



2003 ASSEMBLY BILL 660

November 13, 2003 - Introduced by Representatives BERCEAU, TURNER, HINES, TAYLOR, BIES, GRONEMUS and J. LEHMAN. Referred to Committee on Public Health.

1 **AN ACT to amend** 254.176 (title), 254.30 (2) and 254.30 (2) (b); and **to create**
2 254.23 of the statutes; **relating to:** certification of mold inspectors and mold
3 remediators, requiring the exercise of rule-making authority, and providing
4 penalties.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Health and Family Services (DHFS), by rule, to establish certification requirements for the performance of mold inspection or mold remediation in residential or commercial buildings and to define "mold" for these purposes. DHFS must develop the rules after consulting with the Department of Commerce, and must include in the rules certification fee amounts that cover the certifying costs. Beginning January 1, 2005, DHFS must certify individuals as mold inspectors or mold remediators if they meet the applicable requirements. The bill prohibits an individual from using the title "state-certified mold inspector" or "state-certified mold remediator," or a similar designation that indicates state certification unless DHFS has certified the individual. The bill specifies a civil penalty (a forfeiture of not less than \$100 nor more than \$1,000) and a criminal penalty (a fine of not less than \$100 nor more than \$5,000 and probation for up to two years) for violations of the mold certification requirements.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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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.** 254.176 (title) of the statutes is amended to read:

2 **254.176 (title) Certification requirements for lead-related activities.**

3 **SECTION 2.** 254.23 of the statutes is created to read:

4 **254.23 Certification requirements for mold-related activities. (1)** After
5 consulting with the department of commerce, the department shall promulgate all
6 of the following as rules:

7 (a) Certification requirements, including certification fees in amounts that
8 cover the department’s costs for certifying, for performance of mold inspection or
9 mold remediation in residential or commercial buildings.

10 (b) A definition of “mold” for the purposes of this section.

11 **(2)** The department shall certify an individual as a mold inspector or mold
12 remediator if the individual satisfies the requirements in the applicable rule under
13 sub. (1).

14 **(3)** (a) No individual may use the title “state-certified mold inspector” or any
15 other title designation that indicates that the individual is certified by the state to
16 perform mold inspections in residential or commercial buildings unless the
17 individual is certified as a mold inspector under sub. (2).

18 (b) No individual may use the title “state-certified mold remediator” or any
19 other title or designation that indicates that the individual is certified by the state
20 to perform mold remediation in residential or commercial buildings unless the
21 individual is certified as a mold remediator under sub. (2).

