

1999 DRAFTING REQUEST

Bill

Received: 02/01/2000

Received By: **kunkemd**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - LRC**

By/Representing: **Laura Rose**

This file may be shown to any legislator: **NO**

Drafter: **kunkemd**

May Contact:

Alt. Drafters:

Subject: **Occupational Reg. - misc**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Regulation and Licensing remedial

*PA -
Please jacket
for Senate*

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/P2		1 wlj 2/14	hhagen 02/09/2000	_____	lrb_docadmin 02/09/2000		State

FE Sent For:

to 2/14
to Self 2/14/00
<END>

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2/16/00

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1?	kunkemd	1/2 WLj 2/8	nh2/8 1/2	nh/1/9			

FE Sent For:

<END>

Law Revision Committee

Remedial Legislation Proposals
Meeting of September 7, 1999

Lawka - notes

Department of Regulation and Licensing

- LRB-3543/1
- LRB-3544/1
- LRB-3546/1
- LRB-3548/1



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3543/1
MDK:wlj:ch

1999 BILL

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., 442.03 (2), 442.04 (3), 442.06, 442.11 (3),
3 442.11 (4), 442.11 (6), 458.08 (5), 459.22 (1) and subchapter III of chapter 459
4 [precedes 459.40]; **to renumber and amend** 15.405 (6m) (c) 2., 15.405 (6m) (d)
5 2., 15.407 (4) (a) 2. and 15.407 (4) (b) 2.; **to amend** 15.405 (6m) (e), 29.193 (2)
6 (a) 1., 29.324 (1) (a), 45.353 (3), 49.45 (8) (a) 7., 66.044 (3), 77.54 (22) (b), 100.03
7 (1) (bm), 100.03 (1) (ym) 2., 102.01 (2) (c), 127.01 (1r), 127.01 (25m) (b), 127.06
8 (1) (e), 127.06 (1m) (e), 149.14 (3) (k), 149.14 (4) (h) and (i), 440.05 (intro.),
9 440.08 (2) (a) (intro.), 440.23 (1), 440.963 (1), 442.02 (7), 442.02 (9), 442.03 (3),
10 442.07 (title), 442.07 (1), 442.07 (2), 442.07 (3), 442.08, 442.10 (1), 442.11 (7),
11 442.11 (8), 442.11 (9), 442.11 (10), 442.11 (13), 442.13, 448.13 (1) (a), 449.18 (7),
12 458.09 (2) (intro.), 459.01 (2), (3) and (5), 459.02, 459.03 (title), 459.03 (1),
13 459.03 (2) (b), 459.035, 459.04, 459.05 (1m), 459.06 (2) (a) (intro.) and 3. and (b)
14 (intro.) and 4. and (3), 459.07 (2), 459.08 (1), 459.085, 459.095 (3), 459.10 (1) (d),

BILL

1 (e), (j), (k) and (p), 459.14 (2), 459.20 (2) (b), 459.20 (3g), 459.20 (3p), 459.22 (2)
2 (b), 459.22 (2) (c), 459.24 (1m), 459.24 (3m), 459.26 (2) (b) (intro.), 459.26 (2) (b)
3 4., 459.34 (2) (ce), 459.34 (2) (cm), 459.34 (2) (cs) and 968.27 (7) (b); and *to*
4 *create* 448.03 (2) (L) of the statutes; **relating to:** eliminating outdated
5 references to certificates of registration to practice audiology and
6 speech-language pathology, and replacing the term "hearing aid" with "hearing
7 instrument"; eliminating outdated references to transitional appraiser
8 licenses; exempting certain persons who assist occupational therapists from
9 licensure and certification requirements; use of titles and representations
10 regarding Wisconsin registered interior designers by firms, partnerships and
11 corporations; continuing education requirements for physicians and
12 podiatrists; continuing education requirements for optometrists certified to use
13 therapeutic pharmaceutical agents or to remove foreign bodies from an eye; and
14 public accountants practicing under a certificate of authority and qualifications
15 for applicants for a certificate as a certified public accountant (suggested as
16 remedial legislation by the department of regulation and licensing).

Analysis by the Legislative Reference Bureau

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 (board). Prior to July 1, 1993, such persons were granted certificates of registration by the 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 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 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.

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This bill eliminates outdated references in state law to transitional appraiser licenses. Under current law, no transitional appraiser license granted by the department of regulation and licensing 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 firm, partnership or corporation may use the term "Wisconsin registered interior designer" or "Wisconsin registered interior designers" and may advertise or represent that it provides the services of a Wisconsin registered interior designer only if at least one principal, partner or officer is an interior designer registered with the department of regulation and licensing and if he or she is responsible for the interior design services provided by the firm, partnership or corporation.

This bill allows a firm, partnership or corporation to use the term and advertise or make the representation if at least one employee meets these requirements.

Under current law, a physician or podiatrist must renew his or her certificate of registration on 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 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.

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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.

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

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

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

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

9 15.405 (6m) (d) One speech-language pathologist licensed under subch. II of
10 ch. 459. This subdivision applies after June 30, 1993.

BILL

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

2 15.405 (6m) (e) Two public members. One of the public members shall be a
3 hearing aid instrument user.

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

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

7 15.407 (4) (am) Three speech-language pathologists licensed under subch. II
8 of ch. 459. ~~This subdivision applies after June 30, 1993.~~

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

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

12 15.407 (4) (bm) Two audiologists licensed under subch. II of ch. 459. ~~This~~
13 ~~subdivision applies after June 30, 1993.~~

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

15 29.193 (2) (a) 1. "Accompanied" means being subject to continuous visual or
16 voice contact without the aid of any mechanical or electronic amplifying device other
17 than a hearing aid instrument.

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

19 29.324 (1) (a) "Contact" means visual or voice contact without the aid of any
20 mechanical or electronic amplifying device other than a hearing aid instrument.

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

22 45.353 (3) Application by any such state veterans organization shall be filed
23 annually with the department for the 12-month period commencing on April 1 and
24 ending on March 31 of the year in which it is filed. An application shall contain a
25 statement of salaries and travel expenses paid to employes engaged in veterans

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1 claims service maintained at the regional office by such state veterans organization
2 covering the period for which application for a grant is made, which statement has
3 been certified as correct by ~~an a certified public accountant certified licensed~~ under
4 ch. 442 and sworn to as correct by the adjutant or principal officer of the state
5 veterans organization. The application shall also contain the state organization's
6 financial statement for its last completed fiscal year and such evidence of claims
7 service activity as the department requires. Sufficient evidence shall be submitted
8 with an initial application to establish that the state veterans organization, or its
9 national organization, or both, has maintained a full-time service office at the
10 regional office without interruption throughout 5 years out of the 10-year period
11 immediately preceding such application. Subsequent applications must be
12 accompanied by an affidavit by the adjutant or principal officer of such state veterans
13 organization stating that a full-time service office was maintained at the regional
14 office by such state veterans organization, or by such state organization and its
15 national organization, for the entire 12-month period for which application for a
16 grant is made.

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

18 49.45 (8) (a) 7. "Speech-language pathologist" ~~means an individual engaged~~
19 ~~in the practice of speech-language pathology, as regulated under ch. 459 has the~~
20 meaning given in s. 459.20 (4).

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

22 66.044 (3) The ordinance shall provide that the governing body of the city or
23 village shall authorize an annual detailed audit of its financial transactions and
24 accounts by a certified public accountant licensed under ch. 442 and designated by
25 the governing body.

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

2 77.54 (22) (b) Artificial limbs, artificial eyes, hearing aids instruments and
3 other equipment worn as a correction or substitute for any functioning portion of the
4 body.

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

6 100.03 (1) (bm) "Audited financial statement" means a financial statement
7 that, in the accompanying opinion of an independent certified public accountant or
8 a public accountant holding a certificate of authority licensed under ch. 442, fairly
9 and in all material respects represents the financial position of the contractor, the
10 results of the contractor's operations and the contractor's cash flows in conformity
11 with generally accepted accounting principles.

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

13 100.03 (1) (ym) 2. Reviewed according to generally accepted accounting
14 principles by an independent certified public accountant ~~or a public accountant~~
15 ~~holding a certificate of authority licensed~~ under ch. 442.

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

17 102.01 (2) (c) "Injury" means mental or physical harm to an employe caused
18 by accident or disease, and also means damage to or destruction of artificial
19 members, dental appliances, teeth, hearing aids instruments and eyeglasses, but, in
20 the case of hearing aids instruments or eyeglasses, only if such damage or
21 destruction resulted from accident which ~~that~~ also caused personal injury entitling
22 the employe to compensation therefor either for disability or treatment.

23 **SECTION 19.** 127.01 (1r) of the statutes is amended to read:

24 127.01 (1r) "Audited financial statement" means a financial statement on
25 which an independent certified public accountant, ~~or an independent public~~

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SECTION 19

1 ~~accountant holding a certificate of authority licensed under ch. 442,~~ has expressed
2 an opinion according to generally accepted accounting principles and has conducted
3 an audit according to generally accepted auditing standards.

4 SECTION 20. 127.01 (25m) (b) of the statutes is amended to read:

5 127.01 (25m) (b) The financial statement is reviewed according to generally
6 accepted accounting principles by an independent certified public accountant ~~or an~~
7 ~~independent public accountant who holds a certificate of authority licensed under ch.~~
8 442.

9 SECTION 21. 127.06 (1) (e) of the statutes is amended to read:

10 127.06 (1) (e) The department may extend the filing deadline under par. (a) 2.
11 by up to 30 days in response to a written request from a warehouse keeper or an
12 independent certified public accountant, ~~or an independent public accountant~~
13 ~~holding a certificate of authority licensed under ch. 442,~~ that is auditing or reviewing
14 the financial statement for a warehouse keeper if the department receives the
15 request on or before the 5th day of the 4th month beginning after the close of the
16 warehouse keeper's fiscal year and if the request states the reason for the extension.

17 SECTION 22. 127.06 (1m) (e) of the statutes is amended to read:

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

25 SECTION 23. 149.14 (3) (k) of the statutes is amended to read:

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1 149.14 (3) (k) Rental or purchase, as appropriate, of durable medical
2 equipment or disposable medical supplies, other than eyeglasses and hearing aids
3 instruments.

4 **SECTION 24.** 149.14 (4) (h) and (i) of the statutes, are amended to read:

5 149.14 (4) (h) Eyeglasses and hearing aids instruments.

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

8 **SECTION 25.** 440.04 (8) of the statutes is repealed.

9 **SECTION 26.** 440.05 (intro.) of the statutes is amended to read:

10 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
11 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, ~~442.06~~, 444.03,
12 444.05, 444.11, 447.04 (2) (c) 2., 449.17, and 449.18 and 459.46:

13 **SECTION 27.** 440.08 (2) (a) (intro.) of the statutes is amended to read:

14 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,
15 ~~442.06~~, 444.03, 444.05, 444.11, 447.04 (2) (c) 2., 448.065, 447.04 (2) (e) 2., 449.17, and
16 ~~449.18 and 459.46~~, the renewal dates and renewal fees for credentials are as follows:

17 **SECTION 28.** 440.08 (2) (a) 2. of the statutes is repealed.

18 **SECTION 29.** 440.23 (1) of the statutes is amended to read:

19 440.23 (1) If the holder of a credential pays a fee required under s. 440.05 (1)
20 or (6), 440.08, 444.03, 444.05, or 444.11 or 459.46 (2) (b) by check and the check is not
21 paid by the bank upon which the check is drawn, the department may cancel the
22 credential on or after the 60th day after the department receives the notice from the
23 bank, subject to sub. (2).

24 **SECTION 30.** 440.963 (1) of the statutes is amended to read:

BILL**SECTION 30**

1 440.963 (1) A firm, partnership or corporation may use the term "Wisconsin
2 registered interior designer" or "Wisconsin registered interior designers", or may
3 advertise or make representations that it provides the services of a Wisconsin
4 registered interior designer, only if at least one principal, partner ~~or~~ officer or
5 employee who is in responsible charge of the interior design services provided by the
6 firm, partnership or corporation is a Wisconsin registered interior designer.

7 **SECTION 31.** 442.02 (7) of the statutes is amended to read:

8 442.02 (7) Nothing contained in this chapter shall prevent the employment by
9 a certified public accountant, ~~or by a public accountant,~~ or by a firm or corporation,
10 furnishing public accounting services as principal, of persons to serve as accountants
11 in various capacities, as needed; provided, that such persons work under the control
12 and supervision of certified public accountants ~~or accountants with certificates of~~
13 ~~authority~~ as hereinafter provided, that such employes shall not issue any statements
14 or reports over their own names except such office reports to their employer as are
15 customary and that such employes are not in any manner held out to the public as
16 certified public accountants as described in this chapter.

17 **SECTION 32.** 442.02 (9) of the statutes is amended to read:

18 442.02 (9) Nothing contained in this chapter shall apply to any persons who
19 may be employed by more than one person, partnership or corporation, for the
20 purpose of keeping books, making trial balances or statements, and preparing audits
21 or reports, provided such audits or reports are not used or issued by the employers
22 as having been prepared by a certified public accountant and provided such persons
23 do not do any of the things enumerated in sub. (5m) (a), without complying with sub.
24 (5m) (b).

25 **SECTION 33.** 442.03 (2) of the statutes is repealed.

BILL

1 **SECTION 34.** 442.03 (3) of the statutes is amended to read:

2 442.03 (3) No corporation or other entity and no officer, partner, stockholder
3 or employe thereof may lawfully practice in this state as ~~a public accountant or a~~
4 certified public accountant either in the entity's or person's name, or as an employe
5 or under an assumed name, unless the natural person has been granted by this
6 examining board a certificate of authority as a certified public accountant and unless
7 the person or entity, jointly and severally, has complied with all the provisions of this
8 chapter, including licensure.

9 **SECTION 35.** 442.04 (3) of the statutes is repealed.

10 **SECTION 36.** 442.06 of the statutes is repealed.

11 **SECTION 37.** 442.07 (title) of the statutes is amended to read:

12 **442.07 (title) Requirements for practice as certified public accountant**
13 ~~or public accountant.~~

14 **SECTION 38.** 442.07 (1) of the statutes is amended to read:

15 442.07 (1) Any person who has been issued a certificate of the person's
16 qualifications to practice as a certified public accountant, shall be styled and known
17 as a "certified public accountant" and no other person shall assume to use such title
18 or the abbreviation "C.P.A." or any other word, words, letters or figures to indicate
19 that the person using the same is a certified public accountant. The terms "chartered
20 accountant", "public accountant" and "certified accountant" and the abbreviation
21 "C.A." are specifically prohibited to such other persons as being prima facie
22 misleading to the public. ~~Any person who has been issued a certificate of authority,~~
23 ~~as herein provided, shall be styled and known as a "public accountant" and no other~~
24 ~~person, other than a certified public accountant, shall assume to use such~~

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1 ~~designation or any other word, words, letters or figures to indicate that such person~~
2 ~~is entitled to practice as a public accountant.~~

3 **SECTION 39.** 442.07 (2) of the statutes is amended to read:

4 **442.07 (2)** No person may practice in this state as a certified public accountant
5 ~~or a public accountant~~, either in the person's name, under an assumed name, or as
6 a member of a partnership, except as provided in s. 442.02(10), unless the person has
7 been granted a certificate by the examining board and secured a license for the
8 current licensure period. No person may practice in this state as a certified public
9 accountant, as an officer or director of a corporation engaged in the practice of public
10 accounting, unless the corporation has secured a license for the current licensure
11 period.

12 **SECTION 40.** 442.07 (3) of the statutes is amended to read:

13 **442.07 (3)** Any partnership, which is entitled to practice as certified public
14 accountants in this state or any other state, every resident member and resident
15 manager of which is a certified public accountant of this state, after registering the
16 partnership name with the examining board, may use the designation "certified
17 public accountants" in connection with the partnership name. Any partnership,
18 every member and resident manager of which is a certified public accountant of this
19 state or any other state ~~or holds a certificate of authority under this chapter~~, after
20 registering the partnership name with the examining board, may use the
21 designation "certified public accountants" in connection with the partnership name.
22 An assumed name, in use prior to September 21, 1935, may be used the same as a
23 partnership name, provided the individual persons practicing as principals under
24 that name hold certificates granted by the examining board and register the name
25 with the examining board.

BILL

1 **SECTION 41.** 442.08 of the statutes is amended to read:

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

8 **SECTION 42.** 442.10 (1) of the statutes is amended to read:

9 442.10 (1) Whenever any person, as a certified public accountant ~~or public~~
10 ~~accountant,~~ signs or certifies any report, schedule or statement relative to the affairs
11 of any corporation, association or partnership in which the person is financially
12 interested or by which the person is regularly engaged as an officer or employe, the
13 signature or certification shall be accompanied by a specific statement setting forth
14 the fact that the person is financially interested in or is an officer or regular employe
15 of the corporation, association or partnership. If the person is both financially
16 interested and an officer or regular employe, the statement shall cover both financial
17 interest and employment. In the case of a corporation holding a certificate of
18 ~~authority~~ signing or certifying as above, the interest of any of its stockholders shall
19 be disclosed.

20 **SECTION 43.** 442.11 (3) of the statutes is repealed.

21 **SECTION 44.** 442.11 (4) of the statutes is repealed.

22 **SECTION 45.** 442.11 (6) of the statutes is repealed.

23 **SECTION 46.** 442.11 (7) of the statutes is amended to read:

24 442.11 (7) Who shall practice as a certified public accountant ~~or as a public~~
25 ~~accountant~~ after his or her certificate has been revoked; or

BILL**SECTION 47**

1 **SECTION 47.** 442.11 (8) of the statutes is amended to read:

2 442.11 (8) Who shall as an individual, or, as a member of a partnership or as
3 an officer or director of a corporation, practice or permit the partnership or
4 corporation to practice as a certified public accountant ~~or as a public accountant~~
5 unless a license has been secured for the current licensure period; or

6 **SECTION 48.** 442.11 (9) of the statutes is amended to read:

7 442.11 (9) Who shall sell, buy, give or obtain an alleged certificate as a certified
8 public accountant, ~~or a certificate of authority,~~ or a license in any other manner than
9 is provided for by this chapter; or

10 **SECTION 49.** 442.11 (10) of the statutes is amended to read:

11 442.11 (10) Who attempts to practice as a certified public accountant ~~or as a~~
12 ~~public accountant~~ under guise of a certificate not granted by the examining board,
13 or under cover of a certificate obtained illegally or fraudulently; or

14 **SECTION 50.** 442.11 (13) of the statutes is amended to read:

15 442.11 (13) Who shall, as an individual, or as a member of a partnership or as
16 an officer of a corporation, permit to be announced by printed or written statement
17 that any report, certificate, exhibit, schedule or statement has been prepared by or
18 under supervision of a certified public accountant ~~or by or under supervision of a~~
19 ~~public accountant~~ when the person who prepared the same was not such certified
20 public accountant ~~or public accountant.~~

21 **SECTION 51.** 442.13 of the statutes is amended to read:

22 **442.13 Ownership of accountant's working papers.** All statements,
23 records, schedules, working papers and memoranda made by a certified public
24 accountant ~~or public accountant~~ incident to or in the course of professional service
25 to clients by such accountant, except reports submitted by a certified public

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1 accountant or public accountant to a client, shall be and remain the property of such
2 accountant, in the absence of an express agreement between such accountant and
3 the client to the contrary. No such statement, record, schedule, working paper or
4 memorandum shall be sold, transferred or bequeathed, without the consent of the
5 client or the client's personal representative or assignee, to anyone other than one
6 or more surviving partners or new or successor partners of such accountant.

7 **SECTION 52.** 448.03 (2) (L) of the statutes is created to read:

8 448.03 (2) (L) Any person assisting an occupational therapist or occupational
9 therapy assistant in practice under the direct, immediate, on-premises supervision
10 of the occupational therapist or occupational therapy assistant.

11 **SECTION 53.** 448.13 (1) (a) of the statutes is amended to read:

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

20 **SECTION 54.** 449.18 (7) of the statutes is amended to read:

21 449.18 (7) The examining board shall promulgate rules requiring applicants
22 for renewal under sub. (4) to attend continuing education courses approved by the
23 examining board. The rules shall establish criteria for the approval of such courses
24 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.

3 **SECTION 55.** 458.08 (5) of the statutes is repealed.

4 **SECTION 56.** 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:

8 **SECTION 57.** 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.

21 **SECTION 58.** 459.02 of the statutes is amended to read:

22 **459.02 License required to sell and fit hearing aids instruments.** (1)
23 No person may engage in the practice of selling or fitting hearing aids instruments
24 or display a sign or in any other way advertise or represent himself or herself as a
25 person who practices the fitting or sale of hearing aids instruments unless he or she

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1 holds a valid license issued under this subchapter or a valid license or permit to
2 practice audiology issued under subch. II. The license required by s. 459.05 shall be
3 conspicuously posted in his or her office or place of business as registered with the
4 department at all times. Duplicate licenses shall be issued by the department under
5 this subchapter to valid license holders operating more than one office without
6 additional payment.

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

15 **SECTION 59.** 459.03 (title) of the statutes is amended to read:

16 **459.03 (title) Receipt required to be furnished to a person supplied**
17 **with hearing aid instrument.**

18 **SECTION 60.** 459.03 (1) of the statutes is amended to read:

19 459.03 (1) Whoever practices fitting or selling of hearing aids instruments
20 under this subchapter shall deliver to each person supplied with a hearing aid
21 instrument a receipt. The receipt shall contain the licensee's signature and show the
22 licensee's business address and certificate number, together with specifications as to
23 the make and model of the hearing aid instrument furnished and full terms of sale
24 clearly stated. If a hearing aid instrument which is not new is sold, the receipt and

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1 the container thereof must be clearly marked as "used" or "reconditioned" whichever
2 is applicable.

3 **SECTION 61.** 459.03 (2) (b) of the statutes is amended to read:

4 459.03 (2) (b) A statement that the purchaser has been advised at the outset
5 of the purchaser's relationship with the hearing instrument specialist that any
6 examination or representation made by a hearing instrument specialist in
7 connection with the fitting and selling of this hearing aid instrument is not an
8 examination, diagnosis or prescription by a person licensed to practice medicine in
9 this state and therefore must not be regarded as medical opinion or advice.

10 **SECTION 62.** 459.035 of the statutes is amended to read:

11 **459.035 Medical exam before being fitted.** A hearing aid instrument shall
12 not be fitted for or sold to a child 16 years of age or younger unless within 90 days
13 prior to the fitting the person to be fitted has been examined by a physician to
14 determine whether or not he or she has any physical deficiencies that would prohibit
15 the effective use of a hearing aid instrument.

16 **SECTION 63.** 459.04 of the statutes is amended to read:

17 **459.04 Seller's guarantee.** The seller of a hearing aid instrument shall give
18 to the purchaser a personal guarantee that is at least identical in its terms to the
19 guarantee of the manufacturer of the hearing aid instrument.

20 **SECTION 64.** 459.05 (1m) of the statutes is amended to read:

21 459.05 (1m) Whenever the examining board determines that another state or
22 jurisdiction has requirements equivalent to or higher than those in effect in the state
23 for the practice of fitting and selling hearing aids instruments, and that such state
24 or jurisdiction has a program equivalent to or stricter than the program for
25 determining whether applicants in this state are qualified to fit and sell hearing aids

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1 instruments, the department may issue a license by reciprocity to applicants who
2 hold valid certificates or licenses to deal in or fit hearing aids instruments in such
3 other state or jurisdiction, who pay the fee specified in s. 440.05 (2) and who are
4 otherwise qualified for licensure. No applicant for a license by reciprocity under this
5 subsection shall be required to submit to or undergo a qualifying examination, if the
6 applicant personally appears at the next meeting of the examining board after filing
7 the application to answer any questions the examining board has.

8 **SECTION 65.** 459.06 (2) (a) (intro.) and 3. and (b) (intro.) and 4. and (3) of the
9 statutes are amended to read:

10 459.06 (2) (a) (intro.) Tests of knowledge in the following areas as they pertain
11 to the fitting of hearing aids instruments:

12 3. The function of hearing aids instruments.

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

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

17 (3) The applicant for license by examination shall appear at a time and place
18 as the examining board designates, to be examined by means of written and practical
19 tests in order to demonstrate that he or she is qualified to practice the fitting of
20 hearing aids instruments. Such examinations shall be conducted at least twice a
21 year and at such other times and places designated by the examining board.

22 **SECTION 66.** 459.07 (2) of the statutes is amended to read:

23 459.07 (2) Upon receiving an application under this section, accompanied by
24 the fee under s. 440.05 (6), the examining board may grant a trainee permit which
25 may entitle the applicant to practice fitting of hearing aids instruments for a period

BILL**SECTION 66**

1 of one year. A person holding a valid hearing instrument specialist license shall be
2 responsible for the direct supervision and training of the applicant and shall be liable
3 for all negligent acts and omissions of the trainee in the fitting of hearing aids
4 instruments.

5 **SECTION 67.** 459.08 (1) of the statutes is amended to read:

6 459.08 (1) A person who holds a license shall notify the department in writing
7 or in accordance with other notification procedures approved by the department of
8 the regular address of the places where he or she engages or intends to engage in the
9 practice of fitting or selling hearing aids instruments. The licensee shall inform the
10 board of any changes in these addresses within 30 days of the change.

11 **SECTION 68.** 459.085 of the statutes is amended to read:

12 **459.085 Calibration of audiometric equipment.** Audiometric equipment
13 used in the evaluation of hearing sensitivity for the fitting and sale of hearing aids
14 instruments shall be calibrated periodically, as specified by rule by the examining
15 board. Certification of these calibrations shall be sent to the examining board with
16 the renewal fee required in s. 459.09.

17 **SECTION 69.** 459.095 (3) of the statutes is amended to read:

18 459.095 (3) In consultation with the department, promulgate rules that
19 require each person issued a license under this subchapter to complete a specified
20 continuing education program or course of study to ensure competence with respect
21 to a matter related to the practice of fitting and dealing in hearing aids instruments
22 if the examining board has received a significant number of consumer complaints
23 about the matter or if the examining board otherwise determines that there is a need
24 for such a requirement. Rules promulgated under this subsection shall establish
25 criteria for the examining board's approval of the continuing education program or

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1 course of study and of sponsors and cosponsors of the continuing education program
2 or course of study. The rules shall also require the examining board to administer,
3 prior to the continuing education program or course of study, an examination on the
4 matter that is the subject of the continuing education program or course of study and
5 to waive a requirement to complete the continuing education program or course of
6 study if a person granted a license under this subchapter passes the examination.
7 A person who takes an examination specified in this subsection shall pay the fee
8 specified in s. 440.05 (1) (b).

9 **SECTION 70.** 459.10 (1) (d), (e), (j), (k) and (p) of the statutes are amended to
10 read:

11 459.10 (1) (d) Been found guilty of an offense the circumstances of which
12 substantially relate to the practice of fitting and dealing in hearing aids instruments.

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

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

18 (k) Engaged in unprofessional conduct. In this subsection, "unprofessional
19 conduct" means the violation of any standard of professional behavior which that
20 through experience, state statute or administrative rule has become established in
21 the practice of fitting and dealing in hearing aids instruments.

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

25 **SECTION 71.** 459.14 (2) of the statutes is amended to read:

BILL**SECTION 71**

1 **459.14 (2)** This subchapter does not apply to a person engaged in the practice
2 of measuring human hearing for selecting hearing aids instruments or any other
3 purpose if the person or the organization employing such person does not sell hearing
4 aids instruments or hearing accessories.

5 **SECTION 72.** 459.20 (2) (b) of the statutes is amended to read:

6 **459.20 (2) (b)** Engaging in the practice of fitting and dealing in hearing aids
7 instruments.

8 **SECTION 73.** 459.20 (3g) of the statutes is amended to read:

9 **459.20 (3g)** "Hearing aid instrument" means any wearable or implantable
10 instrument or device designed for or offered for the purpose of aiding or
11 compensating for impaired human hearing and any parts, attachments or
12 accessories of such an instrument or device, except batteries and cords.

13 **SECTION 74.** 459.20 (3p) of the statutes is amended to read:

14 **459.20 (3p)** "Practice of fitting and dealing in hearing aids instruments" means
15 the measurement of human hearing by means of an audiometer or by any other
16 means accepted by the examining board for the purpose of making selections,
17 adaptations or sales of hearing aids instruments intended to compensate for
18 impaired hearing, and includes making impressions for ear molds.

19 **SECTION 75.** 459.22 (1) of the statutes is repealed.

20 **SECTION 76.** 459.22 (2) (b) of the statutes is amended to read:

21 **459.22 (2) (b)** Authorize a speech-language pathologist licensed under this
22 subchapter to dispense or sell hearing aids instruments without obtaining a hearing
23 instrument specialist license under subch. I.

24 **SECTION 77.** 459.22 (2) (c) of the statutes is amended to read:

BILL

1 459.22 (2) (c) Require a hearing instrument specialist licensed under subch.
2 I to be licensed as an audiologist under this subchapter to engage in the testing of
3 hearing or in other practices or procedures solely for the purpose of fitting or selling
4 hearing aids instruments.

5 **SECTION 78.** 459.24 (1m) of the statutes is amended to read:

6 459.24 (1m) PROHIBITED TITLES. No person may use the title "certified hearing
7 aid audiologist" or "certified hearing instrument audiologist", "licensed hearing aid
8 audiologist" or "licensed hearing instrument audiologist".

9 **SECTION 79.** 459.24 (3m) of the statutes is amended to read:

10 459.24 (3m) FITTING AND SALE OF HEARING AIDS INSTRUMENTS. An audiologist
11 licensed under this subchapter or an individual granted a permit to practice
12 audiology under this subchapter who engages in the practice of fitting and dealing
13 in hearing aids instruments shall do all of the following:

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

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

24 **SECTION 80.** 459.26 (2) (b) (intro.) of the statutes is amended to read:

BILL**SECTION 80**

1 459.26 (2) (b) (intro.) An applicant for an audiologist license shall also complete
2 an examination administered by the examining board that consists of practical tests
3 of proficiency in techniques that pertain to the fitting of hearing aids instruments,
4 including the following:

5 **SECTION 81.** 459.26 (2) (b) 4. of the statutes is amended to read:

6 459.26 (2) (b) 4. Recording and evaluation of audiograms and speech
7 audiometry to determine proper selection and adaption of a hearing aid instrument.

8 **SECTION 82.** 459.34 (2) (ce) of the statutes is amended to read:

9 459.34 (2) (ce) Violated any federal or state statute, rule or regulation that
10 relates to the practice of fitting and dealing in hearing aids instruments. This
11 paragraph does not apply to speech-language pathologists.

12 **SECTION 83.** 459.34 (2) (cm) of the statutes is amended to read:

13 459.34 (2) (cm) Failed to conduct a direct observation of the ear canal of a
14 purchaser of a hearing aid instrument. This paragraph does not apply to
15 speech-language pathologists.

16 **SECTION 84.** 459.34 (2) (cs) of the statutes is amended to read:

17 459.34 (2) (cs) Sold a hearing aid instrument to a person who was not given
18 tests using appropriate procedures and instrumentation or without proper
19 measurement of the functional intensity and range of the person's hearing. This
20 paragraph does not apply to speech-language pathologists.

21 **SECTION 85.** Subchapter III of chapter 459 [precedes 459.40] of the statutes is
22 repealed.

23 **SECTION 86.** 968.27 (7) (b) of the statutes is amended to read:

24 968.27 (7) (b) A hearing aid instrument or similar device being used to correct
25 subnormal hearing to not better than normal.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3544/1

MDK:jlj:kjf

1999 BILL

1 **AN ACT to renumber and amend 440.042 (1) and 440.042 (2) of the statutes;**
2 **relating to: immunity from civil liability for providing certain information**
3 **regarding professional credential holders (suggested as remedial by the**
4 **department of regulation and licensing).**

Analysis by the Legislative Reference Bureau

Under current law, the secretary of the department of regulation and licensing (DORL) may appoint persons as members of advisory committees that advise DORL and boards in DORL on matters relating to holders of credentials issued by DORL and boards in DORL. In addition, a person who in good faith provides advice or information to DORL or a board in DORL relating to the regulation of a credential holder is immune from civil liability for his or her acts or omissions in providing the advice or information.

This bill specifies that a member of an advisory committee is eligible for the immunity from civil liability for persons who provide advice or information to DORL or a board in DORL.

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

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

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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.** 440.042 (1) of the statutes, as affected by 1997 Wisconsin Act 156,
2 is renumbered 440.042 and amended to read:

3 **440.042 Advisory committees.** The secretary may appoint persons or
4 advisory committees to advise the department and the boards, examining boards and
5 affiliated credentialing boards in the department on matters relating to the
6 regulation of credential holders. The secretary shall appoint an advisory committee
7 to advise the department on matters relating to carrying out the duties specified in
8 s. ~~440.972~~ 440.982 and making investigations, conducting hearings and taking
9 disciplinary action under s. ~~440.976~~ 440.986. A person or an advisory committee
10 member appointed under this ~~subsection~~ section shall serve without compensation,
11 but may be reimbursed for his or her actual and necessary expenses incurred in the
12 performance of his or her duties.

13 **SECTION 2.** 440.042 (2) of the statutes is renumbered 440.043 and amended to
14 read:

15 **440.043 Civil liability immunity.** Any person, including a member of an
16 advisory committee under s. 440.042, who in good faith testifies before the
17 department or any examining board, affiliated credentialing board or board in the
18 department or otherwise provides the department or any examining board, affiliated
19 credentialing board or board in the department with advice or information on a
20 matter relating to the regulation of a person holding a credential is immune from
21 civil liability for his or her acts or omissions in testifying or otherwise providing such
22 advice or information. The good faith of any person specified in this subsection

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1 section shall be presumed in any civil action and an allegation that such a person has
2 not acted in good faith must be proven by clear and convincing evidence.

3 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3546/1dn
MDK:cmh:kjf

September 2, 1999

Laura Rose:

This bill makes many changes in addition to the changes requested. As you know, under current law, subch. II of ch. 440 consists of a single section, s. 440.26. I think that your request for remedial legislation is a good opportunity to renumber the provisions of s. 440.26 into the following new sections:

- 440.27 Definitions.
- 440.28 License or permit required.
- 440.29 Exemptions from licensing.
- 440.30 Private detective and private detective agency licenses.
- 440.31 Private security permit.
- 440.32 Temporary private security permit.
- 440.33 Rules concerning dangerous weapons.
- 440.34 Reporting violations of law.
- 440.35 Discipline.
- 440.36 Penalties.

Please contact me if you have any questions about this bill or any redrafting instructions.

Mark D. Kunkel
Legislative Attorney
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1999 BILL

1 **AN ACT to repeal** 440.26 (title), 440.26 (1m) (intro.), 440.26 (2) (title), 440.26 (4)
2 (title) and 440.26 (4m) (title); **to renumber** 440.26 (1) (title) and (a) 1., 2., 3. and
3 4., 440.26 (1m) (h) and 440.26 (2) (b); **to renumber and amend** 440.26 (1) (a)
4 11., 440.26 (1) (a) (intro.), 440.26 (1) (b), 440.26 (2) (a), 440.26 (2) (c), 440.26 (3),
5 440.26 (3m), 440.26 (4), 440.26 (4m) (a), 440.26 (4m) (b), 440.26 (5), 440.26 (5m),
6 440.26 (5r), 440.26 (6) and 440.26 (8); **to amend** 111.335 (1) (cg) 1., 111.335 (1)
7 (cg) 2., 111.335 (1) (cg) 3., 114.103 (1) (c), 167.31 (4) (a) 4. (intro.), 167.31 (4) (a)
8 4. a., 440.03 (7m), 895.527 (6), 940.34 (1) (b), 940.34 (2) (b), 940.34 (2) (c) 1.,
9 941.237 (1) (em) and 941.237 (3) (cm) 1.; and **to create** 440.27 (intro.) and
10 440.30 (title) of the statutes; **relating to:** private detective and private
11 detective agency licenses and private security permits (suggested as remedial
12 legislation by the department of regulation and licensing).

Analysis by the Legislative Reference Bureau

Under current law, the department of regulation and licensing (DORL) issues private detective and private detective agency licenses and private security permits

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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 employes of armored car companies. Under current law, this state does not have licensing requirements for such employes. 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 employes.

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

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

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

2 111.335 (1) (cg) 1. Notwithstanding s. 111.322, it is not employment
3 discrimination because of conviction record to deny or refuse to renew a license or
4 permit under ~~s. 440.26~~ subch. II of ch. 440 to a person who has been convicted of a
5 felony and has not been pardoned for that felony.

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

7 111.335 (1) (cg) 2. Notwithstanding s. 111.322, it is not employment
8 discrimination because of conviction record to revoke a license or permit under s.

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1 ~~440.26 (6) (b)~~ 440.35 (2) if the person holding the license or permit has been convicted
2 of a felony and has not been pardoned for that felony.

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

4 111.335 (1) (cg) 3. Notwithstanding s. 111.322, it is not employment
5 discrimination because of conviction record to refuse to employ a person in a business
6 licensed under s. ~~440.26~~ subch. II of ch. 440 or as an employe specified in s. ~~440.26~~
7 ~~(5) (b)~~ 440.29 (2) if the person has been convicted of a felony and has not been
8 pardoned for that felony.

9 **SECTION 4.** 114.103 (1) (c) of the statutes is amended to read:

10 114.103 (1) (c) "Private security person" has the meaning given in s. ~~440.26~~
11 ~~(1m) (h)~~ 440.27 (1), but does not include any law enforcement officer.

12 **SECTION 5.** 167.31 (4) (a) 4. (intro.) of the statutes is amended to read:

13 167.31 (4) (a) 4. (intro.) A private security person, as defined in s. ~~440.26 (1m)~~
14 440.27 (1), who meets all of the following requirements:

15 **SECTION 6.** 167.31 (4) (a) 4. a. of the statutes is amended to read:

16 167.31 (4) (a) 4. a. He or she holds either a private detective license issued
17 ~~under s. 440.26 (2) (a) 2.~~ or a private security permit issued under s. ~~440.26 (5) subch.~~
18 II of ch. 440.

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

20 440.03 (7m) The department may promulgate rules that establish procedures
21 for submitting an application for a credential or credential renewal by electronic
22 transmission. Any rules promulgated under this subsection shall specify procedures
23 for complying with any requirement that a fee be submitted with the application.
24 The rules may also waive any requirement in chs. 440 to 480 that an application
25 submitted to the department, an examining board or an affiliated credentialing

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SECTION 7

1 board be executed, verified, signed, sworn or made under oath, notwithstanding ss.
2 440.26 (2) (b) 440.30 (2), 440.42 (2) (intro.), 440.91 (2) (intro.), 443.06 (1) (a), 443.10
3 (2) (a), 445.04 (2), 445.08 (4), 445.095 (1) (a), 448.05 (7), 450.09 (1) (a), 452.10 (1) and
4 480.08 (2m).

5 SECTION 8. 440.26 (title) of the statutes is repealed.

6 SECTION 9. 440.26 (1) (title) and (a) 1., 2., 3. and 4. of the statutes are
7 renumbered 440.28 (title) and (1) (a), (b), (c) and (d).

8 SECTION 10. 440.26 (1) (a) 11. of the statutes is renumbered 440.28 (1) (e) and
9 amended to read:

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

13 SECTION 11. 440.26 (1) (a) (intro.) is renumbered 440.28 (1) (intro.) and
14 amended to read:

15 440.28 (1) (intro.) ~~No~~ Except as provided in s. 440.29 and in rules promulgated
16 under sub. (2), no person may do any of the following unless he or she has a license
17 or permit issued under this section subchapter:

18 SECTION 12. 440.26 (1) (b) of the statutes is renumbered 440.28 (2) and
19 amended to read:

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

23 SECTION 13. 440.26 (1m) (intro.) of the statutes is repealed.

24 SECTION 14. 440.26 (1m) (h) of the statutes is renumbered 440.27 (1).

25 SECTION 15. 440.26 (2) (title) of the statutes is repealed.

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1 **SECTION 16.** 440.26 (2) (a) of the statutes is renumbered 440.30 (1), and 440.30
2 (1) (a) and (b), as renumbered, are amended to read:

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

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

14 **SECTION 17.** 440.26 (2) (b) of the statutes is renumbered 440.30 (2).

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

17 440.30 (3) APPROVAL QUALIFICATIONS. (a) Subject to ~~subds. 2. and 3. pars. (b)~~
18 and (c), the department shall prescribe, by rule, such the qualifications as it deems
19 appropriate, with due regard to required for a license under this subchapter. In
20 promulgating rules under this paragraph, the department shall consider
21 investigative experience, special professional education and training and other
22 factors bearing on professional competence.

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

BILL

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

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

7 SECTION 19. 440.26 (3) of the statutes is renumbered 440.30 (4) and amended
8 to read:

9 440.30 (4) ISSUANCE AND RENEWAL OF LICENSES, FEES. ~~Upon receipt and~~
10 ~~examination of an application executed under sub. (2), and after~~ After any
11 investigation of an applicant for a license that ~~it~~ the department considers necessary,
12 the department shall, if it determines that the applicant ~~is qualified~~ satisfies the
13 requirements of this section, grant the proper license upon payment of the fee
14 specified in s. 440.05 (1). No license shall be issued for a longer period than 2 years,
15 and the license of a private detective shall expire on the renewal date of the license
16 of the private detective agency, even if the license of the private detective has not
17 been in effect for a full 2 years. ~~Renewals of the original~~ licenses issued under this
18 section shall be issued in accordance with renewal forms prescribed by the
19 department and shall be accompanied by the fees specified in s. 440.08. The
20 department may not renew a license unless the applicant provides evidence that the
21 applicant has in force at the time of renewal the bond or liability policy specified in
22 ~~this section sub. (3) (e).~~

23 SECTION 20. 440.26 (3m) of the statutes is renumbered 440.33 and amended
24 to read:

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1 **440.33 Rules concerning dangerous weapons.** The department shall
2 promulgate rules relating to the carrying of dangerous weapons by a person who
3 holds a license or permit issued under this ~~section~~ subchapter or who is employed by
4 a person licensed under this ~~section~~. ~~The rules shall meet the minimum~~
5 ~~requirements specified in 15 USC 5902 (b) subchapter.~~

6 **SECTION 21.** 440.26 (4) (title) of the statutes is repealed.

7 **SECTION 22.** 440.26 (4) of the statutes is renumbered 440.30 (3) (e) and
8 amended to read:

9 **440.30 (3) (e)** No license may be issued under this ~~section~~ subchapter until a
10 bond or liability policy, approved by the department, in the amount of \$100,000 if the
11 applicant for the license is a private detective agency and includes all principals,
12 partners, members or corporate officers, or in the amount of \$2,000 if the applicant
13 is a private detective, has been executed and filed with the department. Such bonds
14 or liability policies shall be furnished by an insurer authorized to do a surety
15 business in this state in a form approved by the department.

16 **SECTION 23.** 440.26 (4m) (title) of the statutes is repealed.

17 **SECTION 24.** 440.26 (4m) (a) of the statutes is renumbered 440.27 (2) and
18 amended to read:

19 **440.27 (2) DEFINITION.** ~~In this subsection, "violation"~~ "Violation" means a
20 violation of any state or local law that is punishable by a forfeiture.

21 **SECTION 25.** 440.26 (4m) (b) of the statutes is renumbered 440.34 and amended
22 to read:

23 **440.34 Reporting requirement violations of law.** A person who holds a
24 license or permit issued under this ~~section~~ subchapter and who is convicted of a
25 felony or misdemeanor, or is found to have committed a violation, in this state or

BILL

1 elsewhere, shall notify the department in writing of the date, place and nature of the
2 conviction or finding within 48 hours after the entry of the judgment of conviction or
3 the judgment finding that the person committed the violation. Notice may be made
4 by mail and may be proven by showing proof of the date of mailing the notice.

5 SECTION 26. 440.26 (5) of the statutes is renumbered 440.29 and amended to
6 read:

7 **440.29 Exemptions from licensing.** (1) The requirement that a person
8 acting as a private detective, investigator or special investigator be licensed under
9 this section subchapter does not apply to attorneys, law students or law school
10 graduates employed by an attorney or persons directly employed by an attorney or
11 firm of attorneys whose work as private detective, investigator or special
12 investigator is limited to such attorney or firm or to persons directly employed by an
13 insurer or a retail credit rating establishment. A person who accepts employment
14 with more than one law firm shall be subject to the licensing provisions of this section
15 subchapter.

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

21 (3) An employe of any agency that is licensed as a private detective agency
22 under this section subchapter and that is doing business in this state as a supplier
23 of uniformed private security personnel to patrol exclusively on the private property
24 of industrial plants, business establishments, schools, colleges, hospitals, sports
25 stadiums, exhibits and similar activities is exempt from the license requirements of

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1 this ~~section~~ subchapter while engaged in such employment, if all of the following
2 apply:

3 (a) The employe obtains a private security permit under ~~this sub. (5m) s.~~
4 440.31.

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

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

13 SECTION 27. 440.26 (5m) of the statutes is renumbered 440.31, and 440.31 (1)

14 (a) and (c), (2), (3) and (4), as renumbered, are amended to read:

15 440.31 (1) (a) The individual submits an application for a private security
16 permit to the department on a form provided by the department and includes with
17 the application a recent photograph and 2 fingerprint cards bearing a complete set
18 of his or her fingerprints.

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

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

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1 (3) A private security permit issued under this ~~subsection~~ section authorizes
2 the holder of the permit to engage in private security activities described in ~~sub. (5)~~
3 ~~(e) s. 440.29 (3) (intro.)~~ for an employer described in ~~sub. (5) (e) s. 440.29 (3) (intro.)~~
4 anywhere in this state.

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

10 **SECTION 28.** 440.26 (5r) of the statutes is renumbered 440.32, and 440.32 (1)
11 (a), (2) and (3), as renumbered, are amended to read:

12 440.32 (1) (a) The individual has completed an application and provided
13 information required under ~~sub. (5m) (a) s. 440.31 (1)~~.

14 (2) (a) Except as provided in ~~subd. 2, par. (b)~~, an individual who has been issued
15 a temporary private security permit under ~~par. (a) sub. (1)~~ may act as a private
16 security person in the same manner as an individual issued a private security permit
17 under ~~sub. (5m) s. 440.31~~.

18 (b) An individual may not carry a dangerous weapon while acting as a private
19 security person under a temporary private security permit issued under ~~par. (a) sub.~~
20 ~~(1)~~.

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

23 (b) A temporary private security permit issued under ~~par. (a) sub. (1)~~ shall
24 expire on the date that the individual receives written notice from the department
25 that a background check of the individual has been completed and that the

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1 department is granting or denying the individual's application for a private security
2 permit, if that date occurs before the end of the period specified in ~~subd. 1 par. (a).~~

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

5 **SECTION 29.** 440.26 (6) of the statutes is renumbered 440.35, and 440.35 (1)
6 (intro.), (c) and (d), as renumbered, are amended to read:

7 **440.35 Discipline.** (1) (intro.) Subject to the rules adopted under s. 440.03
8 (1), the department may reprimand the holder of a license or permit issued under this
9 section ~~subchapter~~ or revoke, suspend or limit the license or permit of any person
10 who has done any of the following:

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

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

15 **SECTION 30.** 440.26 (8) of the statutes is renumbered 440.36 and amended to
16 read:

17 **440.36 Penalties.** Any person, acting as a private detective, investigator or
18 private security person, or who employs any person who solicits, advertises or
19 performs services in this state as a private detective or private security person, or
20 investigator or special investigator, without having procured the license or permit
21 required by this section ~~subchapter~~, may be fined not less than \$100 nor more than
22 \$500 or imprisoned not less than 3 months nor more than 6 months or both. Any
23 agency having an employe, owner, officer or agent convicted of the above offense may
24 have its agency license revoked or suspended by the department. Any person
25 convicted of the above offense shall be ineligible for a license for one year.

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SECTION 31

1 SECTION 31. 440.27 (intro.) of the statutes is created to read:

2 440.27 Definitions. (intro.) In this subchapter:

3 SECTION 32. 440.30 (title) of the statutes is created to read:

4 440.30 (title) Private detective and private detective agency licenses.

5 SECTION 33. 895.527 (6) of the statutes is amended to read:

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

12 SECTION 34. 940.34 (1) (b) of the statutes is amended to read:

13 940.34 (1) (b) Whoever violates sub. (2) (b) is guilty of a Class C misdemeanor
14 and is subject to discipline under s. ~~440.26 (6)~~ 440.35.

15 SECTION 35. 940.34 (2) (b) of the statutes is amended to read:

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

21 SECTION 36. 940.34 (2) (c) 1. of the statutes is amended to read:

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

25 SECTION 37. 941.237 (1) (em) of the statutes is amended to read:

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1 941.237 (1) (em) "Private security person" has the meaning given in s. 440.26

2 ~~(1m) (h)~~ 440.27 (1).

3 **SECTION 38.** 941.237 (3) (cm) 1. of the statutes is amended to read:

4 941.237 (3) (cm) 1. The private security person is covered by a license or permit

5 issued under ~~s. 440.26~~ subch. II of ch. 440.

6

(END)

1. The first part of the report is devoted to a general survey of the situation in the country.

2. The second part deals with the economic situation.

3. The third part is devoted to the social situation.

4. The fourth part deals with the political situation.

5. The fifth part is devoted to the cultural situation.

6. The sixth part deals with the international situation.

7. The seventh part is devoted to the future of the country.

8. The eighth part deals with the conclusion.

9. The ninth part is devoted to the appendix.

10. The tenth part deals with the bibliography.

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3548/1
MDK:wlj:ch

1999 BILL

1 **AN ACT to repeal 443.10 (4) (a), 443.10 (6), 443.11 (3), (4) and (5) and 443.12 (2),**
2 **(3) and (4); to renumber 443.10 (4) (b) and 443.12 (1); to amend 443.13; and**
3 **to repeal and recreate 443.10 (4) (title) of the statutes; relating to:**
4 disciplinary action taken and rosters prepared by the examining board of
5 architects, landscape architects, professional engineers, designers and land
6 surveyors (suggested as remedial legislation by the department of regulation
7 and licensing).

Analysis by the Legislative Reference Bureau

Under current law, the department of regulation and licensing (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 provisions that allow the land surveyor section of the examining board to take

BILL

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.

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

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.** 443.10 (4) (title) of the statutes is repealed and recreated to read:
2 443.10 (4) (title) RECORDS.
- 3 **SECTION 2.** 443.10 (4) (a) of the statutes is repealed.
- 4 **SECTION 3.** 443.10 (4) (b) of the statutes is renumbered 443.10 (4).
- 5 **SECTION 4.** 443.10 (6) of the statutes is repealed.
- 6 **SECTION 5.** 443.11 (3), (4) and (5) of the statutes are repealed.
- 7 **SECTION 6.** 443.12 (1) of the statutes is renumbered 443.12.
- 8 **SECTION 7.** 443.12 (2), (3) and (4) of the statutes are repealed.
- 9 **SECTION 8.** 443.13 of the statutes is amended to read:
10 **443.13 Disciplinary proceedings against designers of engineering**
11 **systems.** The examining board may limit, suspend or revoke a permit or reprimand
12 the permittee if the permittee is guilty of fraud or deceit in obtaining the permit,
13 gross negligence, incompetency or misconduct in practice, signing documents not

BILL

1 prepared by the permittee or under the permittee's control, knowingly aiding or
2 abetting unauthorized designing of engineering systems as stated in s. 443.07 (3) by
3 persons not granted permits under this chapter or conviction of a felony, subject to
4 ss. 111.321, 111.322 and 111.335, or adjudication of mental incompetency by a court
5 of competent jurisdiction. ~~If, after a hearing conducted under the rules promulgated~~
6 ~~under s. 440.03 (1) before the designers' section of the examining board, two thirds~~
7 ~~of the members of the section vote in favor of sustaining the charges, the examining~~
8 ~~board shall reprimand the permittee or limit, suspend or revoke the permit. The~~
9 ~~action of the examining board is subject to review under ch. 227.~~

10

(END)

-4460

Mark,

Attached is the remedial legislation for the DRL. LRB's 3543, 3546 and 3548 should be combined into one bill, with the SECTION notes inserted as I've indicated. LRB 3544 should NOT be included in this bill, the Law Revision Committee did not approve it. This may be jacketed as a Senate bill and sent over to me when ready.

Please give me a call if you have any questions.

Thanks,

Laura Rose
Leg. Council
266-9791
1-4-2000

Combine
99-3543 } INTO 99-4460/P1
99-3546 }
99-3548 }

Sorted Item List

<u>Store File Name</u>	<u>Text</u>
-3543.1	15.405 (6m) (c) 1. of the statutes is repealed.
-3543.2	15.405 (6m) (c) 2. of the statutes is renumbered 15.405 (6m) (c) and amended to read:
-3543.3	15.405 (6m) (d) 1. of the statutes is repealed.
-3543.4	15.405 (6m) (d) 2. of the statutes is renumbered 15.405 (6m) (d) and amended to read:
-3543.5	15.405 (6m) (e) of the statutes is amended to read:
-3543.6	15.407 (4) (a) 1. of the statutes is repealed.
-3543.7	15.407 (4) (a) 2. of the statutes is renumbered 15.407 (4) (am) and amended to read:
-3543.8	15.407 (4) (b) 1. of the statutes is repealed.
-3543.9	15.407 (4) (b) 2. of the statutes is renumbered 15.407 (4) (bm) and amended to read:
-3543.10	29.193 (2) (a) 1. of the statutes is amended to read:
-3543.11	29.324 (1) (a) of the statutes is amended to read:
-3543.12	45.353 (3) of the statutes is amended to read:
-3543.13	49.45 (8) (a) 7. of the statutes is amended to read:
-3543.14	66.044 (3) of the statutes is amended to read:
-3543.15	77.54 (22) (b) of the statutes is amended to read:
-3543.16	100.03 (1) (bm) of the statutes is amended to read:
-3543.17	100.03 (1) (ym) 2. of the statutes is amended to read:
-3543.18	102.01 (2) (c) of the statutes is amended to read:
-3546.1	111.335 (1) (cg) 1. of the statutes is amended to read:
-3546.2	111.335 (1) (cg) 2. of the statutes is amended to read:
-3546.3	111.335 (1) (cg) 3. of the statutes is amended to read:
-3546.4	114.103 (1) (c) of the statutes is amended to read:
-3543.19	127.01 (1r) of the statutes is amended to read:
-3543.20	127.01 (25m) (b) of the statutes is amended to read:
-3543.21	127.06 (1) (e) of the statutes is amended to read:
-3543.22	127.06 (1m) (e) of the statutes is amended to read:
-3543.23	149.14 (3) (k) of the statutes is amended to read:

-3543.24 149.14 (4) (h) and (i) of the statutes, are amended to read:
-3546.5 167.31 (4) (a) 4. (intro.) of the statutes is amended to read:
-3546.6 167.31 (4) (a) 4. a. of the statutes is amended to read:
-3546.7 440.03 (7m) of the statutes is amended to read:
-3543.25 440.04 (8) of the statutes is repealed.
-3543.26 440.05 (intro.) of the statutes is amended to read:
-3543.27 440.08 (2) (a) (intro.) of the statutes is amended to read:
-3543.28 440.08 (2) (a) 2. of the statutes is repealed.
-3543.29 440.23 (1) of the statutes is amended to read:
-3546.8 440.26 (title) of the statutes is repealed.
-3546.9 440.26 (1) (title) and (a) 1., 2., 3. and 4. of the statutes are renumbered
440.28 (title) and (1) (a), (b), (c) and (d).
-3546.10 440.26 (1) (a) 11. of the statutes is renumbered 440.28 (1) (e) and
amended to read:
-3546.12 440.26 (1) (b) of the statutes is renumbered 440.28 (2) and amended to
read:
-3546.13 440.26 (1m) (intro.) of the statutes is repealed.
-3546.14 440.26 (1m) (h) of the statutes is renumbered 440.27 (1).
-3546.15 440.26 (2) (title) of the statutes is repealed.
-3546.16 440.26 (2) (a) of the statutes is renumbered 440.30 (1), and 440.30 (1)
(a) and (b), as renumbered, are amended to read:
-3546.17 440.26 (2) (b) of the statutes is renumbered 440.30 (2).
-3546.18 440.26 (2) (c) of the statutes is renumbered 440.30 (3) and amended to
read:
-3546.19 440.26 (3) of the statutes is renumbered 440.30 (4) and amended to read:
-3546.20 440.26 (3m) of the statutes is renumbered 440.33 and amended to read:
-3546.21 440.26 (4) (title) of the statutes is repealed.
-3546.22 440.26 (4) of the statutes is renumbered 440.30 (3) (e) and amended to
read:
-3546.23 440.26 (4m) (title) of the statutes is repealed.
-3546.24 440.26 (4m) (a) of the statutes is renumbered 440.27 (2) and amended to
read:
-3546.25 440.26 (4m) (b) of the statutes is renumbered 440.34 and amended to
read:
-3546.26 440.26 (5) of the statutes is renumbered 440.29 and amended to read:
-3546.27 440.26 (5m) of the statutes is renumbered 440.31, and 440.31 (1) (a) and
(c), (2), (3) and (4), as renumbered, are amended to read:

of the statutes

- 3546.28 440.26 (5r) of the statutes is renumbered 440.32, and 440.32 (1) (a), (2) and (3), as renumbered, are amended to read:
- 3546.29 440.26 (6) of the statutes is renumbered 440.35, and 440.35 (1) (intro.), (c) and (d), as renumbered, are amended to read:
- 3546.30 440.26 (8) of the statutes is renumbered 440.36 and amended to read:
- 3546.31 440.27 (intro.) of the statutes is created to read:
- part in* (-3546.11) 440.26 (1) (a) (intro.) is renumbered 440.28 (1) (intro.) and amended to read:
- 3546.32 440.30 (title) of the statutes is created to read:
- 3543.30 440.963 (1) of the statutes is amended to read:
- 3543.31 442.02 (7) of the statutes is amended to read:
- 3543.32 442.02 (9) of the statutes is amended to read:
- 3543.33 442.03 (2) of the statutes is repealed.
- 3543.34 442.03 (3) of the statutes is amended to read:
- 3543.35 442.04 (3) of the statutes is repealed.
- 3543.36 442.06 of the statutes is repealed.
- 3543.37 442.07 (title) of the statutes is amended to read:
- 3543.38 442.07 (1) of the statutes is amended to read:
- 3543.39 442.07 (2) of the statutes is amended to read:
- 3543.40 442.07 (3) of the statutes is amended to read:
- 3543.41 442.08 of the statutes is amended to read:
- 3543.42 442.10 (1) of the statutes is amended to read:
- 3543.43 442.11 (3) of the statutes is repealed.
- 3543.44 442.11 (4) of the statutes is repealed.
- 3543.45 442.11 (6) of the statutes is repealed.
- 3543.46 442.11 (7) of the statutes is amended to read:
- 3543.47 442.11 (8) of the statutes is amended to read:
- 3543.48 442.11 (9) of the statutes is amended to read:
- 3543.49 442.11 (10) of the statutes is amended to read:
- 3543.50 442.11 (13) of the statutes is amended to read:
- 3543.51 442.13 of the statutes is amended to read:
- 3548.1 443.10 (4) (title) of the statutes is repealed and recreated to read:
- 3548.2 443.10 (4) (a) of the statutes is repealed.
- 3548.3 443.10 (4) (b) of the statutes is renumbered 443.10 (4).
- 3548.4 443.10 (6) of the statutes is repealed.

-3548.5	443.11 (3), (4) and (5) of the statutes are repealed.
3548.6	443.12 (1) of the statutes is renumbered 443.12.
-3548.7	443.12 (2), (3) and (4) of the statutes are repealed.
-3548.8	443.13 of the statutes is amended to read:
-3543.52	448.03 (2) (L) of the statutes is created to read:
-3543.53	448.13 (1) (a) of the statutes is amended to read:
-3543.54	449.18 (7) of the statutes is amended to read:
-3543.55	458.08 (5) of the statutes is repealed.
-3543.56	458.09 (2) (intro.) of the statutes is amended to read:
-3543.57	459.01 (2), (3) and (5) of the statutes are amended to read:
-3543.58	459.02 of the statutes is amended to read:
-3543.59	459.03 (title) of the statutes is amended to read:
-3543.60	459.03 (1) of the statutes is amended to read:
-3543.61	459.03 (2) (b) of the statutes is amended to read:
-3543.62	459.035 of the statutes is amended to read:
-3543.63	459.04 of the statutes is amended to read:
-3543.64	459.05 (1m) of the statutes is amended to read:
-3543.65	459.06 (2) (a) (intro.) and 3. and (b) (intro.) and 4. and (3) of the statutes are amended to read:
-3543.66	459.07 (2) of the statutes is amended to read:
-3543.67	459.08 (1) of the statutes is amended to read:
-3543.68	459.085 of the statutes is amended to read:
-3543.69	459.095 (3) of the statutes is amended to read:
-3543.70	459.10 (1) (d), (e), (j), (k) and (p) of the statutes are amended to read:
-3543.71	459.14 (2) of the statutes is amended to read:
-3543.72	459.20 (2) (b) of the statutes is amended to read:
-3543.73	459.20 (3g) of the statutes is amended to read:
-3543.74	459.20 (3p) of the statutes is amended to read:
-3543.75	459.22 (1) of the statutes is repealed.
-3543.76	459.22 (2) (b) of the statutes is amended to read:
-3543.77	459.22 (2) (c) of the statutes is amended to read:
-3543.78	459.24 (1m) of the statutes is amended to read:
-3543.79	459.24 (3m) of the statutes is amended to read:
-3543.80	459.26 (2) (b) (intro.) of the statutes is amended to read:

-3543.81	459.26 (2) (b) 4. of the statutes is amended to read:
-3543.82	459.34 (2) (ce) of the statutes is amended to read:
-3543.83	459.34 (2) (cm) of the statutes is amended to read:
-3543.84	459.34 (2) (cs) of the statutes is amended to read:
-3543.85	Subchapter III of chapter 459 [precedes 459.40] of the statutes is repealed.
-3546.33	895.527 (6) of the statutes is amended to read:
-3546.34	940.34 (1) (b) of the statutes is amended to read:
-3546.35	940.34 (2) (b) of the statutes is amended to read:
-3546.36	940.34 (2) (c) 1. of the statutes is amended to read:
-3546.37	941.237 (1) (em) of the statutes is amended to read:
-3546.38	941.237 (3) (cm) 1. of the statutes is amended to read:
-3543.86	968.27 (7) (b) of the statutes is amended to read:
-3543.87	Initial applicability; regulation and licensing.

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

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

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

9 ***-3546/1.30*** SECTION 58. 440.26 (8) of the statutes is renumbered 440.36 and
 10 amended to read:

11 **440.36 Penalties.** Any person, acting as a private detective, investigator or
 12 private security person, or who employs any person who solicits, advertises or
 13 performs services in this state as a private detective or private security person, or
 14 investigator or special investigator, without having procured the license or permit
 15 required by this ~~section~~ subchapter, may be fined not less than \$100 nor more than
 16 \$500 or imprisoned not less than 3 months nor more than 6 months or both. Any
 17 agency having an employe, owner, officer or agent convicted of the above offense may
 18 have its agency license revoked or suspended by the department. Any person
 19 convicted of the above offense shall be ineligible for a license for one year.

20 ***-3546/1.31*** SECTION 59. 440.27 (intro.) of the statutes is created to read:

21 **440.27 Definitions.** (intro.) In this subchapter:

22 ***-3546/1.11*** SECTION 60. 440.26 (1) (a) (intro.) ^{of the statutes} is renumbered 440.28 (1)
 23 (intro.) and amended to read:

Corrected

Proof draft does not pick this up - caught numbering part in cmpl

redrafted from

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1 board be executed, verified, signed, sworn or made under oath, notwithstanding ss.
2 ~~440.26 (2) (b)~~ 440.30 (2), 440.42 (2) (intro.), 440.91 (2) (intro.), 443.06 (1) (a), 443.10
3 (2) (a), 445.04 (2), 445.08 (4), 445.095 (1) (a), 448.05 (7), 450.09 (1) (a), 452.10 (1) and
4 480.08 (2m).

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

6 **SECTION 9.** 440.26 (1) (title) and (a) 1., 2., 3. and 4. of the statutes are
7 renumbered 440.28 (title) and (1) (a), (b), (c) and (d).

8 **SECTION 10.** 440.26 (1) (a) 11. of the statutes is renumbered 440.28 (1) (e) and
9 amended to read:

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

13 **SECTION 11.** 440.26 (1) (a) (intro.) ^{*of the statutes*} is renumbered 440.28 (1) (intro.) and
14 amended to read:

15 440.28 (1) (intro.) No Except as provided in s. 440.29 and in rules promulgated
16 under sub. (2), no person may do any of the following unless he or she has a license
17 or permit issued under this section subchapter:

18 **SECTION 12.** 440.26 (1) (b) of the statutes is renumbered 440.28 (2) and
19 amended to read:

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

23 **SECTION 13.** 440.26 (1m) (intro.) of the statutes is repealed.

24 **SECTION 14.** 440.26 (1m) (h) of the statutes is renumbered 440.27 (1).

25 **SECTION 15.** 440.26 (2) (title) of the statutes is repealed.

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SECTION 9

1 **SECTION 9.** 440.26 (1) (title) and (a) 1., 2., 3. and 4. of the statutes are
2 renumbered 440.28 (title) and (1) (a), (b), (c) and (d).

3 **SECTION 10.** 440.26 (1) (a) 11. of the statutes is renumbered 440.28 (1) (e) and
4 amended to read:

5 440.28 (1) (e) Receive any fees or compensation for acting as any person,
6 engaging in any business or performing any service specified in ~~subds. 1. to 10. pars.~~
7 (a) to (d).

of the statutes

8 **SECTION 11.** 440.26 (1) (a) (intro.)ⁿ is renumbered 440.28 (1) (intro.) and
9 amended to read:

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

13 **SECTION 12.** 440.26 (1) (b) of the statutes is renumbered 440.28 (2) and
14 amended to read:

15 440.28 (2) The In addition to the exemptions specified under s. 440.29, the
16 department may promulgate rules specifying activities in which a person may
17 engage without obtaining a license or permit under this section subchapter.

18 **SECTION 13.** 440.26 (1m) (intro.) of the statutes is repealed.

19 **SECTION 14.** 440.26 (1m) (h) of the statutes is renumbered 440.27 (1).

20 **SECTION 15.** 440.26 (2) (title) of the statutes is repealed.

21 **SECTION 16.** 440.26 (2) (a) of the statutes is renumbered 440.30 (1), and 440.30
22 (1) (a) and (b), as renumbered, are amended to read:

23 440.30 (1) (a) Issue a private detective agency license to an individual,
24 partnership, limited liability company or corporation that meets the qualifications
25 specified under ~~par. (c) sub. (3).~~ The department may not issue a license under this

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440.28 (1) (e) Receive any fees or compensation for acting as any person,
engaging in any business or performing any service specified in subs. 1 to 10 pars.

(a) to (d). *score period*

*STREET
of error*

History: 1971 c. 213 s. 5; 1977 c. 29, 125, 418; 1979 c. 102 ss. 45, 236 (3); 1981 c. 334 s. 25 (1); 1981 c. 380, 391; 1983 a. 189 s. 329 (31); 1983 a. 273; 1985 a. 128, 135; 1991 a. 39, 269; 1993 a. 112, 213; 1995 a. 461; 1997 a. 27.

SECTION 11. 440.26 (1) (a) (intro.) is renumbered 440.28 (1) (intro.) and amended to read:

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

History: 1971 c. 213 s. 5; 1977 c. 29, 125, 418; 1979 c. 102 ss. 45, 236 (3); 1981 c. 334 s. 25 (1); 1981 c. 380, 391; 1983 a. 189 s. 329 (31); 1983 a. 273; 1985 a. 128, 135; 1991 a. 39, 269; 1993 a. 112, 213; 1995 a. 461; 1997 a. 27.

SECTION 12. 440.26 (1) (b) of the statutes is renumbered 440.28 (2) and amended to read:

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

History: 1971 c. 213 s. 5; 1977 c. 29, 125, 418; 1979 c. 102 ss. 45, 236 (3); 1981 c. 334 s. 25 (1); 1981 c. 380, 391; 1983 a. 189 s. 329 (31); 1983 a. 273; 1985 a. 128, 135; 1991 a. 39, 269; 1993 a. 112, 213; 1995 a. 461; 1997 a. 27.

SECTION 13. 440.26 (1m) (intro.) of the statutes is repealed.

SECTION 14. 440.26 (1m) (h) of the statutes is renumbered 440.27 (1).

SECTION 15. 440.26 (2) (title) of the statutes is repealed.

SECTION 16. 440.26 (2) (a) of the statutes is renumbered 440.30 (1) and 440.30 (1) (a) and (b), as renumbered, are amended to read:

440.30 (1) (a) Issue a private detective agency license to an individual, partnership, limited liability company or corporation that meets the qualifications specified under par. (e) sub. (3). The department may not issue a license under this subdivision paragraph unless the individual or each member of the partnership or limited liability company or officer or director of the corporation who is actually