

1999 SENATE BILL 389

February 16, 2000 – Introduced by LAW REVISION COMMITTEE. Referred to Economic Development, Housing and Government Operations.

1 **AN ACT** *to repeal* 15.405 (6m) (c) 1., 15.405 (6m) (d) 1., 15.407 (4) (a) 1., 15.407
2 (4) (b) 1., 440.04 (8), 440.08 (2) (a) 2., 440.26 (title), 440.26 (1m) (intro.), 440.26
3 (2) (title), 440.26 (4) (title), 440.26 (4m) (title), 442.03 (2), 442.04 (3), 442.06,
4 442.11 (3), 442.11 (4), 442.11 (6), 443.10 (4) (a), 443.10 (6), 443.11 (3), (4) and (5),
5 443.12 (2), (3) and (4), 458.08 (5), 459.22 (1) and subchapter III of chapter 459
6 [precedes 459.40]; *to renumber* 440.26 (1) (title) and (a) 1., 2., 3. and 4., 440.26
7 (1m) (h), 440.26 (2) (b), 443.10 (4) (b) and 443.12 (1); *to renumber and amend*
8 15.405 (6m) (c) 2., 15.405 (6m) (d) 2., 15.407 (4) (a) 2., 15.407 (4) (b) 2., 440.26
9 (1) (a) (intro.), 440.26 (1) (a) 11., 440.26 (1) (b), 440.26 (2) (a), 440.26 (2) (c),
10 440.26 (3), 440.26 (3m), 440.26 (4), 440.26 (4m) (a), 440.26 (4m) (b), 440.26 (5),
11 440.26 (5m), 440.26 (5r), 440.26 (6), 440.26 (8) and 459.22 (2); *to amend* 15.405
12 (6m) (e), 29.193 (2) (a) 1., 29.324 (1) (a), 45.353 (3), 49.45 (8) (a) 7., 66.044 (3),
13 77.54 (22) (b), 100.03 (1) (bm), 100.03 (1) (ym) 2., 102.01 (2) (c), 111.335 (1) (cg)
14 1., 111.335 (1) (cg) 2., 111.335 (1) (cg) 3., 114.103 (1) (c), 127.01 (1r), 127.01 (25m)

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1 (b), 127.06 (1) (e), 127.06 (1m) (e), 149.14 (3) (k), 149.14 (4) (h) and (i), 167.31
2 (4) (a) 4. (intro.), 167.31 (4) (a) 4. a., 440.03 (7m), 440.05 (intro.), 440.08 (2) (a)
3 (intro.), 440.23 (1), 442.02 (7), 442.02 (9), 442.03 (3), 442.07 (title), 442.07 (1),
4 442.07 (2), 442.07 (3), 442.08, 442.10 (1), 442.11 (7), 442.11 (8), 442.11 (9), 442.11
5 (10), 442.11 (13), 442.13, 443.13, 448.13 (1) (a), 449.18 (7), 458.09 (2) (intro.),
6 459.01 (2), (3) and (5), 459.02, 459.03 (title), 459.03 (1), 459.03 (2) (b), 459.035,
7 459.04, 459.05 (1m), 459.06 (2) (a) (intro.) and 3. and (b) (intro.) and 4. and (3),
8 459.07 (2), 459.08 (1), 459.085, 459.095 (3), 459.10 (1) (d), (e), (j), (k) and (p),
9 459.14 (2), 459.20 (2) (b), 459.20 (3g), 459.20 (3p), 459.24 (1m), 459.24 (3m),
10 459.26 (2) (b) (intro.), 459.26 (2) (b) 4., 459.34 (2) (ce), 459.34 (2) (cm), 459.34 (2)
11 (cs), 895.527 (6), 940.34 (1) (b), 940.34 (2) (b), 940.34 (2) (c) 1., 941.237 (1) (em),
12 941.237 (3) (cm) 1. and 968.27 (7) (b); **to repeal and recreate** 443.10 (4) (title);
13 and **to create** 440.27 (intro.), 440.30 (title) and 448.03 (2) (L) of the statutes;
14 **relating to:** eliminating outdated references to certificates of registration to
15 practice audiology and speech–language pathology, and replacing the term
16 “hearing aid” with “hearing instrument”; eliminating outdated references to
17 transitional appraiser licenses; exempting certain persons who assist
18 occupational therapists from licensure and certification requirements;
19 continuing education requirements for physicians and podiatrists; continuing
20 education requirements for optometrists certified to use therapeutic
21 pharmaceutical agents or to remove foreign bodies from an eye; public
22 accountants practicing under a certificate of authority and qualifications for
23 applicants for a certificate as a certified public accountant; private detective
24 and private detective agency licenses and private security permits; disciplinary
25 action taken and rosters prepared by the examining board of architects,

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1 landscape architects, professional engineers, designers and land surveyors
2 (suggested as remedial legislation by the department of regulation and
3 licensing).

Analysis by the Legislative Reference Bureau

This bill makes various remedial changes to statutes concerning: 1) private detectives, private detective agencies and private security persons; 2) the examining board of architects, landscape architects, professional engineers, designers and land surveyors; and 3) miscellaneous other requirements.

Private detectives, private detective agencies and private security persons

Under current law, the department of regulation and licensing (DORL) issues private detective and private detective agency licenses and private security permits to persons who satisfy certain requirements. With certain exceptions, a person may not act as a private detective, private detective agency or private security person without a license or permit. One of the requirements for a private security permit is that a private detective agency that employs an applicant for the permit must provide a recent photograph and the fingerprints of the applicant. Under this bill, the applicant for the permit, rather than the applicant's employer, must provide a recent photograph and his or her fingerprints.

Also under current law, DORL is required to promulgate rules relating to the carrying of dangerous weapons by persons who are issued private detective licenses and private security permits. The rules must meet minimum requirements under a federal law regarding the reciprocity of state licenses for certain employees of armored car companies. Under current law, this state does not have licensing requirements for such employees. This bill eliminates the requirement that DORL's rules for private detectives and private security persons meet the federal law's requirements for armored car company employees.

The bill also makes nonsubstantive changes to the provisions under current law regarding private detective and private detective agency licenses and private security permits.

Examining board of architects, landscape architects, professional engineers, designers and land surveyors

Under current law, DORL and any board in DORL, including the examining board of architects, landscape architects, professional engineers, designers and land surveyors (examining board) may take disciplinary action against a person credentialed by DORL or a board if a complaint is filed against the person. Current law also contains specific provisions that allow the different sections of the examining board to take the same action. This bill eliminates these specific provisions that deal only with the examining board.

Also under current law, a credential that is issued by a board in DORL, including the examining board, may be suspended or revoked upon a vote by two-thirds of the voting members of the board. Current law also contains specific

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provisions that allow the land surveyor section of the examining board to take disciplinary action, including suspending or revoking a credential, or to reinstate a credential, upon a vote of three of the five members of the section. This bill eliminates these specific provisions that deal only with the land surveyor section. The bill also eliminates provisions under current law that specify that the designer section of the examining board may take disciplinary action upon a two-thirds vote by its five members.

The bill also eliminates the requirement under current law that the examining board prepare a roster of all engineers-in-training and land surveyors that are credentialed by the board. The bill does not affect a requirement under current law that each board in DORL, including the examining board, maintain a register of the names and addresses of all persons who are credentialed.

Other changes

Under current law, a person is not allowed to use a title related to audiology or speech-language pathology, or practice audiology or speech-language pathology, unless he or she is granted a license by the hearing and speech examining board. Prior to July 1, 1993, such persons were granted certificates of registration by the hearing and speech examining board. This bill eliminates all outdated references to audiology and speech-language pathology certificates of registration.

Under current law, a person may not fit or sell hearing aids unless he or she is granted a license by the hearing and speech examining board to practice as a hearing instrument specialist. "Hearing aid" is defined as a device that aids or compensates for impaired hearing. In addition, certain requirements apply to the fitting and sale of hearing aids by a person who is licensed by the hearing and speech examining board. This bill replaces the term "hearing aid" with the term "hearing instrument", which the bill defines to have the same meaning as "hearing aid" under current law.

This bill eliminates outdated references in state law to transitional appraiser licenses. Under current law, no transitional appraiser license granted by DORL is valid after January 1, 1996.

Under current law, the medical examining board grants licenses and certificates that allow a person to engage in the following professions: occupational therapist, occupational therapy assistant, physician, physician assistant, podiatrist and respiratory care practitioner. A license or certificate is not required for a person who assists a respiratory care practitioner in practice under the direct, immediate and on-premises supervision of the respiratory care practitioner.

This bill exempts a person from the requirement to be licensed or certified by the medical examining board if he or she assists an occupational therapist or occupational therapy assistant in practice under the direct, immediate and on-premises supervision of the occupational therapist or occupational therapy assistant.

Under current law, a physician or podiatrist must renew his or her certificate of registration by November 1 of each odd-numbered year. When a physician or podiatrist applies for renewal, he or she must submit proof that he or she attended and completed at least 30 hours of continuing education courses within the two

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calendar years preceding the calendar year for which his or her certificate of registration is effective.

This bill requires a physician or podiatrist to attend and complete the courses within the two-year period preceding the date of his or her application for renewal, instead of within the two calendar years preceding the calendar year for which his or her certificate of registration is effective.

Also, under current law, a certificate that allows an optometrist to use therapeutic pharmaceutical agents or remove foreign bodies from an eye expires on January 1 of each even-numbered year. An optometrist who applies for renewal of this certificate must satisfy continuing education requirements established in rules promulgated by the optometry examining board. The rules may not require an optometrist to complete more than 30 hours of continuing education courses within the two calendar years immediately preceding the expiration date of the certificate.

This bill requires an optometrist who applies for renewal of the certificate to complete the continuing education courses within the two years immediately preceding the date of his or her application for renewal, instead of within the two calendar years immediately preceding the expiration date of the certificate.

Under current law, the accounting examining board regulates both public accountants and certified public accountants. A person may not practice as a public accountant unless he or she holds both a certificate of authority as a public accountant that is issued by the accounting examining board and a license. A person may not practice as a certified public accountant unless he or she holds a certificate as a certified public accountant that is issued by the accounting examining board and a license. The accounting examining board may issue a certificate of authority as a public accountant only to a person who applied for the certificate before December 1, 1935. This bill eliminates the certificate of authority as a public accountant.

Current law also provides that a person who applied for a certificate as a certified public accountant before July 1, 1968, must satisfy certain education and experience requirements. This bill eliminates these requirements.

For further information, see the NOTES provided by the law revision committee of the joint legislative council.

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:

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of regulation and licensing and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1

SECTION 1. 15.405 (6m) (c) 1. of the statutes is repealed.

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1 **SECTION 2.** 15.405 (6m) (c) 2. of the statutes is renumbered 15.405 (6m) (cm)
2 and amended to read:

3 15.405 **(6m)** (cm) One audiologist licensed under subch. II of ch. 459. ~~This~~
4 ~~subdivision applies after June 30, 1993.~~

5 **SECTION 3.** 15.405 (6m) (d) 1. of the statutes is repealed.

6 **SECTION 4.** 15.405 (6m) (d) 2. of the statutes is renumbered 15.405 (6m) (dm)
7 and amended to read:

8 15.405 **(6m)** (dm) One speech–language pathologist licensed under subch. II
9 of ch. 459. ~~This subdivision applies after June 30, 1993.~~

10 **SECTION 5.** 15.405 (6m) (e) of the statutes is amended to read:

11 15.405 **(6m)** (e) Two public members. One of the public members shall be a
12 hearing aid instrument user.

13 **SECTION 6.** 15.407 (4) (a) 1. of the statutes is repealed.

14 **SECTION 7.** 15.407 (4) (a) 2. of the statutes is renumbered 15.407 (4) (am) and
15 amended to read:

16 15.407 **(4)** (am) Three speech–language pathologists licensed under subch. II
17 of ch. 459. ~~This subdivision applies after June 30, 1993.~~

18 **SECTION 8.** 15.407 (4) (b) 1. of the statutes is repealed.

19 **SECTION 9.** 15.407 (4) (b) 2. of the statutes is renumbered 15.407 (4) (bm) and
20 amended to read:

21 15.407 **(4)** (bm) Two audiologists licensed under subch. II of ch. 459. ~~This~~
22 ~~subdivision applies after June 30, 1993.~~

23 **SECTION 10.** 29.193 (2) (a) 1. of the statutes is amended to read:

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1 29.193 **(2)** (a) 1. “Accompanied” means being subject to continuous visual or
2 voice contact without the aid of any mechanical or electronic amplifying device other
3 than a hearing aid instrument.

4 **SECTION 11.** 29.324 (1) (a) of the statutes is amended to read:

5 29.324 **(1)** (a) “Contact” means visual or voice contact without the aid of any
6 mechanical or electronic amplifying device other than a hearing aid instrument.

7 **SECTION 12.** 45.353 (3) of the statutes is amended to read:

8 45.353 **(3)** Application by any such state veterans organization shall be filed
9 annually with the department for the 12-month period commencing on April 1 and
10 ending on March 31 of the year in which it is filed. An application shall contain a
11 statement of salaries and travel expenses paid to employes engaged in veterans
12 claims service maintained at the regional office by such state veterans organization
13 covering the period for which application for a grant is made, which statement has
14 been certified as correct by ~~an~~ a certified public accountant certified licensed under
15 ch. 442 and sworn to as correct by the adjutant or principal officer of the state
16 veterans organization. The application shall also contain the state organization’s
17 financial statement for its last completed fiscal year and such evidence of claims
18 service activity as the department requires. Sufficient evidence shall be submitted
19 with an initial application to establish that the state veterans organization, or its
20 national organization, or both, has maintained a full-time service office at the
21 regional office without interruption throughout 5 years out of the 10-year period
22 immediately preceding such application. Subsequent applications must be
23 accompanied by an affidavit by the adjutant or principal officer of such state veterans
24 organization stating that a full-time service office was maintained at the regional
25 office by such state veterans organization, or by such state organization and its

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1 national organization, for the entire 12-month period for which application for a
2 grant is made.

3 **SECTION 13.** 49.45 (8) (a) 7. of the statutes is amended to read:

4 49.45 **(8)** (a) 7. “Speech-language pathologist” ~~means an individual engaged~~
5 ~~in the practice of speech-language pathology, as regulated under ch. 459~~ has the
6 meaning given in s. 459.20 (4).

7 **SECTION 14.** 66.044 (3) of the statutes is amended to read:

8 66.044 **(3)** The ordinance shall provide that the governing body of the city or
9 village shall authorize an annual detailed audit of its financial transactions and
10 accounts by a certified public accountant licensed under ch. 442 and designated by
11 the governing body.

12 **SECTION 15.** 77.54 (22) (b) of the statutes is amended to read:

13 77.54 **(22)** (b) Artificial limbs, artificial eyes, hearing aids instruments and
14 other equipment worn as a correction or substitute for any functioning portion of the
15 body.

16 **SECTION 16.** 100.03 (1) (bm) of the statutes is amended to read:

17 100.03 **(1)** (bm) “Audited financial statement” means a financial statement
18 that, in the accompanying opinion of an independent certified public accountant ~~or~~
19 ~~a public accountant holding a certificate of authority~~ licensed under ch. 442, fairly
20 and in all material respects represents the financial position of the contractor, the
21 results of the contractor’s operations and the contractor’s cash flows in conformity
22 with generally accepted accounting principles.

23 **SECTION 17.** 100.03 (1) (ym) 2. of the statutes is amended to read:

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1 100.03 (1) (ym) 2. Reviewed according to generally accepted accounting
2 principles by an independent certified public accountant ~~or a public accountant~~
3 ~~holding a certificate of authority~~ licensed under ch. 442.

4 **SECTION 18.** 102.01 (2) (c) of the statutes is amended to read:

5 102.01 (2) (c) “Injury” means mental or physical harm to an employe caused
6 by accident or disease, and also means damage to or destruction of artificial
7 members, dental appliances, teeth, hearing aids instruments and eyeglasses, but, in
8 the case of hearing aids instruments or eyeglasses, only if such damage or
9 destruction resulted from accident ~~which~~ that also caused personal injury entitling
10 the employe to compensation therefor either for disability or treatment.

11 **SECTION 19.** 111.335 (1) (cg) 1. of the statutes is amended to read:

12 111.335 (1) (cg) 1. Notwithstanding s. 111.322, it is not employment
13 discrimination because of conviction record to deny or refuse to renew a license or
14 permit under ~~s. 440.26~~ subch. II of ch. 440 to a person who has been convicted of a
15 felony and has not been pardoned for that felony.

16 **SECTION 20.** 111.335 (1) (cg) 2. of the statutes is amended to read:

17 111.335 (1) (cg) 2. Notwithstanding s. 111.322, it is not employment
18 discrimination because of conviction record to revoke a license or permit under s.
19 ~~440.26 (6) (b)~~ 440.35 (2) if the person holding the license or permit has been convicted
20 of a felony and has not been pardoned for that felony.

21 **SECTION 21.** 111.335 (1) (cg) 3. of the statutes is amended to read:

22 111.335 (1) (cg) 3. Notwithstanding s. 111.322, it is not employment
23 discrimination because of conviction record to refuse to employ a person in a business
24 licensed under ~~s. 440.26~~ subch. II of ch. 440 or as an employe specified in s. ~~440.26~~

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1 ~~(5) (b)~~ 440.29 (2) if the person has been convicted of a felony and has not been
2 pardoned for that felony.

3 **SECTION 22.** 114.103 (1) (c) of the statutes is amended to read:

4 114.103 **(1)** (c) “Private security person” has the meaning given in s. ~~440.26~~
5 ~~(1m) (h)~~ 440.27 (1), but does not include any law enforcement officer.

6 **SECTION 23.** 127.01 (1r) of the statutes is amended to read: ART

7 127.01 **(1r)** “Audited financial statement” means a financial statement on
8 which an independent certified public accountant, ~~or an independent public~~
9 ~~accountant holding a certificate of authority~~ licensed under ch. 442, has expressed
10 an opinion according to generally accepted accounting principles and has conducted
11 an audit according to generally accepted auditing standards.

12 **SECTION 24.** 127.01 (25m) (b) of the statutes is amended to read:

13 127.01 **(25m)** (b) The financial statement is reviewed according to generally
14 accepted accounting principles by an independent certified public accountant ~~or an~~
15 ~~independent public accountant who holds a certificate of authority~~ licensed under ch.
16 442.

17 **SECTION 25.** 127.06 (1) (e) of the statutes is amended to read:

18 127.06 **(1)** (e) The department may extend the filing deadline under par. (a) 2.
19 by up to 30 days in response to a written request from a warehouse keeper or an
20 independent certified public accountant, ~~or an independent public accountant~~
21 ~~holding a certificate of authority~~ licensed under ch. 442, that is auditing or reviewing
22 the financial statement for a warehouse keeper if the department receives the
23 request on or before the 5th day of the 4th month beginning after the close of the
24 warehouse keeper’s fiscal year and if the request states the reason for the extension.

25 **SECTION 26.** 127.06 (1m) (e) of the statutes is amended to read:

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1 127.06 **(1m)** (e) The department may extend the filing deadline under par. (b)
2 2. by up to 30 days in response to a written request from a grain dealer or an
3 independent certified public accountant, ~~or an independent public accountant who~~
4 ~~holds a certificate of authority~~ licensed under ch. 442, that is auditing or reviewing
5 the financial statement for a grain dealer, if the department receives the written
6 request on or before the 5th day of the 4th month beginning after the close of the grain
7 dealer's fiscal year and if the request states the reason for the extension.

8 **SECTION 27.** 149.14 (3) (k) of the statutes is amended to read:

9 149.14 **(3)** (k) Rental or purchase, as appropriate, of durable medical
10 equipment or disposable medical supplies, other than eyeglasses and hearing aids
11 instruments.

12 **SECTION 28.** 149.14 (4) (h) and (i) of the statutes, are amended to read:

13 149.14 **(4)** (h) Eyeglasses and hearing aids instruments.

14 (i) Routine physical examinations, including routine examinations to
15 determine the need for eyeglasses and hearing aids instruments.

16 **SECTION 29.** 167.31 (4) (a) 4. (intro.) of the statutes is amended to read:

17 167.31 **(4)** (a) 4. (intro.) A private security person, as defined in s. 440.26 ~~(1m)~~
18 440.27 (1), who meets all of the following requirements:

19 **SECTION 30.** 167.31 (4) (a) 4. a. of the statutes is amended to read:

20 167.31 **(4)** (a) 4. a. He or she holds either a private detective license issued
21 under s. 440.26 ~~(2) (a) 2.~~ or a private security permit issued under s. 440.26 ~~(5)~~ subch.
22 II of ch. 440.

23 **SECTION 31.** 440.03 (7m) of the statutes is amended to read:

24 440.03 **(7m)** The department may promulgate rules that establish procedures
25 for submitting an application for a credential or credential renewal by electronic

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1 transmission. Any rules promulgated under this subsection shall specify procedures
2 for complying with any requirement that a fee be submitted with the application.
3 The rules may also waive any requirement in chs. 440 to 480 that an application
4 submitted to the department, an examining board or an affiliated credentialing
5 board be executed, verified, signed, sworn or made under oath, notwithstanding ss.
6 ~~440.26 (2) (b)~~ 440.30 (2), 440.42 (2) (intro.), 440.91 (2) (intro.), 443.06 (1) (a), 443.10
7 (2) (a), 445.04 (2), 445.08 (4), 445.095 (1) (a), 448.05 (7), 450.09 (1) (a), 452.10 (1) and
8 480.08 (2m).

9 **SECTION 32.** 440.04 (8) of the statutes is repealed.

10 **SECTION 33.** 440.05 (intro.) of the statutes is amended to read:

11 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
12 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, ~~442.06~~, 444.03,
13 ~~444.05~~, 444.11, 447.04 (2) (c) 2., 449.17, and 449.18 ~~and 459.46~~:

14 **SECTION 34.** 440.08 (2) (a) (intro.) of the statutes is amended to read:

15 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,
16 ~~442.06~~, 444.03, 444.05, 444.11, 447.04 (2) (c) 2., ~~448.065~~, ~~447.04 (2) (c) 2.~~, 449.17, and
17 ~~449.18 and 459.46~~, the renewal dates and renewal fees for credentials are as follows:

18 **SECTION 35.** 440.08 (2) (a) 2. of the statutes, as affected by 1999 Wisconsin Act
19 9, is repealed.

20 **SECTION 36.** 440.23 (1) of the statutes, as affected by 1999 Wisconsin Act 9, is
21 amended to read:

22 440.23 (1) If the holder of a credential pays a fee required under s. 440.05 (1)
23 or (6), 440.08, 444.03, 444.05, or 444.11 ~~or 459.46 (2) (b)~~ by check or debit or credit
24 card and the check is not paid by the financial institution upon which the check is
25 drawn or if the demand for payment under the debit or credit card transaction is not

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1 paid by the financial institution upon which demand is made, the department may
2 cancel the credential on or after the 60th day after the department receives the notice
3 from the financial institution, subject to sub. (2).

NOTE: SECTIONS 1 to 4, 6 to 9, 32, 33 and 36 of this bill remove outdated provisions in current law that relate to the registration of speech-language pathologists and audiologists. These registration provisions were in effect between December 1, 1990, and June 30, 1993. The current licensing provisions for speech-language pathologists and audiologists became effective as of July 1, 1993.

4 **SECTION 37.** 440.26 (title) of the statutes is repealed.

5 **SECTION 38.** 440.26 (1) (title) and (a) 1., 2., 3. and 4. of the statutes are
6 renumbered 440.28 (title) and (1) (a), (b), (c) and (d).

7 **SECTION 39.** 440.26 (1) (a) (intro.) of the statutes is renumbered 440.28 (1)
8 (intro.) and amended to read:

9 440.28 (1) (intro.) ~~No~~ Except as provided in s. 440.29 and in rules promulgated
10 under sub. (2), no person may do any of the following unless he or she has a license
11 or permit issued under this section subchapter:

12 **SECTION 40.** 440.26 (1) (a) 11. of the statutes is renumbered 440.28 (1) (e) and
13 amended to read:

14 440.28 (1) (e) Receive any fees or compensation for acting as any person,
15 engaging in any business or performing any service specified in subds. 1. to 10. pars.
16 (a) to (d).

17 **SECTION 41.** 440.26 (1) (b) of the statutes is renumbered 440.28 (2) and
18 amended to read:

19 440.28 (2) ~~The~~ In addition to the exemptions specified under s. 440.29, the
20 department may promulgate rules specifying activities in which a person may
21 engage without obtaining a license or permit under this section subchapter.

22 **SECTION 42.** 440.26 (1m) (intro.) of the statutes is repealed.

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1 **SECTION 43.** 440.26 (1m) (h) of the statutes is renumbered 440.27 (1).

2 **SECTION 44.** 440.26 (2) (title) of the statutes is repealed.

3 **SECTION 45.** 440.26 (2) (a) of the statutes is renumbered 440.30 (1), and 440.30
4 (1) (a) and (b), as renumbered, are amended to read:

5 440.30 (1) (a) Issue a private detective agency license to an individual,
6 partnership, limited liability company or corporation that meets the qualifications
7 specified under ~~par. (e) sub. (3)~~. The department may not issue a license under this
8 ~~subdivision paragraph~~ unless the individual or each member of the partnership or
9 limited liability company or officer or director of the corporation who is actually
10 engaged in the work of a private detective is issued a private detective license under
11 ~~this section par. (b)~~.

12 (b) Issue a private detective license to an individual who meets the
13 qualifications specified under ~~par. (e) sub. (3)~~ if the individual is an owner, coowner
14 or employe of a private detective agency required to be licensed under ~~this section~~
15 par. (a).

16 **SECTION 46.** 440.26 (2) (b) of the statutes is renumbered 440.30 (2).

17 **SECTION 47.** 440.26 (2) (c) of the statutes is renumbered 440.30 (3) and
18 amended to read:

19 440.30 (3) APPROVAL QUALIFICATIONS. (a) Subject to ~~subds. 2. and 3. pars. (b)~~
20 and (c), the department shall prescribe, by rule, ~~such the qualifications as it deems~~
21 appropriate, with due regard to required for a license under this subchapter. In
22 promulgating rules under this paragraph, the department shall consider
23 investigative experience, special professional education and training and other
24 factors bearing on professional competence.

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1 (b) An individual who has been convicted in this state or elsewhere of a felony
2 and who has not been pardoned for that felony is not eligible for a license under this
3 ~~section~~ subchapter.

4 (c) The department may not issue a license under this ~~section~~ subchapter to an
5 individual unless the individual is over 18 years of age.

6 (d) The department, in considering ~~applicants~~ an applicant for a license, shall
7 seek the advice of the appropriate local law enforcement agency or governmental
8 official, and conduct such further investigation, as it deems proper to determine the
9 competence of the applicant.

10 **SECTION 48.** 440.26 (3) of the statutes is renumbered 440.30 (4) and amended
11 to read:

12 440.30 (4) ISSUANCE AND RENEWAL OF LICENSES; FEES. ~~Upon receipt and~~
13 ~~examination of an application executed under sub. (2), and after~~ After any
14 investigation of an applicant for a license that ~~it~~ the department considers necessary,
15 the department shall, if it determines that the applicant ~~is qualified~~ satisfies the
16 requirements of this section, grant the proper license upon payment of the fee
17 specified in s. 440.05 (1). No license shall be issued for a longer period than 2 years,
18 and the license of a private detective shall expire on the renewal date of the license
19 of the private detective agency, even if the license of the private detective has not
20 been in effect for a full 2 years. Renewals of ~~the original~~ licenses issued under this
21 section shall be issued in accordance with renewal forms prescribed by the
22 department and shall be accompanied by the fees specified in s. 440.08. The
23 department may not renew a license unless the applicant provides evidence that the
24 applicant has in force at the time of renewal the bond or liability policy specified in
25 ~~this section sub. (3) (e).~~

SENATE BILL 389**SECTION 49**

1 **SECTION 49.** 440.26 (3m) of the statutes is renumbered 440.33 and amended
2 to read:

3 **440.33 Rules concerning dangerous weapons.** The department shall
4 promulgate rules relating to the carrying of dangerous weapons by a person who
5 holds a license or permit issued under this ~~section~~ subchapter or who is employed by
6 a person licensed under this ~~section~~. ~~The rules shall meet the minimum~~
7 ~~requirements specified in 15 USC 5902 (b) subchapter.~~

NOTE: SECTION 49 of this bill deletes a requirement that the department of regulation and licensing's rules relating to the carrying of dangerous weapons by persons who are issued private detective licenses and private security permits must meet the federal law's requirements for armored car company employees. This state does not have licensing requirements for armored car company employees.

8 **SECTION 50.** 440.26 (4) (title) of the statutes is repealed.

9 **SECTION 51.** 440.26 (4) of the statutes is renumbered 440.30 (3) (e) and
10 amended to read:

11 440.30 **(3)** (e) No license may be issued under this ~~section~~ subchapter until a
12 bond or liability policy, approved by the department, in the amount of \$100,000 if the
13 applicant for the license is a private detective agency and includes all principals,
14 partners, members or corporate officers, or in the amount of \$2,000 if the applicant
15 is a private detective, has been executed and filed with the department. Such bonds
16 or liability policies shall be furnished by an insurer authorized to do a surety
17 business in this state in a form approved by the department.

18 **SECTION 52.** 440.26 (4m) (title) of the statutes is repealed.

19 **SECTION 53.** 440.26 (4m) (a) of the statutes is renumbered 440.27 (2) and
20 amended to read:

21 440.27 **(2)** **DEFINITION.** ~~In this subsection, “violation”~~ “Violation” means a
22 violation of any state or local law that is punishable by a forfeiture.

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1 **SECTION 54.** 440.26 (4m) (b) of the statutes is renumbered 440.34 and amended
2 to read:

3 **440.34 Reporting requirement violations of law.** A person who holds a
4 license or permit issued under this ~~section~~ subchapter and who is convicted of a
5 felony or misdemeanor, or is found to have committed a violation, in this state or
6 elsewhere, shall notify the department in writing of the date, place and nature of the
7 conviction or finding within 48 hours after the entry of the judgment of conviction or
8 the judgment finding that the person committed the violation. Notice may be made
9 by mail and may be proven by showing proof of the date of mailing the notice.

10 **SECTION 55.** 440.26 (5) of the statutes is renumbered 440.29 and amended to
11 read: ARM

12 **440.29 Exemptions from licensing.** (1) The requirement that a person
13 acting as a private detective, investigator or special investigator be licensed under
14 this ~~section~~ subchapter does not apply to attorneys, law students or law school
15 graduates employed by an attorney or persons directly employed by an attorney or
16 firm of attorneys whose work as private detective, investigator or special
17 investigator is limited to such attorney or firm or to persons directly employed by an
18 insurer or a retail credit rating establishment. A person who accepts employment
19 with more than one law firm shall be subject to the licensing provisions of this ~~section~~
20 subchapter.

21 (2) The license requirements of this ~~section~~ subchapter do not apply to any
22 person employed directly or indirectly by the state or by a municipality, as defined
23 in s. 345.05 (1) (c), or to any employe of a railroad company under s. 192.47, or to any
24 employe of a commercial establishment, while the person is acting within the scope
25 of his or her employment and whether or not he or she is on the employer's premises.

SENATE BILL 389**SECTION 55**

1 **(3)** An employe of any agency that is licensed as a private detective agency
2 under this ~~section~~ subchapter and that is doing business in this state as a supplier
3 of uniformed private security personnel to patrol exclusively on the private property
4 of industrial plants, business establishments, schools, colleges, hospitals, sports
5 stadiums, exhibits and similar activities is exempt from the license requirements of
6 this ~~section~~ subchapter while engaged in such employment, if all of the following
7 apply:

8 (a) The employe obtains a private security permit under ~~this sub. (5m) s.~~
9 440.31.

10 (b) The private detective agency furnishes an up-to-date written record of its
11 employes to the department. The record shall include the name, residence address,
12 date of birth and a physical description of each employe ~~together with a recent~~
13 ~~photograph and 2 fingerprint cards bearing a complete set of fingerprints of each~~
14 employe.

15 (c) The private detective agency notifies the department in writing within 5
16 days of any change in the information under ~~subd. 2. par. (b)~~ regarding its employes,
17 including the termination of employment of any person.

18 **SECTION 56.** 440.26 (5m) of the statutes is renumbered 440.31, and 440.31 (1)
19 (a) and (c), (2), (3) and (4), as renumbered, are amended to read:

20 440.31 **(1)** (a) The individual submits an application for a private security
21 permit to the department on a form provided by the department and includes with
22 the application a recent photograph and 2 fingerprint cards bearing a complete set
23 of his or her fingerprints.

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1 (c) The individual provides evidence satisfactory to the department that he or
2 she is an employe of a private detective agency described in ~~sub. (5) (c) s. 440.29 (3)~~
3 (intro.).

4 (2) The renewal dates for permits issued under this ~~subsection~~ section are
5 specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the
6 department on a form provided by the department and shall include the renewal fee
7 specified in s. 440.08 (2) (a).

8 (3) A private security permit issued under this ~~subsection~~ section authorizes
9 the holder of the permit to engage in private security activities described in ~~sub. (5)~~
10 ~~(c) s. 440.29 (3) (intro.)~~ for an employer described in ~~sub. (5) (c) s. 440.29 (3) (intro.)~~
11 anywhere in this state.

12 (4) The department shall maintain a record pertaining to each applicant for a
13 permit under this ~~subsection~~ section and each holder of a permit issued under this
14 ~~subsection~~ section. The record shall include all information received by the
15 department that is relevant to the approval or denial of the application, the issuance
16 of the permit and any limitations, suspensions or revocations of the permit.

NOTE: SECTIONS 55 and 56 of this bill change a requirement in current law that a private detective agency furnish a photograph and fingerprint cards as part of the written record of its employes that it submits to the department of regulation and licensing. The change requires the individual submitting the application for a private security permit to submit this information to the department.

17 **SECTION 57.** 440.26 (5r) of the statutes is renumbered 440.32, and 440.32 (1)
18 (a), (2) and (3), as renumbered, are amended to read:

19 440.32 (1) (a) The individual has completed an application and provided
20 information required under ~~sub. (5m) (a) s. 440.31 (1)~~.

21 (2) (a) Except as provided in ~~subd. 2. par. (b)~~, an individual who has been issued
22 a temporary private security permit under ~~par. (a) sub. (1)~~ may act as a private

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1 security person in the same manner as an individual issued a private security permit
2 under ~~sub. (5m)~~ s. 440.31.

3 (b) An individual may not carry a dangerous weapon while acting as a private
4 security person under a temporary private security permit issued under ~~par. (a)~~ sub.
5 (1).

6 **(3)** (a) Except as provided in ~~subd. 2.~~ par. (b), a temporary private security
7 permit issued under ~~par. (a)~~ sub. (1) is valid for 30 days.

8 (b) A temporary private security permit issued under ~~par. (a)~~ sub. (1) shall
9 expire on the date that the individual receives written notice from the department
10 that a background check of the individual has been completed and that the
11 department is granting or denying the individual's application for a private security
12 permit, if that date occurs before the end of the period specified in ~~subd. 1~~ par. (a).

13 (c) A temporary private security permit issued under ~~par. (a)~~ sub. (1) may not
14 be renewed.

15 **SECTION 58.** 440.26 (6) of the statutes is renumbered 440.35, and 440.35 (1)
16 (intro.), (c) and (d), as renumbered, are amended to read:

17 **440.35 Discipline. (1)** (intro.) Subject to the rules adopted under s. 440.03
18 (1), the department may reprimand the holder of a license or permit issued under this
19 ~~section~~ subchapter or revoke, suspend or limit the license or permit of any person
20 who has done any of the following:

21 (c) Made a false statement in connection with any application for a license or
22 permit under this ~~section~~ subchapter.

23 (d) Violated this ~~section~~ subchapter or any rule promulgated or order issued
24 under this ~~section~~ subchapter.

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1 **SECTION 59.** 440.26 (8) of the statutes is renumbered 440.36 and amended to
2 read:

3 **440.36 Penalties.** Any person, acting as a private detective, investigator or
4 private security person, or who employs any person who solicits, advertises or
5 performs services in this state as a private detective or private security person, or
6 investigator or special investigator, without having procured the license or permit
7 required by this ~~section~~ subchapter, may be fined not less than \$100 nor more than
8 \$500 or imprisoned not less than 3 months nor more than 6 months or both. Any
9 agency having an employe, owner, officer or agent convicted of the above offense may
10 have its agency license revoked or suspended by the department. Any person
11 convicted of the above offense shall be ineligible for a license for one year.

12 **SECTION 60.** 440.27 (intro.) of the statutes is created to read:

13 **440.27 Definitions.** (intro.) In this subchapter:

14 **SECTION 61.** 440.30 (title) of the statutes is created to read:

15 **440.30 (title) Private detective and private detective agency licenses.**

16 **SECTION 62.** 442.02 (7) of the statutes is amended to read:

17 442.02 (7) Nothing contained in this chapter shall prevent the employment by
18 a certified public accountant, ~~or by a public accountant~~, or by a firm or corporation,
19 furnishing public accounting services as principal, of persons to serve as accountants
20 in various capacities, as needed; provided, that such persons work under the control
21 and supervision of certified public accountants ~~or accountants with certificates of~~
22 ~~authority~~ as hereinafter provided, that such employes shall not issue any statements
23 or reports over their own names except such office reports to their employer as are
24 customary and that such employes are not in any manner held out to the public as
25 certified public accountants as described in this chapter.

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1 **SECTION 63.** 442.02 (9) of the statutes is amended to read:

2 442.02 **(9)** Nothing contained in this chapter shall apply to any persons who
3 may be employed by more than one person, partnership or corporation, for the
4 purpose of keeping books, making trial balances or statements, and preparing audits
5 or reports, provided such audits or reports are not used or issued by the employers
6 as having been prepared by a certified public accountant and provided such persons
7 do not do any of the things enumerated in sub. (5m) (a), without complying with sub.
8 (5m) (b).

9 **SECTION 64.** 442.03 (2) of the statutes is repealed.

10 **SECTION 65.** 442.03 (3) of the statutes is amended to read:

11 442.03 **(3)** No corporation or other entity and no officer, partner, stockholder
12 or employe thereof may lawfully practice in this state as a ~~public accountant or a~~
13 certified public accountant either in the entity's or person's name, or as an employe
14 or under an assumed name, unless the natural person has been granted by this
15 examining board a certificate of authority as a certified public accountant and unless
16 the person or entity, jointly and severally, has complied with all the provisions of this
17 chapter, including licensure.

18 **SECTION 66.** 442.04 (3) of the statutes is repealed.

19 **SECTION 67.** 442.06 of the statutes is repealed.

20 **SECTION 68.** 442.07 (title) of the statutes is amended to read:

21 **442.07 (title) Requirements for practice as certified public accountant**
22 ~~**or public accountant.**~~

23 **SECTION 69.** 442.07 (1) of the statutes is amended to read:

24 442.07 **(1)** Any person who has been issued a certificate of the person's
25 qualifications to practice as a certified public accountant, shall be styled and known

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1 as a “certified public accountant” and no other person shall assume to use such title
2 or the abbreviation “C.P.A.” or any other word, words, letters or figures to indicate
3 that the person using the same is a certified public accountant. The terms “chartered
4 accountant”, “public accountant” and “certified accountant” and the abbreviation
5 “C.A.” are specifically prohibited to such other persons as being prima facie
6 misleading to the public. ~~Any person who has been issued a certificate of authority,~~
7 ~~as herein provided, shall be styled and known as a “public accountant” and no other~~
8 ~~person, other than a certified public accountant, shall assume to use such~~
9 ~~designation or any other word, words, letters or figures to indicate that such person~~
10 ~~is entitled to practice as a public accountant.~~

11 **SECTION 70.** 442.07 (2) of the statutes is amended to read:

12 442.07 (2) No person may practice in this state as a certified public accountant
13 ~~or a public accountant~~, either in the person’s name, under an assumed name, or as
14 a member of a partnership, except as provided in s. 442.02 (10), unless the person has
15 been granted a certificate by the examining board and secured a license for the
16 current licensure period. No person may practice in this state as a certified public
17 accountant, as an officer or director of a corporation engaged in the practice of public
18 accounting, unless the corporation has secured a license for the current licensure
19 period.

20 **SECTION 71.** 442.07 (3) of the statutes is amended to read:

21 442.07 (3) Any partnership, which is entitled to practice as certified public
22 accountants in this state or any other state, every resident member and resident
23 manager of which is a certified public accountant of this state, after registering the
24 partnership name with the examining board, may use the designation “certified
25 public accountants” in connection with the partnership name. Any partnership,

SENATE BILL 389**SECTION 71**

1 every member and resident manager of which is a certified public accountant of this
2 state or any other state ~~or holds a certificate of authority under this chapter~~, after
3 registering the partnership name with the examining board, may use the
4 designation “certified public accountants” in connection with the partnership name.
5 An assumed name, in use prior to September 21, 1935, may be used the same as a
6 partnership name, provided the individual persons practicing as principals under
7 that name hold certificates granted by the examining board and register the name
8 with the examining board.

9 **SECTION 72.** 442.08 of the statutes is amended to read:

10 **442.08 Licensure.** Upon application by a holder of an unrevoked Wisconsin
11 certificate as a certified public accountant ~~or an unrevoked Wisconsin certificate of~~
12 ~~authority as provided for in this chapter~~, the department shall issue a license to the
13 holder. A license shall also be issued to any partnership or corporation, upon
14 application, which has complied with this chapter. The renewal date and renewal
15 fee for licenses issued under this chapter are specified under s. 440.08 (2) (a).

16 **SECTION 73.** 442.10 (1) of the statutes is amended to read:

17 442.10 (1) Whenever any person, as a certified public accountant ~~or public~~
18 ~~accountant~~, signs or certifies any report, schedule or statement relative to the affairs
19 of any corporation, association or partnership in which the person is financially
20 interested or by which the person is regularly engaged as an officer or employe, the
21 signature or certification shall be accompanied by a specific statement setting forth
22 the fact that the person is financially interested in or is an officer or regular employe
23 of the corporation, association or partnership. If the person is both financially
24 interested and an officer or regular employe, the statement shall cover both financial
25 interest and employment. In the case of a corporation holding a certificate of

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1 authority signing or certifying as above, the interest of any of its stockholders shall
2 be disclosed.

3 **SECTION 74.** 442.11 (3) of the statutes is repealed.

4 **SECTION 75.** 442.11 (4) of the statutes is repealed.

5 **SECTION 76.** 442.11 (6) of the statutes is repealed.

6 **SECTION 77.** 442.11 (7) of the statutes is amended to read:

7 442.11 (7) Who shall practice as a certified public accountant ~~or as a public~~
8 ~~accountant~~ after his or her certificate has been revoked; or

9 **SECTION 78.** 442.11 (8) of the statutes is amended to read:

10 442.11 (8) Who shall as an individual, or, as a member of a partnership or as
11 an officer or director of a corporation, practice or permit the partnership or
12 corporation to practice as a certified public accountant ~~or as a public accountant~~
13 unless a license has been secured for the current licensure period; or

14 **SECTION 79.** 442.11 (9) of the statutes is amended to read:

15 442.11 (9) Who shall sell, buy, give or obtain an alleged certificate as a certified
16 public accountant, ~~or a certificate of authority,~~ or a license in any other manner than
17 is provided for by this chapter; or

18 **SECTION 80.** 442.11 (10) of the statutes is amended to read:

19 442.11 (10) Who attempts to practice as a certified public accountant ~~or as a~~
20 ~~public accountant~~ under guise of a certificate not granted by the examining board,
21 or under cover of a certificate obtained illegally or fraudulently; or

22 **SECTION 81.** 442.11 (13) of the statutes is amended to read:

23 442.11 (13) Who shall, as an individual, or as a member of a partnership or as
24 an officer of a corporation, permit to be announced by printed or written statement
25 that any report, certificate, exhibit, schedule or statement has been prepared by or

SENATE BILL 389**SECTION 81**

1 under supervision of a certified public accountant ~~or by or under supervision of a~~
2 ~~public accountant~~ when the person who prepared the same was not such certified
3 public accountant ~~or public accountant~~.

4 **SECTION 82.** 442.13 of the statutes is amended to read:

5 **442.13 Ownership of accountant's working papers.** All statements,
6 records, schedules, working papers and memoranda made by a certified public
7 accountant ~~or public accountant~~ incident to or in the course of professional service
8 to clients by such accountant, except reports submitted by a certified public
9 accountant ~~or public accountant~~ to a client, shall be and remain the property of such
10 accountant, in the absence of an express agreement between such accountant and
11 the client to the contrary. No such statement, record, schedule, working paper or
12 memorandum shall be sold, transferred or bequeathed, without the consent of the
13 client or the client's personal representative or assignee, to anyone other than one
14 or more surviving partners or new or successor partners of such accountant.

NOTE: SECTIONS 12, 14, 16, 17, 23 to 26, 33 to 35, and 62 to 82 eliminate obsolete references in current law relating to public accountants. First, the bill repeals statutes that provide that the accounting examining board may grant a certificate of authority to practice as a public accountant only to a person who applied for the certificate of authority before December 1, 1935. The accounting examining board is no longer able to grant certificates of authority to practice as a public accountant, and there are no longer any public accountants practicing public accounting under a certificate of authority.

Second, a provision in current law specifies that a person who applies for a certificate as a certified public accountant before July 1, 1968, must satisfy certain education and experience requirements. This provision is now obsolete.

15 **SECTION 83.** 443.10 (4) (title) of the statutes is repealed and recreated to read:

16 **443.10 (4) (title) RECORDS.**

17 **SECTION 84.** 443.10 (4) (a) of the statutes is repealed.

18 **SECTION 85.** 443.10 (4) (b) of the statutes is renumbered 443.10 (4).

19 **SECTION 86.** 443.10 (6) of the statutes is repealed.

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NOTE: SECTIONS 83 to 86 of this bill repeal provisions in current law relating to the use of annual printed rosters of professionals regulated by the examining board of architects, landscape architects, engineers, designers and land surveyors. According to the department of regulation and licensing, these provisions are obsolete because the department uses computerized lists instead of printed rosters.

1 **SECTION 87.** 443.11 (3), (4) and (5) of the statutes are repealed.

2 **SECTION 88.** 443.12 (1) of the statutes is renumbered 443.12.

3 **SECTION 89.** 443.12 (2), (3) and (4) of the statutes are repealed.

4 **SECTION 90.** 443.13 of the statutes is amended to read:

5 **443.13 Disciplinary proceedings against designers of engineering**
6 **systems.** The examining board may limit, suspend or revoke a permit or reprimand
7 the permittee if the permittee is guilty of fraud or deceit in obtaining the permit,
8 gross negligence, incompetency or misconduct in practice, signing documents not
9 prepared by the permittee or under the permittee's control, knowingly aiding or
10 abetting unauthorized designing of engineering systems as stated in s. 443.07 (3) by
11 persons not granted permits under this chapter or conviction of a felony, subject to
12 ss. 111.321, 111.322 and 111.335, or adjudication of mental incompetency by a court
13 of competent jurisdiction. ~~If, after a hearing conducted under the rules promulgated~~
14 ~~under s. 440.03 (1) before the designers' section of the examining board, two-thirds~~
15 ~~of the members of the section vote in favor of sustaining the charges, the examining~~
16 ~~board shall reprimand the permittee or limit, suspend or revoke the permit. The~~
17 ~~action of the examining board is subject to review under ch. 227.~~

NOTE: SECTIONS 87 to 90 of this bill repeal provisions in current law that set forth disciplinary proceedings against professionals regulated by the examining board of architects, landscape architects, engineers, designers and land surveyors. Because general statutes in ch. 440, stats., establish complaint and disciplinary proceedings that apply to all examining boards, the department of regulation and licensing states that the specific provisions in ch. 443, stats., are redundant and should be repealed.

18 **SECTION 91.** 448.03 (2) (L) of the statutes is created to read:

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1 448.03 (2) (L) Any person assisting an occupational therapist or occupational
2 therapy assistant in practice under the direct, immediate, on-premises supervision
3 of the occupational therapist or occupational therapy assistant.

NOTE: SECTION 91 of this bill permits an occupational therapist or occupational therapy assistant to utilize an assistant if the assistant is under the direct, immediate, on-premises supervision of the occupational therapist or occupational therapy assistant. According to the department of regulation and licensing, this change provides parity for occupational therapists with respiratory care practitioners, physicians and podiatrists, who are permitted to use unlicensed health care aides, providing the aides act under the direct supervision of the credentialed professional.

4 **SECTION 92.** 448.13 (1) (a) of the statutes is amended to read:

5 448.13 (1) (a) Each physician shall, in each 2nd year at the time of application
6 for a certificate of registration under s. 448.07, submit proof of attendance at and
7 completion of continuing education programs or courses of study approved for at
8 least 30 hours of credit by the board within the 2 calendar years immediately
9 preceding the calendar year for which the registration is effective date of his or her
10 application for a certificate of registration. The board may waive this requirement
11 if it finds that exceptional circumstances such as prolonged illness, disability or other
12 similar circumstances have prevented a physician from meeting the requirement.

NOTE: SECTION 92 of this bill corrects terminology in the statute that requires physicians to submit proof of attendance at and completion of continuing education programs. Under the bill, a physician must submit proof that at least 30 hours of courses have been completed during the 2 years immediately preceding the date of the physician's application for renewal. The current statute reads that the proof must be submitted within 2 calendar years immediately preceding the calendar year for which the registration is effective.

13 **SECTION 93.** 449.18 (7) of the statutes is amended to read:

14 449.18 (7) The examining board shall promulgate rules requiring applicants
15 for renewal under sub. (4) to attend continuing education courses approved by the
16 examining board. The rules shall establish criteria for the approval of such courses
17 and may not require an applicant for renewal to attend more than 30 hours of courses

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1 within the 2 calendar years immediately preceding the expiration date specified in
2 ~~sub. (4) of his or her application for renewal.~~

NOTE: SECTION 93 of this bill corrects terminology in the statute that requires optometrists to submit proof of attendance at and completion of continuing education programs. Under the bill, an optometrist must submit proof that at least 30 hours of courses have been attended during the 2 years immediately preceding the date of the optometrist's application for renewal. The current statute reads that the proof must be submitted within 2 calendar years immediately preceding the calendar year for which the registration is effective.

3 **SECTION 94.** 458.08 (5) of the statutes is repealed.

4 **SECTION 95.** 458.09 (2) (intro.) of the statutes is amended to read:

5 458.09 (2) (intro.) If an applicant for a certificate under s. 458.06 (3) or (4) or
6 458.08 (3) ~~or (5) (a)~~ or for renewal of that certificate under s. 458.11 is an assessor,
7 all of the following apply:

NOTE: SECTIONS 94 and 95 of this bill remove obsolete provisions from the statutes that provide that transitional licenses for real estate appraisers expire on January 1, 1996.

8 **SECTION 96.** 459.01 (2), (3) and (5) of the statutes are amended to read:

9 459.01 (2) "Hearing aid instrument" means any wearable instrument or device
10 designed for or offered for the purpose of aiding or compensating for impaired human
11 hearing and any parts, attachments or accessories of such an instrument or device,
12 except batteries and cords.

13 (3) "Hearing instrument specialist" means any person who is or is required to
14 be licensed under s. 459.05 to engage in the practice of dealing in or fitting hearing
15 aids instruments.

16 (5) "Practice of fitting and dealing in hearing aids instruments" means the
17 measurement of human hearing by means of an audiometer or by any other means
18 accepted by the examining board solely for the purpose of making selections,
19 adaptations or sales of hearing aids instruments intended to compensate for
20 impaired hearing. This term also includes making impressions for ear molds.

SENATE BILL 389**SECTION 97**

1 **SECTION 97.** 459.02 of the statutes is amended to read:

2 **459.02 License required to sell and fit hearing aids instruments. (1)**

3 No person may engage in the practice of selling or fitting hearing aids instruments
4 or display a sign or in any other way advertise or represent himself or herself as a
5 person who practices the fitting or sale of hearing aids instruments unless he or she
6 holds a valid license issued under this subchapter or a valid license or permit to
7 practice audiology issued under subch. II. The license required by s. 459.05 shall be
8 conspicuously posted in his or her office or place of business as registered with the
9 department at all times. Duplicate licenses shall be issued by the department under
10 this subchapter to valid license holders operating more than one office without
11 additional payment.

12 **(2)** Nothing in this subchapter or subch. II shall prohibit any corporation or
13 mercantile establishment ~~which~~ that maintains an established business address
14 from engaging in the business of selling or offering for sale hearing aids instruments
15 at retail without a license, provided that for the purpose of selling and fitting hearing
16 aids instruments it employs persons licensed under this subchapter or persons
17 issued licenses or permits to practice audiology under subch. II. Such corporation
18 or mercantile establishment shall annually file with the examining board a list of all
19 persons employed for the purpose of selling and fitting hearing aids instruments.

20 **SECTION 98.** 459.03 (title) of the statutes is amended to read:

21 **459.03 (title) Receipt required to be furnished to a person supplied**
22 **with hearing aid instrument.**

23 **SECTION 99.** 459.03 (1) of the statutes is amended to read:

24 459.03 **(1)** Whoever practices fitting or selling of hearing aids instruments
25 under this subchapter shall deliver to each person supplied with a hearing aid

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1 instrument a receipt. The receipt shall contain the licensee's signature and show the
2 licensee's business address and certificate number, together with specifications as to
3 the make and model of the hearing aid instrument furnished and full terms of sale
4 clearly stated. If a hearing aid instrument which is not new is sold, the receipt and
5 the container thereof must be clearly marked as "used" or "reconditioned" whichever
6 is applicable.

7 **SECTION 100.** 459.03 (2) (b) of the statutes is amended to read:

8 459.03 (2) (b) A statement that the purchaser has been advised at the outset
9 of the purchaser's relationship with the hearing instrument specialist that any
10 examination or representation made by a hearing instrument specialist in
11 connection with the fitting and selling of this hearing aid instrument is not an
12 examination, diagnosis or prescription by a person licensed to practice medicine in
13 this state and therefore must not be regarded as medical opinion or advice.

14 **SECTION 101.** 459.035 of the statutes is amended to read:

15 **459.035 Medical exam before being fitted.** A hearing aid instrument shall
16 not be fitted for or sold to a child 16 years of age or younger unless within 90 days
17 prior to the fitting the person to be fitted has been examined by a physician to
18 determine whether or not he or she has any physical deficiencies that would prohibit
19 the effective use of a hearing aid instrument.

20 **SECTION 102.** 459.04 of the statutes is amended to read:

21 **459.04 Seller's guarantee.** The seller of a hearing aid instrument shall give
22 to the purchaser a personal guarantee that is at least identical in its terms to the
23 guarantee of the manufacturer of the hearing aid instrument.

24 **SECTION 103.** 459.05 (1m) of the statutes is amended to read:

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1 459.05 **(1m)** Whenever the examining board determines that another state or
2 jurisdiction has requirements equivalent to or higher than those in effect in the state
3 for the practice of fitting and selling hearing aids instruments, and that such state
4 or jurisdiction has a program equivalent to or stricter than the program for
5 determining whether applicants in this state are qualified to fit and sell hearing aids
6 instruments, the department may issue a license by reciprocity to applicants who
7 hold valid certificates or licenses to deal in or fit hearing aids instruments in such
8 other state or jurisdiction, who pay the fee specified in s. 440.05 (2) and who are
9 otherwise qualified for licensure. No applicant for a license by reciprocity under this
10 subsection shall be required to submit to or undergo a qualifying examination, if the
11 applicant personally appears at the next meeting of the examining board after filing
12 the application to answer any questions the examining board has.

13 **SECTION 104.** 459.06 (2) (a) (intro.) and 3. and (b) (intro.) and 4. and (3) of the
14 statutes are amended to read:

15 459.06 **(2)** (a) (intro.) Tests of knowledge in the following areas as they pertain
16 to the fitting of hearing aids instruments:

17 3. The function of hearing aids instruments.

18 (b) (intro.) Practical tests of proficiency in the following techniques as they
19 pertain to the fitting of hearing aids instruments:

20 4. Recording and evaluation of audiograms and speech audiometry to
21 determine proper selection and adaption of a hearing aid instrument.

22 **(3)** The applicant for license by examination shall appear at a time and place
23 as the examining board designates, to be examined by means of written and practical
24 tests in order to demonstrate that he or she is qualified to practice the fitting of

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1 hearing aids instruments. Such examinations shall be conducted at least twice a
2 year and at such other times and places designated by the examining board.

3 **SECTION 105.** 459.07 (2) of the statutes is amended to read:

4 459.07 (2) Upon receiving an application under this section, accompanied by
5 the fee under s. 440.05 (6), the examining board may grant a trainee permit ~~which~~
6 that may entitle the applicant to practice fitting of hearing aids instruments for a
7 period of one year. A person holding a valid hearing instrument specialist license
8 shall be responsible for the direct supervision and training of the applicant and shall
9 be liable for all negligent acts and omissions of the trainee in the fitting of hearing
10 aids instruments.

11 **SECTION 106.** 459.08 (1) of the statutes is amended to read:

12 459.08 (1) A person who holds a license shall notify the department in writing
13 or in accordance with other notification procedures approved by the department of
14 the regular address of the places where he or she engages or intends to engage in the
15 practice of fitting or selling hearing aids instruments. The licensee shall inform the
16 board of any changes in these addresses within 30 days of the change.

17 **SECTION 107.** 459.085 of the statutes is amended to read:

18 **459.085 Calibration of audiometric equipment.** Audiometric equipment
19 used in the evaluation of hearing sensitivity for the fitting and sale of hearing aids
20 instruments shall be calibrated periodically, as specified by rule by the examining
21 board. Certification of these calibrations shall be sent to the examining board with
22 the renewal fee required in s. 459.09.

23 **SECTION 108.** 459.095 (3) of the statutes is amended to read:

24 459.095 (3) In consultation with the department, promulgate rules that
25 require each person issued a license under this subchapter to complete a specified

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1 continuing education program or course of study to ensure competence with respect
2 to a matter related to the practice of fitting and dealing in hearing aids instruments
3 if the examining board has received a significant number of consumer complaints
4 about the matter or if the examining board otherwise determines that there is a need
5 for such a requirement. Rules promulgated under this subsection shall establish
6 criteria for the examining board's approval of the continuing education program or
7 course of study and of sponsors and cosponsors of the continuing education program
8 or course of study. The rules shall also require the examining board to administer,
9 prior to the continuing education program or course of study, an examination on the
10 matter that is the subject of the continuing education program or course of study and
11 to waive a requirement to complete the continuing education program or course of
12 study if a person granted a license under this subchapter passes the examination.
13 A person who takes an examination specified in this subsection shall pay the fee
14 specified in s. 440.05 (1) (b).

15 **SECTION 109.** 459.10 (1) (d), (e), (j), (k) and (p) of the statutes are amended to
16 read:

17 459.10 (1) (d) Been found guilty of an offense the circumstances of which
18 substantially relate to the practice of fitting and dealing in hearing aids instruments.

19 (e) Violated this subchapter or ch. 440 or any federal or state statute or rule
20 which that relates to the practice of fitting and dealing in hearing aids instruments.

21 (j) Engaged in conduct which that evidenced a lack of knowledge or ability to
22 apply principles or skills of the practice of fitting and dealing in hearing aids
23 instruments.

24 (k) Engaged in unprofessional conduct. In this subsection, “unprofessional
25 conduct” means the violation of any standard of professional behavior which that

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1 through experience, state statute or administrative rule has become established in
2 the practice of fitting and dealing in hearing aids instruments.

3 (p) Sold a hearing aid instrument to a person who was not given tests using
4 appropriate procedures and instrumentation or without proper measurement of the
5 functional intensity and range of the person's hearing.

6 **SECTION 110.** 459.14 (2) of the statutes is amended to read:

7 459.14 (2) This subchapter does not apply to a person engaged in the practice
8 of measuring human hearing for selecting hearing aids instruments or any other
9 purpose if the person or the organization employing such person does not sell hearing
10 aids instruments or hearing accessories.

11 **SECTION 111.** 459.20 (2) (b) of the statutes is amended to read:

12 459.20 (2) (b) Engaging in the practice of fitting and dealing in hearing aids
13 instruments.

14 **SECTION 112.** 459.20 (3g) of the statutes is amended to read:

15 459.20 (3g) "Hearing aid instrument" means any wearable or implantable
16 instrument or device designed for or offered for the purpose of aiding or
17 compensating for impaired human hearing and any parts, attachments or
18 accessories of such an instrument or device, except batteries and cords.

19 **SECTION 113.** 459.20 (3p) of the statutes is amended to read:

20 459.20 (3p) "Practice of fitting and dealing in hearing aids instruments" means
21 the measurement of human hearing by means of an audiometer or by any other
22 means accepted by the examining board for the purpose of making selections,
23 adaptations or sales of hearing aids instruments intended to compensate for
24 impaired hearing, and includes making impressions for ear molds.

25 **SECTION 114.** 459.22 (1) of the statutes is repealed.

SENATE BILL 389**SECTION 115**

1 **SECTION 115.** 459.22 (2) of the statutes is renumbered 459.22 and 459.22 (2)
2 and (3), as renumbered, are amended to read:

3 459.22 **(2)** Authorize a speech–language pathologist licensed under this
4 subchapter to dispense or sell hearing aids instruments without obtaining a hearing
5 instrument specialist license under subch. I.

6 **(3)** Require a hearing instrument specialist licensed under subch. I to be
7 licensed as an audiologist under this subchapter to engage in the testing of hearing
8 or in other practices or procedures solely for the purpose of fitting or selling hearing
9 aids instruments.

10 **SECTION 116.** 459.24 (1m) of the statutes is amended to read:

11 459.24 **(1m)** PROHIBITED TITLES. No person may use the title “certified hearing
12 aid audiologist” or, “certified hearing instrument audiologist”, “licensed hearing aid
13 audiologist” or “licensed hearing instrument audiologist”.

14 **SECTION 117.** 459.24 (3m) of the statutes is amended to read:

15 459.24 **(3m)** FITTING AND SALE OF HEARING AIDS INSTRUMENTS. An audiologist
16 licensed under this subchapter or an individual granted a permit to practice
17 audiology under this subchapter who engages in the practice of fitting and dealing
18 in hearing aids instruments shall do all of the following:

19 (a) Deliver to each person supplied with a hearing aid instrument a receipt.
20 The receipt shall contain the signature and show the business address and certificate
21 number of the licensee or permittee, together with specifications as to the make and
22 model of the hearing aid instrument and full terms of sale clearly stated. If a hearing
23 aid instrument that is not new is sold, the receipt and the container must be clearly
24 marked as “used” or “reconditioned”, whichever is applicable. The terms of the
25 guarantee, if there is any given, shall be set out in not less than 8–point type.

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1 (b) Give to a purchaser of a hearing aid instrument a personal guarantee that
2 is at least identical in its terms to the guarantee given by the manufacturer of the
3 hearing aid instrument.

4 **SECTION 118.** 459.26 (2) (b) (intro.) of the statutes is amended to read:

5 459.26 (2) (b) (intro.) An applicant for an audiologist license shall also complete
6 an examination administered by the examining board that consists of practical tests
7 of proficiency in techniques that pertain to the fitting of hearing aids instruments,
8 including the following:

9 **SECTION 119.** 459.26 (2) (b) 4. of the statutes is amended to read:

10 459.26 (2) (b) 4. Recording and evaluation of audiograms and speech
11 audiometry to determine proper selection and adaption of a hearing aid instrument.

12 **SECTION 120.** 459.34 (2) (ce) of the statutes is amended to read:

13 459.34 (2) (ce) Violated any federal or state statute, rule or regulation that
14 relates to the practice of fitting and dealing in hearing aids instruments. This
15 paragraph does not apply to speech–language pathologists.

16 **SECTION 121.** 459.34 (2) (cm) of the statutes is amended to read:

17 459.34 (2) (cm) Failed to conduct a direct observation of the ear canal of a
18 purchaser of a hearing aid instrument. This paragraph does not apply to
19 speech–language pathologists.

20 **SECTION 122.** 459.34 (2) (cs) of the statutes is amended to read:

21 459.34 (2) (cs) Sold a hearing aid instrument to a person who was not given
22 tests using appropriate procedures and instrumentation or without proper
23 measurement of the functional intensity and range of the person's hearing. This
24 paragraph does not apply to speech–language pathologists.

SENATE BILL 389**SECTION 123**

1 **SECTION 123.** Subchapter III of chapter 459 [precedes 459.40] of the statutes
2 is repealed.

3 **SECTION 124.** 895.527 (6) of the statutes is amended to read:

4 895.527 **(6)** A city, village town or county may regulate the hours between
5 11:00 p.m. and 6:00 a.m. that an outdoor sport shooting range may operate, except
6 that such a regulation may not apply to a law enforcement officer as defined in s.
7 165.85 (2) (c), a member of the U.S. armed forces or a private security person as
8 defined in s. ~~440.26 (1m) (h)~~ 440.27 (1) who meets all of the requirements under s.
9 167.31 (4) (a) 4.

10 **SECTION 125.** 940.34 (1) (b) of the statutes is amended to read:

11 940.34 **(1)** (b) Whoever violates sub. (2) (b) is guilty of a Class C misdemeanor
12 and is subject to discipline under s. ~~440.26 (6)~~ 440.35.

13 **SECTION 126.** 940.34 (2) (b) of the statutes is amended to read:

14 940.34 **(2)** (b) Any person licensed as a private detective or granted a private
15 security permit under s. ~~440.26~~ subch. II of ch. 440 who has reasonable grounds to
16 believe that a crime is being committed or has been committed shall notify promptly
17 an appropriate law enforcement agency of the facts which form the basis for this
18 belief.

19 **SECTION 127.** 940.34 (2) (c) 1. of the statutes is amended to read:

20 940.34 **(2)** (c) 1. In this paragraph, “unlicensed private security person” means
21 a private security person, as defined in s. ~~440.26 (1m) (h)~~ 440.27 (1), who is exempt
22 from the permit and licensure requirements of s. ~~440.26~~ subch. II of ch. 440.

23 **SECTION 128.** 941.237 (1) (em) of the statutes is amended to read:

24 941.237 **(1)** (em) “Private security person” has the meaning given in s. ~~440.26~~
25 ~~(1m) (h)~~ 440.27 (1).

