as permitted by s. 447.02 (2). Nothing ~~contained~~ in this subsection ~~shall forbid~~ forbids a dentist currently licensed and registered in this state from being a member of a corporation organized and operated under s. 180.99, or from doing such advertising in connection ~~therewith~~ with the corporation as is reasonably necessary to identify an incorporated dental group and the location of its practice.

SECTION 14. 448.07 (1) (b) of the statutes is amended to read:

448.07 (1) (b) On or before March 10 of each ~~even-numbered~~ year ~~the secretary of the board shall cause to be published~~ publish the register required by s. 440.035 (4), which shall be divided according to the activity for which the registrant is licensed or certified. The secretary of the board shall cause a copy of the list to be mailed to the secretary of state, the district attorney of each county, each local board of health, the sheriff of each county, the chief of police of each community and to any other public official who may request or have need thereof. The board shall make copies available for general distribution at cost.

SECTION 15. 449.07 (1) (fm) of the statutes is amended to read:

449.07 (1) (fm) Violates s. 449.17 or 449.19.

SECTION 16. 449.17 (3) of the statutes is amended to read:

449.17 (3) Topical ocular diagnostic pharmaceutical agents may be used only by optometrists who successfully complete an examination conducted by the examining board on the subject of general and ocular pharmacology as it relates to optometry with particular emphasis on the use of topical ocular diagnostic pharmaceutical agents, including the treatment of any adverse reactions that may occur. The examination shall be prepared or approved by the department in consultation with the examining board, the medical examining board and the pharmacy examining board. The department shall periodically review the validity, reliability and appropriateness of the examination. In regard to the examination, the department may:

SECTION 17. 449.17 (3) (a) to (c) of the statutes are created to read:

449.17 (3) (a) Prepare, administer and grade the examination;

(b) Approve in whole or in part an examination prepared, administered and graded by the national board of examiners in optometry or by the optometry examining board; or

(c) Approve and administer an examination prepared and graded by or under the direction of the national board of examiners in optometry.

SECTION 18. 449.17 (4) of the statutes is amended to read:

449.17 (4) In addition to the requirements of sub. (3), optometrists who wish to use topical ocular diagnostic pharmaceutical agents ~~must~~ shall successfully complete 60 classroom hours of study in general and ~~clinical ocular~~ pharmacology as it relates to optometry with particular emphasis on the use of topical ocular diagnostic pharmaceutical agents. At least 30 of the 60 classroom hours of study shall be in ~~clinical ocular~~ pharmacology and shall emphasize the systemic effects of and reactions to pharmaceutical agents, including the treatment of any adverse reactions that may occur. The course of study shall be offered by an institution approved by the secretary and accredited by a regional or professional accrediting organization which is recognized by the council on post-secondary accreditation and the U.S. office of education and shall be completed prior to entering the examination required by sub. (3).

SECTION 19. 450.04 (2) of the statutes is amended to read:

450.04 (2) No person ~~shall~~ may sell, give away, barter, compound or dispense drugs, medicines or poisons, nor permit it, in a town, village or city having a population of 500 or more unless ~~he~~ he or she is a registered pharmacist, nor may any person institute ~~or~~ or conduct a place therefor without a registered pharmacist in charge, except that a registered assistant pharmacist may do so under the personal supervision of a registered pharmacist, and may have charge during the pharmacist's necessary absence, not to exceed 10 days. If the population of the city, village or town is less than 500, only a registered assistant pharmacist is required and in such case a registered assistant pharmacist, if otherwise qualified, may continue to operate his or her drug store, until death or retirement, even though the population ~~increase~~ increases beyond 500.

SECTION 20. 452.02 (5) and (6) of the statutes are amended to read:

452.02 (5) Every broker requesting the registration of any cemetery ~~salesman~~ salesperson shall be responsible for the acts of ~~any and all such salesmen~~ the salesperson while acting as a cemetery ~~salesman~~ salesperson. The cemetery association or corporation designating ~~such the~~ broker shall be equally responsible for the acts of ~~such salesmen~~ the broker's salespersons while acting as ~~salesmen~~ they act as salespersons for ~~such the~~ cemetery association or corporation.

(6) A person who is not registered shall not engage in or follow the business or occupation of, or advertise or hold himself or herself out as or act temporarily or otherwise as a cemetery ~~salesman~~ salesperson.

SECTION 21. 452.03 of the statutes is amended to read:

452.03 (title) Brokers and salespersons licensed. No person shall may engage in or follow the business or occupation of, or advertise or hold himself or herself out as or act temporarily or otherwise as a real estate broker or ~~salesman~~ salesperson without a license. Licenses shall be granted only to persons who are trustworthy and competent to transact such businesses in such a manner as to safeguard which safeguards the interests of the public, and only after satisfactory proof ~~thereof of the person's trustworthiness and competence~~ has been presented to the examining board. If a cemetery ~~salesman~~ salesperson engages in the sale of real estate other than cemetery lots or grave spaces, ~~he~~ the salesperson shall first obtain a real estate ~~salesman's~~ salesperson's license.

SECTION 22. 452.06 (4) (b) of the statutes is amended to read:

452.06 (4) (b) Suspension or revocation of a license issued to a broker shall automatically suspend the license of every ~~salesman~~ salesperson employed by the broker at the time of the suspension or revocation of the broker's license. The ~~salesman~~ salesperson may apply for transfer to some other licensed broker by complying with this chapter, provided the ~~salesman~~ salesperson is not a party to the activities causing the suspension or revocation of the license of ~~his~~ the broker.

SECTION 23. 452.08 (3) (a) and (5) (c) of the statutes are amended to read:

452.08 (3) (a) Each broker shall be responsible for the acts of any ~~and all of his~~ salesmen while salesperson acting as ~~his agents~~ the broker's agent.

(5) (c) Every licensee or a sponsor of an approved program in behalf of the licensee shall submit proof or a record to the examining board of attendance at a minimum of 10 classroom hours of approved training sessions every 2 years. The 2-year period shall be measured as of August 31 of each year congruent with the 2-year licensure period. During the time between initial licensure and commencement of a full 2-year licensure period, new licensees shall not be required to meet the continuing education requirement under this paragraph. A licensee who is also licensed to practice law in this state shall be granted credit for attendance at continuing legal education programs which the examining board determines to be related to real estate matters. If upon application for renewal the licensee has not submitted proof of having met this requirement in the preceding ~~2 years~~ 2-year licensure period, the examining board may withhold issuance of the renewal license until such proof is submitted.

SECTION 24. 452.09 of the statutes is amended to read:

452.09 Trust accounts. All ~~down payments~~ downpayments, earnest money deposits or other trust funds received by a broker or ~~salesman~~ salesperson on behalf of ~~his~~ the ~~broker's or salesperson's~~ principal or any other person, shall be deposited in a common trust account, maintained by ~~said the~~ broker for ~~such that~~ purpose in a bank designated by the broker, pending the consummation or termination of the transaction, except as ~~such the~~ moneys may be paid to one of the parties pursuant to ~~such the~~ contract or option. The name of ~~said the~~ bank shall at all times be registered with the examining board, along with a letter authorizing the examining board to examine and audit ~~said the~~ trust account when ~~said the~~ examining board deems it necessary.

SECTION 25. 452.10 (2) (intro.), (a), (b), (e), (f), (h) and (i) of the statutes are amended to read:

452.10 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the examining board may also on its own motion, or upon complaint in writing, duly signed and verified by the complainant, and upon not less than 10 days' notice to the broker or ~~salesman~~ salesperson, suspend any broker's or ~~salesman's~~ salesperson's license or registration if it has reason to believe, and may limit or revoke ~~such the~~ the license or registration or reprimand the holder ~~thereof of the license or registration~~ as provided hereafter, if it finds that the holder of the license or registration has:

(a) Made a material misstatement in the application for ~~such the~~ the license or in any information furnished to the examining board;

(b) Made any substantial misrepresentation with reference to a transaction injurious to a seller or purchaser ~~wherein he in which the broker or salesperson~~ acts as agent;

(c) Acted for more than one party in a transaction without the knowledge of all parties for whom ~~he the broker or salesperson~~ acts;

(d) Accepted a commission or valuable consideration as a ~~salesman~~ salesperson for the performance of any act specified in this chapter from any person except ~~his the salesperson's~~ the salesperson's employer;

(e) Failed, within a reasonable time, to account for or remit any moneys coming into ~~his the broker's or salesperson's~~ possession which belong to another person;

(f) Demonstrated untrustworthiness or incompetency to act as a broker, ~~salesman~~ salesperson or cemetery ~~salesman~~ salesperson in ~~such a manner as to safeguard which safeguards~~ the interests of the public;

SECTION 26. 452.13 of the statutes is amended to read:

452.13 Limitation on actions for commissions. No person engaged in the business or acting in the capacity of a real estate broker or ~~salesman~~ salesperson within this state ~~shall may~~ bring or maintain an action in the courts of this state for the collection of a commission or compensation for the performance of any act mentioned in this chapter without alleging and proving that he or she was a duly licensed broker or ~~salesman~~ salesperson at the time the alleged cause of action arose.

SECTION 27. 452.14 of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

452.14 Nonresident brokers. (1) A nonresident of this state may become a real estate broker or ~~salesman~~ salesperson by conforming to all the provisions of this chapter, except that a nonresident real estate broker shall maintain an active place of business in the state in which ~~he the broker~~ holds a license, ~~and said nonresident.~~ Nonresident real estate brokers shall not employ real estate ~~salesmen~~ salespersons in this state.

(2) The examining board may recognize in lieu of the affidavit required to accompany an application for license, the license issued to a nonresident broker or ~~salesman~~ salesperson in such other state, upon payment of a license fee and the filing of a certified copy of the license issued by such other state.

(3) Every nonresident applicant shall file an irrevocable consent that actions may be commenced against ~~him~~ the applicant in the proper court of any county of the state in which a cause of action arises or in which the plaintiff resides, by the service of any process or pleading authorized by the laws of this state on the examining board, any member thereof or any duly authorized employe. The consent shall stipulate and agree that such service is valid and binding as due service upon ~~said the~~ the applicant in all courts in this state. The consent shall be duly acknowledged and, if made by a corporation, shall be authenticated by the corporate seal.

(4) Duplicate copies of any process or pleading shall be served upon the examining board or its duly authorized employe. One copy shall be filed with the examining board and the other immediately forwarded by registered mail to the main office of the applicant against whom the process or pleading is directed. No default in any such proceeding or action ~~shall~~ may be taken unless it appears by affidavit of the secretary of the examining board or any duly authorized employe that a copy of the process or pleading was mailed to the defendant as required in this subsection. No judgment by default ~~shall~~ may be taken in any action or proceeding within 20 days after the date of mailing the process or pleading to the nonresident defendant.

SECTION 28. 452.18 (1) and (3) of the statutes are amended to read:

452.18 (1) Any person who engages in or follows the business or occupation of, or advertises or holds himself or herself out as or acts temporarily or otherwise as a real estate broker or ~~salesman~~ salesperson in this state without a license, or who otherwise violates any provision of this chapter, shall be prosecuted by the district attorney in the county where violation occurs and may be fined not more than \$1,000 or imprisoned not more than 6 months or both.

(3) Any person who is not registered who engages in or follows the business or occupation of, or advertises or holds himself or herself out as or acts temporarily or otherwise as a cemetery ~~salesman~~ salesperson in this state or who otherwise violates any provision of this chapter, shall be prosecuted by the district attorney in the county where the violation occurs and may be fined not less than \$25 nor more than \$200 or imprisoned not less than 10 days nor more than 6 months or both.

SECTION 30. 455.02 (1) (a) of the statutes is amended to read:

455.02 (1) (a) This chapter does not restrict exclusively to psychologists the rendering of services included within the practice of psychology, but only a person licensed under this chapter may use the term "licensed psychologist" or represent himself or herself to the public by any title or description of services incorporating the words "psychological", "psychologist" or "psychology" and state or imply that he or she is licensed to practice psychology.

SECTION 31. 455.06 (2) of the statutes is amended to read:

455.06 (2) A person who fails to renew his or her license within 5 years after its expiration may not renew it, but may apply for and obtain a new license if ~~he~~ the person meets the requirements of this chapter.

SECTION 32. 455.10 of the statutes is amended to read:

455.10 Injunctive relief. Violation of s. 455.02 (1) (a) may be enjoined in an action brought by the attorney general on petition by the examining board. In any such proceeding, it shall not be necessary to show that any person is individually injured by the actions complained of. If the respondent is found guilty of the violation, the court shall enjoin ~~him~~ the respondent from further violations thereof until he or she has been duly licensed. The remedy given by this section is in addition to criminal prosecution under s. 455.11.

SECTION 33. 456.03 (1) of the statutes is amended to read:

456.03 (1) An applicant for a license as a nursing home administrator who has ~~a)~~ successfully complied with the requirements of this chapter, and ~~b)~~ passed the examination, shall be granted a license by the examining board, certifying that ~~such~~ the applicant has met the requirements of the laws and rules entitling ~~him~~ the applicant to serve, act, practice and otherwise hold himself or herself out as a duly licensed nursing home administrator.

SECTION 34. 456.07 (2) of the statutes is amended to read:

456.07 (2) The application for a new certificate of registration shall include the biennial registration fee specified in s. 440.05 (3) and evidence satisfactory to the examining board that during the biennial period immediately preceding application for registration

the applicant has attended a continuation education program or course of study. During the time between initial licensure and commencement of a full 2-year licensure period new licensees shall not be required to meet continuing education requirements. All registration fees are payable on July 1 of even-numbered years following licensure.

SECTION 35. 456.09 (1) (intro.) and (c) of the statutes are amended to read:

456.09 (1) (intro.) No person ~~shall~~ may:

(c) Practice as a nursing home administrator or use in connection with his or her name any designation tending to imply that ~~he~~ the person is a nursing home administrator unless duly licensed and registered to so practice under this chapter; or

SECTION 36. 459.02 (1) of the statutes is amended to read:

459.02 (1) No person ~~shall~~ may engage in the practice of selling or fitting hearing aids or display a sign or in any other way advertise or represent himself or herself as a person who practices the fitting or sale of hearing aids unless he or she holds a valid license issued under this chapter. The license required by s. 459.05 shall be conspicuously posted in his or her office or place of business as registered with the department at all times. Duplicate licenses shall be issued by the department to valid license holders operating more than one office without additional payment.

SECTION 37. 459.08 (3) of the statutes is amended to read:

459.08 (3) Any notice required to be given by the department to a person who holds a license shall be mailed to ~~him~~ the person by certified mail at the address of the last place of practice of which he or she has notified the department.

SECTION 38. **Term changes.** (1) Wherever in the following sections of the statutes the term "athletic examining board" appears, the term "examining board" is substituted: 444.09 (7) and (8), 444.10 and 444.13.

(2) (a) Wherever in the following sections of the statutes the term "salesman" appears, the term "salesperson" is substituted: 108.02 (5) (g) 9, 452.01 (3), 452.02 (3) and (4) (intro.) and (d), 452.05 (1) (intro.) and (e), (1m) and (2m), 452.06 (1) and (4) (a), 452.08 (1) (a), (2) and (3) (b), 452.10 (1), (1a) and (2) (f), 452.12, 452.14 (2), 452.19 and 553.26 (5) (a) 4.

(b) Wherever in the following sections of the statutes the term "salesman's" appears, the term "salesperson's" is substituted: 452.05 (2) (a) and (2m), 452.06 (2) (a), 452.07 and 452.20 (2).

(3) Wherever in the following sections of the statutes the term "salesmen" appears, the term "salespersons" is substituted: 218.04 (1) (f), 426.201 (4) (b), 452.02 (title), 452.04 (1), 452.06 (5), 452.08 (3) (a) and (4) and 452.10 (2) (d).

(4) Wherever in the following sections of the statutes the term "he" appears, the term "he or she" is substituted: 442.06 (1) (a), 442.11 (1), (5) and (6), 444.15, 447.02 (1) (c), 450.08 (1) (c) and (d), 452.10 (2) (b) and (e), 452.13, 459.035, 459.05 (2), 459.06 (3), 459.07 (3) and 459.08 (1).

(5) Wherever in the following section of the statutes the term "he" appears, the term "the person" is substituted: 440.41 (5).

(7) Wherever in the following sections of the statutes the term "his" appears, the term "his or her" is substituted: 440.41 (1) (c), (10), 442.02 (8), 442.11 (7), 443.01 (2) (c), 447.02 (1) (a), 450.07 (7), 452.10 (2) (c), 455.02 (2) and (4), 455.09 (1) (c) and (h), 456.09 (1) (d) and 456.10 (1) (b).

(8) Wherever in the following sections of the statutes the term "him" appears, the term "him or her" is substituted: 447.02 (1) (a) and 452.14 (3).

(9) Wherever in the following sections of the statutes the term “himself” appears, the term “himself or herself” is substituted: 440.41 (1) (c), 442.02 (1), 442.11 (5) and (6), 447.02 (1) (a) and (d), 449.11, 450.05 (11), 450.07 (9) (d), 452.02 (6) and 454.09.

(10) Wherever in the following sections of the statutes the term “chairman” appears, the term “chairperson” is substituted: 448.04 (2) and 449.03 (2).

(11) Wherever in the following sections of the statutes the term “the extension division of the university of Wisconsin” appears, the term “the university of Wisconsin-extension” is substituted: 22.13 (2) (i), 118.01 (9), 159.02 (8) (d), 159.08 (1) and (6m) (c) and 159.12 (1) (c).
