



2015 SENATE BILL 441

December 7, 2015 – Introduced by Senators DARLING, WANGGAARD and RINGHAND, cosponsored by Representatives PETRYK, WEATHERSTON, ALLEN, E. BROOKS, DOYLE, HORLACHER, KNODL, T. LARSON, ROHRKASTE and A. OTT. Referred to Committee on Government Operations and Consumer Protection.

1 **AN ACT** *to amend* 100.20 (5) and 100.20 (6); and *to create* 100.20 (1v), 100.70
2 and 66.0438 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

SENATE BILL 441

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

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

4 **SECTION 2.** 100.20 (5) of the statutes is amended to read:

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

10 **SECTION 3.** 100.20 (6) of the statutes is amended to read:

11 100.20 (6) The department may commence an action in circuit court in the
12 name of the state to restrain by temporary or permanent injunction the violation of
13 s. 100.70 or any order issued under this section. The court may in its discretion, prior
14 to entry of final judgment make such orders or judgments as may be necessary to
15 restore to any person any pecuniary loss suffered because of the acts or practices
16 involved in the action, provided proof thereof is submitted to the satisfaction of the

SENATE BILL 441

1 court. The department may use its authority in ss. 93.14 and 93.15 to investigate
2 violations of s. 100.70 or any order issued under this section.

3 **SECTION 4.** 100.70 of the statutes is created to read:

4 **100.70 Environmental, occupational health, and safety credentials. (1)**

5 PROHIBITIONS. (a) *Certified dangerous goods professional.* No person may use the
6 title "Certified Dangerous Goods Professional," the initials "C.D.G.P.," or any
7 variation or combination of those terms to identify, advertise, or represent, by any
8 means, that the person is a certified dangerous goods professional unless the person
9 is designated as a certified dangerous goods professional by the Institute of
10 Hazardous Materials Management and that designation has not expired or been
11 revoked.

12 (b) *Certified hazardous materials manager.* No person may use the title
13 "Certified Hazardous Materials Manager," the initials "C.H.M.M.," or any variation
14 or combination of those terms to identify, advertise, or represent, by any means, that
15 the person is a certified hazardous materials manager unless the person is
16 designated as a certified hazardous materials manager by the Institute of Hazardous
17 Materials Management and that designation has not expired or been revoked.

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

SENATE BILL 441**SECTION 4**

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

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

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

19 (g) *Registered radiation protection technologist.* No person may use the title
20 “Registered Radiation Protection Technologist,” the initials “R.R.P.T.,” or any
21 variation or combination of those terms to identify, advertise, or represent, by any
22 means, that the person is a registered radiation protection technologist unless the
23 person is designated as a registered radiation protection technologist by the National
24 Registry of Radiation Protection Technologists and that designation has not expired
25 or been revoked.

