

## 2001 SENATE BILL 432

February 7, 2002 – Introduced by LAW REVISION COMMITTEE. Referred to Committee on Universities, Housing, and Government Operations.

1     **AN ACT** *to repeal* 15.405 (6m) (c) 1., 15.405 (6m) (d) 1., 440.04 (8), 440.26 (title),  
2           440.26 (1m) (intro.), 440.26 (2) (title), 440.26 (4) (title), 440.26 (4m) (title),  
3           443.10 (4) (a), 443.10 (6), 443.11 (3), (4) and (5), 443.12 (2), (3) and (4), 458.08  
4           (5), 459.22 (1) and subchapter III of chapter 459 [precedes 459.40]; **to**  
5           **renumber** 440.26 (1) (title), 440.26 (1) (a) 1., 2., 3. and 4., 440.26 (1m) (h),  
6           440.26 (2) (b), 443.10 (4) (b) and 443.12 (1); **to renumber and amend** 15.405  
7           (6m) (c) 2., 15.405 (6m) (d) 2., 440.26 (1) (a) (intro.), 440.26 (1) (a) 11., 440.26 (1)  
8           (b), 440.26 (2) (a), 440.26 (2) (c), 440.26 (3), 440.26 (3m), 440.26 (4), 440.26 (4m)  
9           (a), 440.26 (4m) (b), 440.26 (5), 440.26 (5m), 440.26 (5r), 440.26 (6), 440.26 (8)  
10          and 459.22 (2); **to amend** 15.405 (6m) (e), 29.193 (2) (a) 1., 29.324 (1) (a), 49.45  
11          (8) (a) 7., 77.54 (22) (b), 102.01 (2) (c), 111.335 (1) (cg) 1., 111.335 (1) (cg) 2.,  
12          111.335 (1) (cg) 3., 114.103 (1) (c), 149.14 (3) (k), 149.14 (4) (h) and (i), 167.31 (4)  
13          (a) 4. (intro.), 167.31 (4) (a) 4. a., 440.03 (7m), 440.05 (intro.), 440.08 (2) (a)  
14          (intro.), 440.23 (1), 443.13, 448.13 (1), 448.13 (1m), 448.665, 449.18 (7), 458.09

**SENATE BILL 432**

1 (2) (intro.), 459.01 (2), (3) and (5), 459.02, 459.03 (title), 459.03 (1), 459.03 (2)  
2 (b), 459.035, 459.04, 459.05 (1m), 459.06 (2) (a) (intro.) and 3. and (b) (intro.) and  
3 4. and (3), 459.07 (2), 459.08 (1), 459.085, 459.095 (3), 459.10 (1) (d), (e), (j), (k)  
4 and (p), 459.14 (2), 459.20 (2) (b), 459.20 (3g), 459.20 (3p), 459.24 (1m), 459.24  
5 (3m), 459.26 (2) (b) (intro.), 459.26 (2) (b) 4., 459.34 (2) (ce), 459.34 (2) (cm),  
6 459.34 (2) (cs), 895.527 (6), 940.34 (1) (b), 940.34 (2) (b), 940.34 (2) (c) 1., 941.237  
7 (1) (em), 941.237 (3) (cm) 1. and 968.27 (7) (b); **to repeal and recreate** 443.10  
8 (4) (title); and **to create** 440.27 (intro.) and 440.30 (title) of the statutes;  
9 **relating to:** continuing education requirements for optometrists, physicians,  
10 and podiatrists; disciplinary action taken and rosters prepared by the  
11 examining board of architects, landscape architects, professional engineers,  
12 designers, and land surveyors; private detective and private detective agency  
13 licenses and private security permits; and eliminating outdated references to  
14 transitional appraiser licenses and to certificates of registration to practice  
15 audiology and speech–language pathology (suggested as remedial legislation  
16 by the department of regulation and licensing).

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***Analysis by the Legislative Reference Bureau***

***Continuing education requirements for optometrists***

Under current law, a certificate that allows an optometrist to use therapeutic pharmaceutical agents or to 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.

**SENATE BILL 432*****Continuing education requirements for physicians and podiatrists***

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

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.

***Disciplinary action; architects, landscape architects, engineers, designers, and land surveyors***

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

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

***Private detectives and private security permits***

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

**SENATE BILL 432**

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

***Outdated references***

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

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

***Hearing instruments***

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

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.** 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) (cm)
- 3 and amended to read:

**SENATE BILL 432**

1           15.405 **(6m)** (cm) One audiologist licensed under subch. II of ch. 459. This  
2           subdivision ~~applies after June 30, 1993.~~

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

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

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

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

9           15.405 **(6m)** (e) Two public members. One of the public members shall be a  
10          hearing aid instrument user.

11          **SECTION 6.** 29.193 (2) (a) 1. of the statutes is amended to read:

12          29.193 **(2)** (a) 1. “Accompanied” means being subject to continuous visual or  
13          voice contact without the aid of any mechanical or electronic amplifying device other  
14          than a hearing aid instrument.

15          **SECTION 7.** 29.324 (1) (a) of the statutes is amended to read:

16          29.324 **(1)** (a) “Contact” means visual or voice contact without the aid of any  
17          mechanical or electronic amplifying device other than a hearing aid instrument.

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

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

22          **SECTION 9.** 77.54 (22) (b) of the statutes is amended to read:

23          77.54 **(22)** (b) Artificial limbs, artificial eyes, hearing aids instruments, and  
24          other equipment worn as a correction or substitute for any functioning portion of the  
25          body.

**SENATE BILL 432****SECTION 10**

1           **SECTION 10.** 102.01 (2) (c) of the statutes is amended to read:

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

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

9           111.335 **(1)** (cg) 1. Notwithstanding s. 111.322, it is not employment  
10 discrimination because of conviction record to deny or refuse to renew a license or  
11 permit under ~~s. 440.26~~ subch. II of ch. 440 to a person who has been convicted of a  
12 felony and has not been pardoned for that felony.

13           **SECTION 12.** 111.335 (1) (cg) 2. of the statutes is amended to read:

14           111.335 **(1)** (cg) 2. Notwithstanding s. 111.322, it is not employment  
15 discrimination because of conviction record to revoke a license or permit under s.  
16 ~~440.26 (6) (b)~~ 440.35 (2) if the person holding the license or permit has been convicted  
17 of a felony and has not been pardoned for that felony.

18           **SECTION 13.** 111.335 (1) (cg) 3. of the statutes is amended to read:

19           111.335 **(1)** (cg) 3. Notwithstanding s. 111.322, it is not employment  
20 discrimination because of conviction record to refuse to employ a person in a business  
21 licensed under ~~s. 440.26~~ subch. II of ch. 440 or as an employee specified in s. ~~440.26~~  
22 ~~(5) (b)~~ 440.29 (2) if the person has been convicted of a felony and has not been  
23 pardoned for that felony.

24           **SECTION 14.** 114.103 (1) (c) of the statutes is amended to read:

**SENATE BILL 432**

1           114.103 (1) (c) “Private security person” has the meaning given in s. 440.26  
2           ~~(1m) (h) 440.27 (1)~~, but does not include any law enforcement officer.

3           **SECTION 15.** 149.14 (3) (k) of the statutes is amended to read:

4           149.14 (3) (k) Rental or purchase, as appropriate, of durable medical  
5           equipment or disposable medical supplies, other than eyeglasses and hearing aids  
6           instruments.

7           **SECTION 16.** 149.14 (4) (h) and (i) of the statutes are amended to read:

8           149.14 (4) (h) Eyeglasses and hearing aids instruments.

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

11          **SECTION 17.** 167.31 (4) (a) 4. (intro.) of the statutes is amended to read:

12          167.31 (4) (a) 4. (intro.) A private security person, as defined in s. 440.26 ~~(1m)~~  
13          440.27 (1), who meets all of the following requirements:

14          **SECTION 18.** 167.31 (4) (a) 4. a. of the statutes is amended to read:

15          167.31 (4) (a) 4. a. He or she holds either a private detective license issued  
16          under s. 440.26 (2) (a) 2. or a private security permit issued under s. 440.26 (5) subch.  
17          II of ch. 440.

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

19          440.03 (7m) The department may promulgate rules that establish procedures  
20          for submitting an application for a credential or credential renewal by electronic  
21          transmission. Any rules promulgated under this subsection shall specify procedures  
22          for complying with any requirement that a fee be submitted with the application.  
23          The rules may also waive any requirement in chs. 440 to 480 that an application  
24          submitted to the department, an examining board, or an affiliated credentialing  
25          board be executed, verified, signed, sworn, or made under oath, notwithstanding ss.



**SENATE BILL 432****SECTION 19**

1 ~~440.26 (2) (b)~~ 440.30 (2), 440.42 (2) (intro.), 440.91 (2) (intro.), 443.06 (1) (a), 443.10  
2 (2) (a), 445.04 (2), 445.08 (4), 445.095 (1) (a), 448.05 (7), 450.09 (1) (a), 452.10 (1), and  
3 480.08 (2m).

4 **SECTION 20.** 440.04 (8) of the statutes is repealed.

5 **SECTION 21.** 440.05 (intro.) of the statutes, as affected by 2001 Wisconsin Act  
6 16, is amended to read:

7 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial  
8 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 444.03, 444.05,  
9 444.11, 447.04 (2) (c) 2., 449.17, and 449.18 and 459.46:

10 **SECTION 22.** 440.08 (2) (a) (intro.) of the statutes, as affected by 2001 Wisconsin  
11 Act 16, is amended to read:

12 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,  
13 444.03, 444.05, 444.11, 448.065, 447.04 (2) (c) 2., 449.17, and 449.18 and 459.46, the  
14 renewal dates and renewal fees for credentials are as follows:

15 **SECTION 23.** 440.23 (1) of the statutes is amended to read:

16 440.23 (1) If the holder of a credential pays a fee required under s. 440.05 (1)  
17 or (6), 440.08, 444.03, 444.05, or 444.11 or 459.46 ~~(2) (b)~~ by check or debit or credit  
18 card, and the check is not paid by the financial institution upon which the check is  
19 drawn or if the demand for payment under the debit or credit card transaction is not  
20 paid by the financial institution upon which demand is made, the department may  
21 cancel the credential on or after the 60th day after the department receives the notice  
22 from the financial institution, subject to sub. (2).

23 **SECTION 24.** 440.26 (title) of the statutes is repealed.

24 **SECTION 25.** 440.26 (1) (title) of the statutes is renumbered 440.28 (title).



**SENATE BILL 432**

1           **SECTION 26.** 440.26 (1) (a) (intro.) of the statutes is renumbered 440.28 (1)  
2 (intro.) and amended to read:

3           440.28 (1) (intro.) ~~No~~ Except as provided in s. 440.29 and in rules promulgated  
4 under sub. (2), no person may do any of the following unless he or she has a license  
5 or permit issued under this ~~section~~ subchapter:

6           **SECTION 27.** 440.26 (1) (a) 1., 2., 3. and 4. of the statutes are renumbered 440.28  
7 (1) (a), (b), (c) and (d).

8           **SECTION 28.** 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 4. pars.~~  
12 (a) to (d).

13           **SECTION 29.** 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 30.** 440.26 (1m) (intro.) of the statutes is repealed.

19           **SECTION 31.** 440.26 (1m) (h) of the statutes is renumbered 440.27 (1).

20           **SECTION 32.** 440.26 (2) (title) of the statutes is repealed.

21           **SECTION 33.** 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

**SENATE BILL 432****SECTION 33**

1 ~~subdivision~~ paragraph unless the individual or each member of the partnership or  
2 limited liability company or officer or director of the corporation who is actually  
3 engaged in the work of a private detective is issued a private detective license under  
4 ~~this section~~ par. (b).

5 (b) Issue a private detective license to an individual who meets the  
6 qualifications specified under ~~par. (c)~~ sub. (3) if the individual is an owner, coowner,  
7 or employee of a private detective agency required to be licensed under ~~this section~~  
8 par. (a).

9 **SECTION 34.** 440.26 (2) (b) of the statutes is renumbered 440.30 (2).

10 **SECTION 35.** 440.26 (2) (c) of the statutes is renumbered 440.30 (3) and  
11 amended to read:

12 440.30 (3) ~~APPROVAL~~ QUALIFICATIONS. (a) Subject to ~~subds. 2. and 3.~~ pars. (b)  
13 and (c), the department shall prescribe, by rule, ~~such the~~ the qualifications as it deems  
14 ~~appropriate, with due regard to~~ required for a license under this subchapter. In  
15 promulgating rules under this paragraph, the department shall consider  
16 investigative experience, special professional education and training, and other  
17 factors bearing on professional competence.

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

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

23 (d) The department, in considering ~~applicants~~ an applicant for a license, shall  
24 seek the advice of the appropriate local law enforcement agency or governmental

**SENATE BILL 432**

1 official, and conduct such further investigation, as it ~~deems~~ considers proper to  
2 determine the competence of the applicant.

3 **SECTION 36.** 440.26 (3) of the statutes is renumbered 440.30 (4) and amended  
4 to read:

5 440.30 (4) ISSUANCE AND RENEWAL OF LICENSES; FEES. ~~Upon receipt and~~  
6 ~~examination of an application executed under sub. (2), and after~~ After any  
7 investigation of an applicant for a license that it the department considers necessary,  
8 the department shall, if it determines that the applicant ~~is qualified~~ satisfies the  
9 requirements of this section, grant the proper license upon payment of the fee  
10 specified in s. 440.05 (1). No license shall be issued for a longer period than 2 years,  
11 and the license of a private detective shall expire on the renewal date of the license  
12 of the private detective agency, even if the license of the private detective has not  
13 been in effect for a full 2 years. Renewals of ~~the original~~ licenses issued under this  
14 section shall be issued in accordance with renewal forms prescribed by the  
15 department and shall be accompanied by the fees specified in s. 440.08. The  
16 department may not renew a license unless the applicant provides evidence that the  
17 applicant has in force at the time of renewal the bond or liability policy specified in  
18 ~~this section sub. (3) (e).~~

19 **SECTION 37.** 440.26 (3m) of the statutes is renumbered 440.33 and amended  
20 to read:

21 **440.33 Rules concerning dangerous weapons.** The department shall  
22 promulgate rules relating to the carrying of dangerous weapons by a person who  
23 holds a license or permit issued under this ~~section~~ subchapter or who is employed by  
24 a person licensed under this ~~section.~~ ~~The rules shall meet the minimum~~  
25 ~~requirements specified in 15 USC 5902 (b)~~ subchapter.

**SENATE BILL 432****SECTION 37**

NOTE: SECTION 37 of this bill deletes a requirement that the department of regulation and licensing's rules relating to the carrying of dangerous weapons by persons who are issued private detective licenses and private security permits must meet the federal law's requirements for armored car company employees. This state does not have licensing requirements for armored car company employees.

1           **SECTION 38.** 440.26 (4) (title) of the statutes is repealed.

2           **SECTION 39.** 440.26 (4) of the statutes is renumbered 440.30 (3) (e) and  
3 amended to read:

4           440.30 (3) (e) No license may be issued under this section subchapter until a  
5 bond or liability policy, approved by the department, in the amount of \$100,000 if the  
6 applicant for the license is a private detective agency and includes all principals,  
7 partners, members, or corporate officers, or in the amount of \$2,000 if the applicant  
8 is a private detective, has been executed and filed with the department. Such bonds  
9 or liability policies shall be furnished by an insurer authorized to do a surety  
10 business in this state in a form approved by the department.

11           **SECTION 40.** 440.26 (4m) (title) of the statutes is repealed.

12           **SECTION 41.** 440.26 (4m) (a) of the statutes is renumbered 440.27 (2) and  
13 amended to read:

14           440.27 (2) ~~DEFINITION.~~ ~~In this subsection, “violation”~~ “Violation” means a  
15 violation of any state or local law that is punishable by a forfeiture.

16           **SECTION 42.** 440.26 (4m) (b) of the statutes is renumbered 440.34 and amended  
17 to read:

18           **440.34 Reporting requirement violations of law.** A person who holds a  
19 license or permit issued under this section subchapter and who is convicted of a  
20 felony or misdemeanor, or is found to have committed a violation, in this state or  
21 elsewhere, shall notify the department in writing of the date, place, and nature of the  
22 conviction or finding within 48 hours after the entry of the judgment of conviction or

**SENATE BILL 432**

1 the judgment finding that the person committed the violation. Notice may be made  
2 by mail and may be proven by showing proof of the date of mailing the notice.

3 **SECTION 43.** 440.26 (5) of the statutes is renumbered 440.29 and amended to  
4 read:

5 **440.29 Exemptions from licensing.** (1) The requirement that a person  
6 acting as a private detective, investigator, or special investigator be licensed under  
7 this ~~section~~ subchapter does not apply to attorneys, law students, or law school  
8 graduates employed by an attorney or persons directly employed by an attorney or  
9 firm of attorneys whose work as private detective, investigator, or special  
10 investigator is limited to such attorney or firm or to persons directly employed by an  
11 insurer or a retail credit rating establishment. A person who accepts employment  
12 with more than one law firm shall be subject to the licensing provisions of this ~~section~~  
13 subchapter.

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

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

**SENATE BILL 432****SECTION 43**

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

3 (a) The employee 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 employees to the department. The record shall include the name, residence address,  
7 date of birth, and a physical description of each employee ~~together with a recent~~  
8 ~~photograph and 2 fingerprint cards bearing a complete set of fingerprints of each~~  
9 employee.

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 employees,  
12 including the termination of employment of any person.

13 **SECTION 44.** 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 employee of a private detective agency described in ~~sub. (5) (c) s. 440.29 (3)~~  
21 (intro.).

22 (2) The renewal dates for permits issued under this subsection ~~section~~  
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).

**SENATE BILL 432**

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 ~~(c)~~ s. 440.29 (3) (intro.) for an employer described in ~~sub. (5) (c)~~ 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.

NOTE: SECTIONS 43 and 44 of this bill change a requirement in current law that a private detective agency furnish a photograph and fingerprint cards as part of the written record of its employees that it submits to the department of regulation and licensing. The change requires the individual submitting the application for a private security permit to submit this information to the department.

10           **SECTION 45.** 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.



**SENATE BILL 432****SECTION 45**

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

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

8 **SECTION 46.** 440.26 (6) of the statutes is renumbered 440.35, and 440.35 (1)  
9 (intro.), (c) and (d), as renumbered, are amended to read:

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

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

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

18 **SECTION 47.** 440.26 (8) of the statutes is renumbered 440.36 and amended to  
19 read:

20 **440.36 Penalties.** Any person, acting as a private detective, investigator, or  
21 private security person, or who employs any person who solicits, advertises, or  
22 performs services in this state as a private detective or private security person, or  
23 investigator or special investigator, without having procured the license or permit  
24 required by this ~~section~~ subchapter, may be fined not less than \$100 nor more than  
25 \$500 or imprisoned not less than 3 months nor more than 6 months or both. Any

**SENATE BILL 432**

1 agency having an employee, owner, officer, or agent convicted of the above offense  
2 may have its agency license revoked or suspended by the department. Any person  
3 convicted of the above offense shall be ineligible for a license for one year.

4 **SECTION 48.** 440.27 (intro.) of the statutes is created to read:

5 **440.27 Definitions.** (intro.) In this subchapter:

6 **SECTION 49.** 440.30 (title) of the statutes is created to read:

7 **440.30 (title) Private detective and private detective agency licenses.**

8 **SECTION 50.** 443.10 (4) (title) of the statutes is repealed and recreated to read:

9 443.10 (4) (title) RECORDS.

10 **SECTION 51.** 443.10 (4) (a) of the statutes is repealed.

11 **SECTION 52.** 443.10 (4) (b) of the statutes is renumbered 443.10 (4).

12 **SECTION 53.** 443.10 (6) of the statutes is repealed.

NOTE: SECTIONS 50 to 53 of this bill repeal provisions in current law relating to the use of annual printed rosters of professionals regulated by the examining board of architects, landscape architects, professional engineers, designers and land surveyors. According to the department of regulation and licensing, these provisions are obsolete because the department uses computerized lists instead of printed rosters.

13 **SECTION 54.** 443.11 (3), (4) and (5) of the statutes are repealed.

14 **SECTION 55.** 443.12 (1) of the statutes is renumbered 443.12.

15 **SECTION 56.** 443.12 (2), (3) and (4) of the statutes are repealed.

16 **SECTION 57.** 443.13 of the statutes is amended to read:

17 **443.13 Disciplinary proceedings against designers of engineering**  
18 **systems.** The examining board may limit, suspend, or revoke a permit or reprimand  
19 the permittee if the permittee is guilty of fraud or deceit in obtaining the permit,  
20 gross negligence, incompetency or misconduct in practice, signing documents not  
21 prepared by the permittee or under the permittee's control, knowingly aiding or  
22 abetting unauthorized designing of engineering systems as stated in s. 443.07 (3) by

**SENATE BILL 432****SECTION 57**

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

NOTE: SECTIONS 54 to 57 of this bill repeal provisions in current law that set forth disciplinary proceedings against professionals regulated by the examining board of architects, landscape architects, professional engineers, designers and land surveyors. Because general statutes in ch. 440, stats., establish complaint and disciplinary proceedings that apply to all examining boards, the department of regulation and licensing states that the specific provisions in ch. 443, stats., are redundant and should be repealed.

8 **SECTION 58.** 448.13 (1) of the statutes is amended to read:

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

18 **SECTION 59.** 448.13 (1m) of the statutes is amended to read:

19 448.13 (1m) The board shall, on a random basis, verify the accuracy of proof  
20 submitted by physicians under sub. (1) and may, at any time during the 2-calendar  
21 years 2-year period specified in sub. (1), require a physician to submit proof of any

**SENATE BILL 432**

1 continuing education programs or courses of study that he or she has attended and  
2 completed at that time during the ~~2~~ calendar years that period.

NOTE: SECTIONS 58 and 59 of this bill correct terminology in the statutes that requires physicians to submit proof of attendance at and completion of continuing education programs. Under the bill, a physician must submit proof that at least 30 hours of courses have been completed during the 2 years immediately preceding the date of the physician's application for renewal. The current statutes read that the proof must be submitted within 2 calendar years immediately preceding the calendar year for which the registration is effective.

3 **SECTION 60.** 448.665 of the statutes is amended to read:

4 **448.665 Continuing education.** The affiliated credentialing board shall  
5 promulgate rules establishing requirements and procedures for licensees to  
6 complete continuing education programs or courses of study in order to qualify for  
7 renewal of a license granted under this subchapter. The rules shall require a licensee  
8 to complete at least 30 hours of continuing education programs or courses of study  
9 within each 2-year period immediately preceding the ~~renewal date specified under~~  
10 ~~s. 440.08 (2) (a)~~ date of his or her application for renewal under s. 448.65 (2). The  
11 affiliated credentialing board may waive all or part of these requirements for the  
12 completion of continuing education programs or courses of study if the affiliated  
13 credentialing board determines that prolonged illness, disability or other  
14 exceptional circumstances have prevented a licensee from completing the  
15 requirements.

NOTE: SECTION 60 of this bill corrects terminology in the statute that requires podiatrists to submit proof of completion of continuing education programs or courses of study. Under the bill, a podiatrist must submit proof that at least 30 hours of programs or courses have been completed during the 2 years immediately preceding the date of the podiatrist's application for renewal. The current statute reads that the proof must be submitted within the 2-year period immediately preceding the deadline for renewal.

16 **SECTION 61.** 449.18 (7) of the statutes is amended to read:

17 **449.18 (7)** The examining board shall promulgate rules requiring applicants  
18 for renewal under sub. (4) to attend continuing education courses approved by the

**SENATE BILL 432****SECTION 61**

1 examining board. The rules shall establish criteria for the approval of such courses  
2 and may not require an applicant for renewal to attend more than 30 hours of courses  
3 within the 2 calendar years immediately preceding the expiration date specified in  
4 sub. (4) of his or her application for renewal.

NOTE: SECTION 61 of this bill corrects terminology in the statute that requires optometrists to submit proof of attendance at and completion of continuing education programs. Under the bill, an optometrist must submit proof that at least 30 hours of courses have been attended during the 2 years immediately preceding the date of the optometrist's application for renewal. The current statute reads that the proof must be submitted within 2 calendar years immediately preceding the calendar year for which the registration is effective.

5 **SECTION 62.** 458.08 (5) of the statutes is repealed.

6 **SECTION 63.** 458.09 (2) (intro.) of the statutes is amended to read:

7 458.09 (2) (intro.) If an applicant for a certificate under s. 458.06 (3) or (4) or  
8 458.08 (3) ~~or (5) (a)~~ or for renewal of that certificate under s. 458.11 is an assessor,  
9 all of the following apply:

NOTE: SECTIONS 62 and 63 of this bill remove obsolete provisions from the statutes that provide that transitional licenses for real estate appraisers expire on January 1, 1996.

10 **SECTION 64.** 459.01 (2), (3) and (5) of the statutes are amended to read:

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

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

18 (5) “Practice of fitting and dealing in hearing aids instruments” means the  
19 measurement of human hearing by means of an audiometer or by any other means  
20 accepted by the examining board solely for the purpose of making selections,

**SENATE BILL 432**

1 adaptations, or sales of hearing aids instruments intended to compensate for  
2 impaired hearing. This term also includes making impressions for ear molds.

3 **SECTION 65.** 459.02 of the statutes is amended to read:

4 **459.02 License required to sell and fit hearing aids instruments. (1)**

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

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

22 **SECTION 66.** 459.03 (title) of the statutes is amended to read:

23 **459.03 (title) Receipt required to be furnished to a person supplied**  
24 **with hearing aid instrument.**

25 **SECTION 67.** 459.03 (1) of the statutes is amended to read:

**SENATE BILL 432****SECTION 67**

1           459.03 (1) Whoever practices fitting or selling of hearing aids instruments  
2 under this subchapter shall deliver to each person supplied with a hearing aid  
3 instrument a receipt. The receipt shall contain the licensee's signature and show the  
4 licensee's business address and certificate number, together with specifications as to  
5 the make and model of the hearing aid instrument furnished and full terms of sale  
6 clearly stated. If a hearing aid ~~which~~ instrument that is not new is sold, the receipt  
7 and the container ~~thereof~~ for the hearing instrument must be clearly marked as  
8 "used" or "reconditioned," whichever is applicable.

9           **SECTION 68.** 459.03 (2) (b) of the statutes is amended to read:

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

16           **SECTION 69.** 459.035 of the statutes is amended to read:

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

22           **SECTION 70.** 459.04 of the statutes is amended to read:

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



**SENATE BILL 432**

1           **SECTION 71.** 459.05 (1m) of the statutes is amended to read:

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

14           **SECTION 72.** 459.06 (2) (a) (intro.) and 3. and (b) (intro.) and 4. and (3) of the  
15 statutes are amended to read:

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

18           3. The function of hearing aids instruments.

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

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

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

**SENATE BILL 432****SECTION 72**

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

3 **SECTION 73.** 459.07 (2) of the statutes is amended to read:

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

11 **SECTION 74.** 459.08 (1) of the statutes is amended to read:

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

17 **SECTION 75.** 459.085 of the statutes is amended to read:

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

23 **SECTION 76.** 459.095 (3) of the statutes is amended to read:

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

**SENATE BILL 432**

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

15 **SECTION 77.** 459.10 (1) (d), (e), (j), (k) and (p) of the statutes are amended to  
16 read:

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

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

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

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

**SENATE BILL 432**

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

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

6 **SECTION 78.** 459.14 (2) of the statutes is amended to read:

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

11 **SECTION 79.** 459.20 (2) (b) of the statutes is amended to read:

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

14 **SECTION 80.** 459.20 (3g) of the statutes is amended to read:

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

19 **SECTION 81.** 459.20 (3p) of the statutes is amended to read:

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

25 **SECTION 82.** 459.22 (1) of the statutes is repealed.

**SENATE BILL 432**

1           **SECTION 83.** 459.22 (2) of the statutes is renumbered 459.22, and 459.22 (2) and  
2 (3), as renumbered, are amended to read:

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

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

10          **SECTION 84.** 459.24 (1m) of the statutes is amended to read:

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

14          **SECTION 85.** 459.24 (3m) of the statutes is amended to read:

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

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

**SENATE BILL 432****SECTION 85**

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

4 **SECTION 86.** 459.26 (2) (b) (intro.) of the statutes is amended to read:

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

9 **SECTION 87.** 459.26 (2) (b) 4. of the statutes is amended to read:

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

12 **SECTION 88.** 459.34 (2) (ce) of the statutes is amended to read:

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

16 **SECTION 89.** 459.34 (2) (cm) of the statutes is amended to read:

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

20 **SECTION 90.** 459.34 (2) (cs) of the statutes is amended to read:

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

**SENATE BILL 432**

1           **SECTION 91.** Subchapter III of chapter 459 [precedes 459.40] of the statutes is  
2 repealed.

3           **SECTION 92.** 895.527 (6) of the statutes is amended to read:

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

10          **SECTION 93.** 940.34 (1) (b) of the statutes is amended to read:

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

13          **SECTION 94.** 940.34 (2) (b) of the statutes is amended to read:

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

19          **SECTION 95.** 940.34 (2) (c) 1. of the statutes is amended to read:

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

23          **SECTION 96.** 941.237 (1) (em) of the statutes is amended to read:

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



