Received: 01/15/2002

# 2001 DRAFTING REQUEST

# Bill

Received	d: <b>01/15/2002</b>				Received By: gra	ntpr	*
Wanted: As time permits					Identical to LRB:		
For: Legislative Council - LRC 6-1308				By/Representing: Nick Zavos			
This file	may be shown	to any legislate	or: NO		Drafter: grantpr		
May Contact:				Addl. Drafters:			
Subject:	Occupa	tional Reg n	nisc		Extra Copies:	MDK	
Submit v	via email: YES						
Requeste	er's email:	nicholas.za	vos@legis.	state.wi.ns			
Carbon o	copy (CC:) to:						
Pre Top	ic:						
No speci	fic pre topic gi	ven					
Topic:	-						
Various ?	law revision co	ommittee chang	es				
Instruct	ions:		-				
See Atta	ched						
Drafting	g History:						<u> </u>
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	<u>Required</u>
/P2	grantpr 01/15/2002	hhagen 02/06/2002					
/1			pgreensl 02/06/200	02	lrb_docadmin 02/06/2002	lrb_docadm 02/06/2002	

02/06/2002 04:03:25 PM Page 2

FE Sent For:

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<**END>** 

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May Contact:				Addl. Drafters:			
Subject:	Occupa	tional Reg n	nisc		Extra Copies:	MDK	
Submit v	ia email: <b>YES</b>	. •					
Requeste	r's email:	nicholas.za	wos@legis.s	state.wl.us			
Carbon c	opy (CC:) to:						
Pre Top	ic:						
No specif	fic pre topic gi	ven	·				
Topic:							
Various 1	aw revision co	mmittee chang	es				
Instructi	ions:				<u> </u>		
See Attac	ched						
Drafting	History:	· .					
Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required
/P2	grantpr 01/15/2002	hhagen 02/06/2002			·		
/1			pgreensl 02/06/200	)2	lrb_docadmin 02/06/2002		

FE Sent For:

<END>

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This file may be shown to any legislator: NO

Drafter: grantpr

May Contact:

Addl. Drafters:

Subject:

Occupational Reg. - misc

Extra Copies:

**MDK** 

Submit via email: YES

Requester's email:

nicholas.zavos@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Various law revision committee changes

**Instructions:** 

See Attached

**Drafting History:** 

Vers.

Drafted

Jacketed

Required

/?

grantpr

**Typed** 

Proofed

**Submitted** 

FE Sent For:

#### Kunkel, Mark

From:

Zavos, Nicholas

Sent:

Monday, January 14, 2002 4:55 PM

To: Subject: Kunkel, Mark Law revision bills

Mark-

The law revision committee has approved the six law revision bills from DRL. Could you roll LRB-4278, LRB-4279, LRB-4282, LRB-4283, LRB-4284 and LRB-4285 into one bill for introduction. I'll start working on the section notes.

Thanks.

Nicholas R. Zavos Staff Attorney Wisconsin Legislative Council (608) 266-1308 nicholas.zavos@legis.state.wi.us

4285

4284

4279

4278

4283

# **Sorted Item List**

Store File Name	<u>Text</u>
<del>-4282.1</del>	15.405 (6m) (c) 1. of the statutes is repealed.
-4282.2	15.405 (6m) (c) 2. of the statutes is renumbered 15.405 (6m) (cm) and amended to read:
-4282.3	15.405 (6m) (d) 1. of the statutes is repealed.
-4282.4	15.405 (6m) (d) 2. of the statutes is renumbered 15.405 (6m) (dm) and amended to read:
-4282.5	15.405 (6m) (e) of the statutes is amended to read:
<b>-4282.6</b>	29.193 (2) (a) 1. of the statutes is amended to read:
<b>-4282.7</b>	29.324 (1) (a) of the statutes is amended to read:
-4282.8	49.45 (8) (a) 7. of the statutes is amended to read:
-4282.9	77.54 (22) (b) of the statutes is amended to read:
-4282.10	102.01 (2) (c) of the statutes is amended to read:
-4278.1	111.335 (1) (cg) 1. of the statutes is amended to read:
-4278.2	111.335 (1) (cg) 2. of the statutes is amended to read:
-4278.3	111.335 (1) (cg) 3. of the statutes is amended to read:
-4278.4	114.103 (1) (c) of the statutes is amended to read:
<b>-4282.11</b>	149.14 (3) (k) of the statutes is amended to read:
-4282.12	149.14 (4) (h) and (i) of the statutes are amended to read:
-4278.5	167.31 (4) (a) 4. (intro.) of the statutes is amended to read:
-4278.6	167.31 (4) (a) 4. a. of the statutes is amended to read:
<b>-4278.7</b>	440.03 (7m) of the statutes is amended to read:
-4282.13	440.04 (8) of the statutes is repealed.
<b>-4282.14</b>	440.05 (intro.) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:
-4282.15	440.08 (2) (a) (intro.) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:
-4282.16	440.23 (1) of the statutes is amended to read:
-4278.8	440.26 (title) of the statutes is repealed.
-4278.9	440.26 (1) (title) of the statutes is renumbered 440.28 (title).
-4278.10	440.26 (1) (a) (intro.) of the statutes is renumbered 440.28 (1) (intro.) and amended to read:

-4278.11	440.26 (1) (a) 1., 2., 3. and 4. of the statutes are renumbered 440.28 (a), (b), (c) and (d).
<b>-4278.12</b>	440.26 (1) (a) 11. of the statutes is renumbered 440.28 (1) (e) amended to read:
-4278.13	440.26 (1) (b) of the statutes is renumbered 440.28 (2) and amende read:
-4278.14	440.26 (1m) (intro.) of the statutes is repealed.
-4278.15	440.26 (1m) (h) of the statutes is renumbered 440.27 (1).
-4278.16	440.26 (2) (title) of the statutes is repealed.
<b>-4278.17</b>	440.26 (2) (a) of the statutes is renumbered 440.30 (1), and 440.30 (a) and (b), as renumbered, are amended to read:
-4278.18	440.26 (2) (b) of the statutes is renumbered 440.30 (2).
-4278.19	440.26 (2) (c) of the statutes is renumbered 440.30 (3) and amende read:
-4278.20	440.26 (3) of the statutes is renumbered 440.30 (4) and amended to re
-4278.21	440.26 (3m) of the statutes is renumbered 440.33 and amended to re
-4278.22	440.26 (4) (title) of the statutes is repealed.
-4278.23	440.26 (4) of the statutes is renumbered 440.30 (3) (e) and amende read:
-4278.24	440.26 (4m) (title) of the statutes is repealed.
-4278.25	440.26 (4m) (a) of the statutes is renumbered 440.27 (2) and amende read:
-4278.26	440.26 (4m) (b) of the statutes is renumbered 440.34 and amended read:
-4278.27	440.26 (5) of the statutes is renumbered 440.29 and amended to rea
-4278.28	440.26 (5m) of the statutes is renumbered 440.31, and 440.31 (1) (a) (c), (2), (3) and (4), as renumbered, are amended to read:
-4278 <b>.</b> 29	440.26 (5r) of the statutes is renumbered 440.32, and 440.32 (1) (a), and (3), as renumbered, are amended to read:
-4278.30	440.26 (6) of the statutes is renumbered 440.35, and 440.35 (1) (introduced (c) and (d), as renumbered, are amended to read:
-4278.31	440.26 (8) of the statutes is renumbered 440.36 and amended to rea
-4278.32	440.27 (intro.) of the statutes is created to read:
<b>-1278.33</b>	440.30 (title) of the statutes is created to read:
-4279.1	443.10 (4) (title) of the statutes is repealed and recreated to read:
-4279.2	443.10 (4) (a) of the statutes is repealed.

-4279.3	443.10 (4) (b) of the statutes is renumbered 443.10 (4).
-4279.4	443.10 (6) of the statutes is repealed.
<b>-4279.5</b>	443.11 (3), (4) and (5) of the statutes are repealed.
<b>-4279.6</b>	443.12 (1) of the statutes is renumbered 443.12.
<b>-4279.7</b>	4/3.12 (2), (3) and (4) of the statutes are repealed.
<b>-4279.8</b>	443.13 of the statutes is amended to read:
<b>-4284.1</b>	448.13 (1) of the statutes is amended to read:
-4284.2	448.13 (1m) of the statutes is amended to read:
-4284.3	448.665 of the statutes is amended to read:
-4285.1	449.18 (7) of the statutes is amended to read:
-4283.1	458.08 (5) of the statutes is repealed.
-4283.2	458.09 (2) (intro.) of the statutes is amended to read:
-4282.17	459.01 (2), (3) and (5) of the statutes are amended to read:
-4282.18	459.02 of the statutes is amended to read:
-4282.19	459.03 (title) of the statutes is amended to read:
-4282.20	459.03 (1) of the statutes is amended to read:
-4282.21	459.03 (2) (b) of the statutes is amended to read:
-4282,22	459.035 of the statutes is amended to read:
-4282.23	459.04 of the statutes is amended to read:
-4282.24	459.05 (1m) of the statutes is amended to read:
<b>-4282.25</b>	459.06 (2) (a) (intro.) and 3. and (b) (intro.) and 4. and (3) of the statutes are amended to read:
-4282.26	459.07 (2) of the statutes is amended to read:
-4282.27	459.08 (1) of the statutes is amended to read:
-4282.28	459.085 of the statutes is amended to read:
-4282.29	459.095 (3) of the statutes is amended to read:
-4282.30	459.10 (1) (d), (e), (j), (k) and (p) of the statutes are amended to read:
-4282.31	459.14 (2) of the statutes is amended to read:
-4282.32	459.20 (2) (b) of the statutes is amended to read:
-4282.33	459.20 (3g) of the statutes is amended to read:
-4282.34	459.20 (3p) of the statutes is amended to read:
-4282.35	459.22 (1) of the statutes is repealed.
-4282.36	459.22 (2) of the statutes is renumbered 459.22, and 459.22 (2) and (3), as renumbered, are amended to read:
-4282.37	459.24 (1m) of the statutes is amended to read:

•	
4	
-4282.38	459.24 (3m) of the statutes is amended to read:
-4282.39	459.26 (2) (b) (intro.) of the statutes is amended to read:
-4282.40	459.26 (2) (b) 4. of the statutes is amended to read:
-4282.41	459.34 (2) (ce) of the statutes is amended to read:
_4282.42	459.34 (2) (cm) of the statutes is amended to read:
-4282.43	459.34 (2) (cs) of the statutes is amended to read:
-4282.44	Subchapter III of chapter 459 [precedes 459.40] of the statutes is repealed.
-4278.34	895.527 (6) of the statutes is amended to read:
-4278.35	940.34 (1) (b) of the statutes is amended to read:
-4278.36	940.34 (2) (b) of the statutes is amended to read:
-4278.37	940.34 (2) (c) 1. of the statutes is amended to read:
-4278.38	941.237 (1) (em) of the statutes is amended to read:
-4278.39	941.237 (3) (cm) 1. of the statutes is amended to read:
-4282.45	968.27 (7) (b) of the statutes is amended to read:
-4284.4	Initial applicability; regulation and licensing.



 $\mathbf{2}$ 

# State of Misconsin

LRB-4696/P1 PG:...:ch

# PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

LPS: Turn off
ALL
ATTORNEY DRAFT
NUMBERS

Regeneral

AN ACT to repeal 15.405 (6m) (c) 1., 15.405 (6m) (d) 1., 440.04 (8), 440.26 (title), 440.26 (1m) (intro.), 440.26 (2) (title), 440.26 (4) (title), 440.26 (4m) (title), 443.10 (4) (a), 443.10 (6), 443.11 (3), (4) and (5), 443.12 (2), (3) and (4), 458.08 (5), 459.22 (1) and subchapter III of chapter 459 [precedes 459.40]; to renumber 440.26 (1) (title), 440.26 (1) (a) 1., 2., 3. and 4., 440.26 (1m) (h), 440.26 (2) (b), 443.10 (4) (b) and 443.12 (1); to renumber and amend 15.405 (6m) (c) 2., 15.405 (6m) (d) 2., 440.26 (1) (a) (intro.), 440.26 (1) (a) 11., 440.26 (1) (b), 440.26 (2) (a), 440.26 (2) (c), 440.26 (3), 440.26 (3m), 440.26 (4), 440.26 (4m) (a), 440.26 (4m) (b), 440.26 (5), 440.26 (5m), 440.26 (5r), 440.26 (6), 440.26 (8) and 459.22 (2); to amend 15.405 (6m) (e), 29.193 (2) (a) 1., 29.324 (1) (a), 49.45 (8) (a) 7., 77.54 (22) (b), 102.01 (2) (c), 111.335 (1) (cg) 1., 111.335 (1) (cg) 2., 111.335 (1) (cg) 3., 114.103 (1) (c), 149.14 (3) (k), 149.14 (4) (h) and (i), 167.31 (4) (a) 4. (intro.), 167.31 (4) (a) 4. a., 440.03 (7m), 440.05 (intro.), 440.08 (2) (a) (intro.), 440.23 (1), 443.13, 448.13 (1), 448.13 (1m), 448.665, 449.18 (7), 458.09 (2) (intro.), 459.01 (2), (3) and (5), 459.02, 459.03 (title), 459.03 (1), 459.03 (2)

(b), 459.035, 459.04, 459.05 (1m), 459.06 (2) (a) (intro.) and 3. and (b) (intro.) an	d
4. and (3), 459.07 (2), 459.08 (1), 459.085, 459.095 (3), 459.10 (1) (d), (e), (j), (k)	c)
and (p), 459.14 (2), 459.20 (2) (b), 459.20 (3g), 459.20 (3p), 459.24 (1m), 459.2	4
(3m), 459.26 (2) (b) (intro.), 459.26 (2) (b) 4., 459.34 (2) (ce), 459.34 (2) (cm	),
459.34 (2) (cs), 895.527 (6), 940.34 (1) (b), 940.34 (2) (b), 940.34 (2) (c) 1., 941.23	7
(1) (em), 941.237 (3) (cm) 1. and 968.27 (7) (b); to repeal and recreate 443.1	0
(4) (title); and to create 440.27 (intro.) and 440.30 (title) of the statutes	5;
relating to: continuing education requirements for optometrists continuing	TO.
use therapeutic pharmaceutical agants or to remove foreign bodies from an ey	<u>e</u>
languested as remedial legislation by the department of regulation an	d_
licensing); continuing education for physicians and podiatrists (suggested a	S
remedial legislation by the department of regulation and licensing	<b>)</b> ;
disciplinary action taken and rosters prepared by the examining board of	of
architects, landscape architects, professional engineers, designers, and lan	d
surveyors (suggested as remodial legislation by the department of regulation	<u>n</u> _
and licensing; private detective and private detective agency licenses an	d
private security permits suggested as remedial legislation by the department	it
of regulation and licensing eliminating outdated references to transitions	al
appraiser licenses suggested as remedial legislation by the department	
regulation and licensing), eliminating outdated references to certificates of	of
registration to practice audiology and speech-language pathology	d-

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Sub Continuing education requirements for optimetrate

replacing the term, hearing aid, with the term, hearing instrument (suggested

as remedial legislation by the department of regulation and licensing).

Analysis by the Legislative Reference Bureau
\*\*\*\* ANALYSIS FROM -4285/P1 \*\*\*

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.

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

Index current law a physician on redictorist mount was a line

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.

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

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,

Disciplinary action; architects, landscape architects, engineers, designers and land surveyors
timming education requirements for physicians and predintristen

Private detectives and private recurity permits

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.

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

\*\*\* ANALYSIS FROM 4278/PT \*\*\*

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

Also under current law, 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.

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.

\*\*\*\* ANALYSIS FROM 4283/R1 \*\*\*

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

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

\*\*\* ANALYSIS FROM \ 4282/P1 \*\*\*

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.

Outdated references

SPACE] Hearing instruments

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.

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.

\*-4282/P1.1\* \*-3543/1.1\* \*-4773/P1.1\*) SECTION 1. 15.405 (6m) (c) 1. of the 1 2

statutes is repealed.

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-4282/P1.2\* \*-3543/1.2\* \*-4773/P1.2\*) SECTION 2. 15.405 (6m) (c) 2. of the

statutes is renumbered 15.405 (6m) (cm) and amended to read:

15.405 (6m) (cm) One audiologist licensed under subch. II of ch. 459. This

6 subdivision applies after June 30, 1993.

4282/P1.3\* \*-3543/1.3\* \*-4773/P1.3\*) Section 3. 15.405 (6m) (d) 1. of the

8 statutes is repealed.

\*-4282/P1.4\* \*-3543/1.4\* \*-4773/P1.4\* SECTION 4. 15.405 (6m) (d) 2. of the 9

10 statutes is renumbered 15.405 (6m) (dm) and amended to read:

15.405 (6m) (dm) One speech-language pathologist licensed under subch. II

of ch. 459. This subdivision applies after June 30, 1993.

1	*-4282/P1.5* *-3543/1.5* *-4773/P1.5* SECTION 5. 15.405 (6m) (e) of the
2	statutes is amended to read:
3	15.405 (6m) (e) Two public members. One of the public members shall be a
4	hearing aid <u>instrument</u> user.
5	*-4282/P1.6* *-3543/1.10* *-4773/P1.8* Section 6. 29.193 (2) (a) 1. of the
6	statutes is amended to read:
7	29.193 (2) (a) 1. "Accompanied" means being subject to continuous visual or
8	voice contact without the aid of any mechanical or electronic amplifying device other
9	than a hearing aid instrument.
10	(*-4282/P1.7* *-3543/1.11* *-4773/P1.9*) Section 7. 29.324 (1) (a) of the
11	statutes is amended to read:
12	29.324 (1) (a) "Contact" means visual or voice contact without the aid of any
13	mechanical or electronic amplifying device other than a hearing aid instrument.
14	*=4282/P1.8* *-3543/1.13* *-4773/P1.10* SECTION 8. 49.45 (8) (a) 7. of the
15	statutes is amended to read:
16	49.45 (8) (a) 7. "Speech-language pathologist" means an individual engaged
17	in the practice of speech-language pathology, as regulated under ch. 459 has the
18	meaning given in s. 459.20 (4).
19	*-4282/P1.9* *-3543/1.15* *-4773/P1.11* SECTION 9. 77.54 (22) (b) of the
20	statutes is amended to read:
21	77.54 (22) (b) Artificial limbs, artificial eyes, hearing aids instruments, and
22	other equipment worn as a correction or substitute for any functioning portion of the
23	body.
24	*-4282/P1.10* *-3543/1.18* *-4773/P1.12* SECTION 10. 102.01 (2) (c) of the
25	statutes is amended to read:

1	102.01 (2) (c) "Injury" means mental or physical harm to an employee caused
2	by accident or disease, and also means damage to or destruction of artificial
(3)	members, dental appliances, teeth, hearing aids instruments, and eyeglasses, but, in
4	the case of hearing aids instruments or eyeglasses, only if such damage or
5	destruction resulted from accident which that also caused personal injury entitling
6	the employee to compensation therefor either for disability or treatment.
7	*4278/P1.1* *-3546/1.1*) SECTION 11. 111.335 (1) (cg) 1. of the statutes is
8	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	*-4278/P1.2* *-3546/1.2* SECTION 12. 111.335 (1) (cg) 2. of the statutes is
14	amended to read:
15	111.335 (1) (cg) 2. Notwithstanding s. 111.322, it is not employment
16	discrimination because of conviction record to revoke a license or permit under s.
17	440.26 (6) (b) 440.35 (2) if the person holding the license or permit has been convicted
18	of a felony and has not been pardoned for that felony.
19	*-4278/P1.3* *-3546/1.3* SECTION 13. 111.335 (1) (cg) 3. of the statutes is
20	amended to read:
21	111.335 (1) (cg) 3. Notwithstanding s. 111.322, it is not employment
22	discrimination because of conviction record to refuse to employ a person in a business
23	licensed under s. 440.26 subch. II of ch. 440 or as an employee specified in s. 440.26
24	(5) (b) 440.29 (2) if the person has been convicted of a felony and has not been
25	pardoned for that felony.
	来,"我们就是我们的,我们就是我们的,我们就是我们的,我们就是我们的,我们就没有一个人,我们就没有一个人,我们就没有一个人,我们就没有一个人,我们就没有一个人, "我们就是我们就是我们的,我们就是我们的我们就是我们的我们就是我们的我们的我们的我们的我们的我们的我们的我们的我们的我们的我们的我们的我们的我

1	*-4278/P1.4* *-3546/1.4* SECTION 14. 114.103 (1) (c) of the statutes is
2	amended to read:
3	114.103 (1) (c) "Private security person" has the meaning given in s. 440.26
<b>4</b> `	(1m) (h) 440.27 (1), but does not include any law enforcement officer.
5	*-4282/P1.11* *-3543/1.23* *-4773/P1.13* Section 15. 149.14 (3) (k) of the
6	statutes is amended to read:
7	149.14 (3) (k) Rental or purchase, as appropriate, of durable medical
8	equipment or disposable medical supplies, other than eyeglasses and hearing aids
. 9	<u>instruments</u> .
10	*_4282/P1.12* *_3543/1.24* *_4773/P1.14*)SECTION 16. 149.14 (4) (h) and (i)
11	of the statutes are amended to read:
12	149.14 (4) (h) Eyeglasses and hearing aids instruments.
13	(i) Routine physical examinations, including routine examinations to
14	determine the need for eyeglasses and hearing aids instruments.
15	*-4278/P1.5* *-3546/1.5* SECTION 17. 167.31 (4) (a) 4. (intro.) of the statutes
16	is amended to read:
17	167.31 (4) (a) 4. (intro.) A private security person, as defined in s. 440.26 (1m)
18	440.27 (1), who meets all of the following requirements:
19	*-4278/P1.6* *-3546/1.6* SECTION 18. 167.31 (4) (a) 4. a. of the statutes is
20	amended to read:
21	167.31 (4) (a) 4. a. He or she holds either a private detective license issued
22	under s. 440.26 (2) (a) 2. or a private security permit issued under s. 440.26 (5) subch.
23	II of ch. 440.
24	*-4278/P1.7* *-3546/1.7* SECTION 19. 440.03 (7m) of the statutes is amended
25	to read:

440.03 (7m) The department may promulgate rules that establish procedures
for submitting an application for a credential or credential renewal by electronic
transmission. Any rules promulgated under this subsection shall specify procedures
for complying with any requirement that a fee be submitted with the application.
The rules may also waive any requirement in chs. 440 to 480 that an application
submitted to the department, an examining board, or an affiliated credentialing
board be executed, verified, signed, sworn, or made under oath, notwithstanding ss.
440.26 (2) (b) 440.30 (2), 440.42 (2) (intro.), 440.91 (2) (intro.), 443.06 (1) (a), 443.10
(2) (a), 445.04 (2), 445.08 (4), 445.095 (1) (a), 448.05 (7), 450.09 (1) (a), 452.10 (1), and
480.08 (2m).
*-4282/P1.13* *-3543/1.25* *-4773/P1.15* SECTION 20. 440.04 (8) of the
statutes is repealed.
*-4282/P1.14* *-3543/1.26* *-4773/P1.16* Section 21. 440.05 (intro.) of the
statutes, as affected by 2001 Wisconsin Act 16, is amended to read:
440.05 Standard fees. (intro.) The following standard fees apply to all initial
credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 444.03, 444.05,
444.11, 447.04 (2) (c) 2., 449.17, and 449.18 and 459.46:
(*-4282/P1.15* *-3543/1.27* *-4773/P1.17*) SECTION 22. 440.08 (2) (a) (intro.)
*-4282/P1.15* *-3543/1.27* *-4773/P1.17*) SECTION 22. 440.08 (2) (a) (intro.) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:
of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:
of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read: 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,
of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read: 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04, 444.03, 444.05, 444.11, 448.065, 447.04 (2) (c) 2., 449.17, and 449.18 and 459.46, the

1	440.23 (1) If the holder of a credential pays a fee required under s. $440.05$ (1)
2	or (6), 440.08, 444.03, 444.05, <u>or</u> 444.11 <del>or 459.46 (2) (b)</del> by check or debit or credit
3	card, and the check is not paid by the financial institution upon which the check is
4	drawn or if the demand for payment under the debit or credit card transaction is not
5	paid by the financial institution upon which demand is made, the department may
6	cancel the credential on or after the 60th day after the department receives the notice
7	from the financial institution, subject to sub. (2).
8	*-4278/P1.8* *-3546/1.8* SECTION 24. 440.26 (title) of the statutes is repealed.
9	*-4278/P1.9* *-3546/1.9* SECTION 25. 440.26 (1) (title) of the statutes is
10	renumbered 440.28 (title).
11	*-4278/P1.10* *-3546/1.11* SECTION 26. 440.26 (1) (a) (intro.) of the statutes
12	is renumbered 440.28 (1) (intro.) and amended to read:
13	440.28 (1) (intro.) No Except as provided in s. 440.29 and in rules promulgated
14	under sub. (2), no person may do any of the following unless he or she has a license
15	or permit issued under this section subchapter:
16	*-4278/P1.11* Section 27. 440.26 (1) (a) 1., 2., 3. and 4. of the statutes are
17	renumbered 440.28 (1) (a), (b), (c) and (d).
18	*-4278/P1.12* *-3546/1.10* SECTION 28. 440.26 (1) (a) 11. of the statutes is
19	renumbered 440.28 (1) (e) and amended to read:
<b>2</b> 0	440.28 (1) (c) Receive any fees or compensation for acting as any person,
21	engaging in any business, or performing any service specified in subds. 1. to 4. pars.
22	(a) to (d).
23	*-4278/P1.13* *-3546/1.12* SECTION 29. 440.26 (1) (b) of the statutes is
24	renumbered 440.28 (2) and amended to read:

1	440.28 (2) The In addition to the exemptions specified under s. 440.29, the
2	department may promulgate rules specifying activities in which a person may
3	engage without obtaining a license or permit under this section subchapter.
4	*-4278/P1.14* *-3546/1.13* SECTION 30. 440.26 (1m) (intro.) of the statutes
5	is repealed.
6	*-4278/P1.15* *-3546/1.14* SECTION 31. 440.26 (1m) (h) of the statutes is
7	renumbered 440.27 (1).
8	*-4278/P1.16* *-3546/1.15* SECTION 32. 440.26 (2) (title) of the statutes is
9	repealed.
10	*-4278/P1.17* *-3546/1.16* SECTION 33. 440.26 (2) (a) of the statutes is
11	renumbered 440.30 (1), and 440.30 (1) (a) and (b), as renumbered, are amended to
12	read:
13	440.30 (1) (a) Issue a private detective agency license to an individual,
14	partnership, limited liability company, or corporation that meets the qualifications
15	specified under par. (c) sub. (3). The department may not issue a license under this
16	subdivision paragraph unless the individual or each member of the partnership or
17	limited liability company or officer or director of the corporation who is actually
18	engaged in the work of a private detective is issued a private detective license under
19	this section par. (b).
20	(b) Issue a private detective license to an individual who meets the
21	qualifications specified under par. (c) sub. (3) if the individual is an owner, coowner,
22	or employee of a private detective agency required to be licensed under this section
23	par. (a).
24	*-4278/P1.18* *-3546/1.17* SECTION 34. 440.26 (2) (b) of the statutes is
25	renumbered 440.30 (2).

1	*-4278/P1.19* *-3546/1.18* SECTION 35. 440.26 (2) (c) of the statutes is
2	renumbered 440.30(3) and amended to read:
3	440.30 (3) Approval Qualifications. (a) Subject to subds. 2. and 3. pars. (b)
4	and (c), the department shall prescribe, by rule, such the qualifications as it deems
5	appropriate, with due regard to required for a license under this subchapter. In
6	promulgating rules under this paragraph, the department shall consider
7	investigative experience, special professional education and training, and other
8	factors bearing on professional competence.
9	(b) An individual who has been convicted in this state or elsewhere of a felony
10	and who has not been pardoned for that felony is not eligible for a license under this
11	section subchapter.
12	(c) The department may not issue a license under this section subchapter to an
13	individual unless the individual is over 18 years of age.
14	(d) The department, in considering applicants an applicant for a license, shall
15	seek the advice of the appropriate local law enforcement agency or governmental
16	official, and conduct such further investigation, as it deems proper to determine the
17	competence of the applicant.
18	*-4278/P1.20* *-3546/1.19* SECTION 36. 440.26 (3) of the statutes is
19	renumbered 440.30 (4) and amended to read:
20	440.30 (4) Issuance and renewal of licenses; fees. Upon receipt and
21	examination of an application executed under sub. (2), and after After any
22	investigation of an applicant for a license that it the department considers necessary,
23	the department shall, if it determines that the applicant is qualified satisfies the
24	requirements of this section, grant the proper license upon payment of the fee
25	specified in s. 440.05 (1). No license shall be issued for a longer period than 2 years,

\*-4278/P1.21\* \*-3546/1.20\* SECTION 37. 440.26 (3m) of the statutes is renumbered 440.33 and amended to read:

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

Note: Section 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.

\*-4278/P1.22\* \*-3546/1.21\* SECTION 38. 440.26 (4) (title) of the statutes is repealed.

(\*-4278/P1.23\* \*-3546/1.22\*) SECTION 39. 440.26 (4) of the statutes is

\*-4278/P1.23\* \*-3546/1.22\*) SECTION 39. 440.26 (4) of the statutes is renumbered 440.30 (3) (e) and amended to read:

440.30 (3) (e) No license may be issued under this section subchapter until a bond or liability policy, approved by the department, in the amount of \$100,000 if the applicant for the license is a private detective agency and includes all principals,

1	partners, members, or corporate officers, or in the amount of \$2,000 if the applicant
2	is a private detective, has been executed and filed with the department. Such bonds
3	or liability policies shall be furnished by an insurer authorized to do a surety
4	business in this state in a form approved by the department.
5	*-4278/P1.24* *-3546/1.23* SECTION 40. 440.26 (4m) (title) of the statutes is
6	repealed.
7	*-4278/P1.25* *-3546/1.24* Section 41. 440.26 (4m) (a) of the statutes is
8	renumbered 440.27 (2) and amended to read:
9	440.27 (2) Definition. In this subsection, "violation" "Violation" means a
10	violation of any state or local law that is punishable by a forfeiture.
11	*-4278/P1.26* *-3546/1.25* SECTION 42. 440.26 (4m) (b) of the statutes is
12	renumbered 440.34 and amended to read:
13	440.34 Reporting requirement violations of law. A person who holds a
14	license or permit issued under this section subchapter and who is convicted of a
15	felony or misdemeanor, or is found to have committed a violation, in this state or
16	elsewhere, shall notify the department in writing of the date, place, and nature of the
17	conviction or finding within 48 hours after the entry of the judgment of conviction or
18	the judgment finding that the person committed the violation. Notice may be made
19	by mail and may be proven by showing proof of the date of mailing the notice.
20	*-4278/P1.27* *-3546/1.26* SECTION 43. 440.26 (5) of the statutes is
21	renumbered 440.29 and amended to read:
22	440.29 Exemptions from licensing. (1) The requirement that a person
23	acting as a private detective, investigator, or special investigator be licensed under
24	this section subchapter does not apply to attorneys, law students, or law school
25	graduates employed by an attorney or persons directly employed by an attorney or

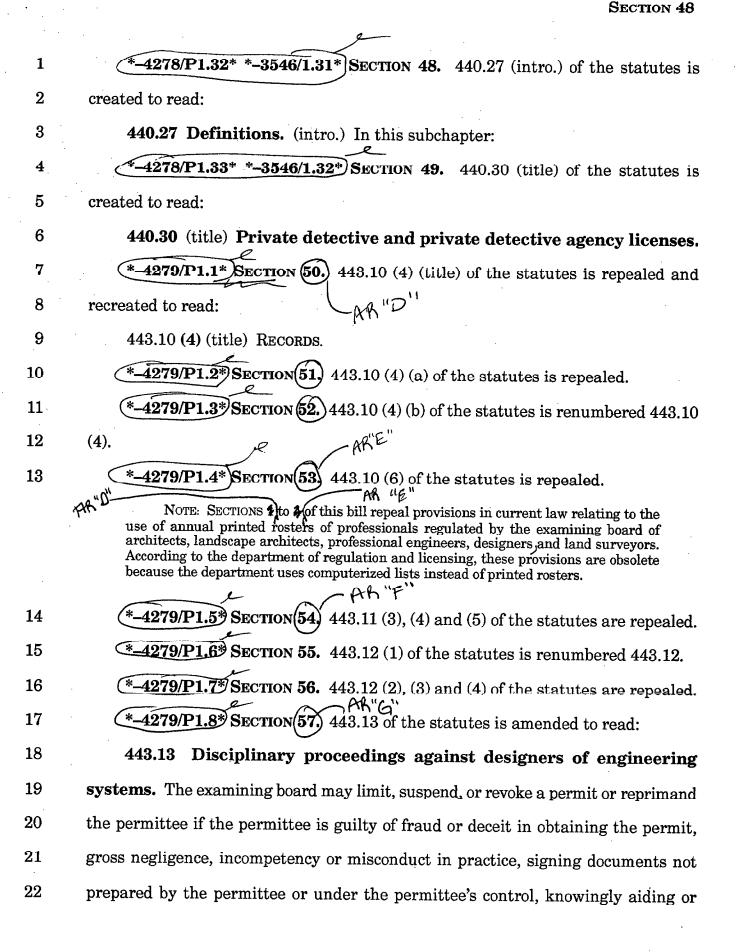
- firm of attorneys whose work as private detective, investigator, or special investigator is limited to such attorney or firm or to persons directly employed by an insurer or a retail credit rating establishment. A person who accepts employment with more than one law firm shall be subject to the licensing provisions of this section subchapter.
- (2) The license requirements of this section subchapter do not apply to any person employed directly or indirectly by the state or by a municipality, as defined in s. 345.05 (1) (c), or to any employee of a railroad company under s. 192.47, or to any employee of a commercial establishment, while the person is acting within the scope of his or her employment and whether or not he or she is on the employer's premises.
- (3) An employee of any agency that is licensed as a private detective agency under this section subchapter and that is doing business in this state as a supplier of uniformed private security personnel to patrol exclusively on the private property of industrial plants, business establishments, schools, colleges, hospitals, sports stadiums, exhibits, and similar activities is exempt from the license requirements of this section subchapter while engaged in such employment, if all of the following apply:
- (a) The employee obtains a private security permit under this sub. (5m) s. 440.31.
- (b) The private detective agency furnishes an up-to-date written record of its employees to the department. The record shall include the name, residence address, date of birth, and a physical description of each employee together with a recent photograph and 2 fingerprint cards bearing a complete set of fingerprints of each employee.

1	(c) The private detective agency notifies the department in writing within 5
2	days of any change in the information under subd. 2. par. (b) regarding its employees,
3	including the termination of employment of any person.
4	*-4278/P1.28* *-3546/1.27* SECTION (44.) 440.26 (5m) of the statutes is
5	renumbered 440.31, and 440.31 (1) (a) and (c), (2), (3) and (4), as renumbered, are
6	amended to read:
7	440.31 (1) (a) The individual submits an application for a private security
8	permit to the department on a form provided by the department and includes with
9	the application a recent photograph and 2 fingerprint cards bearing a complete set
10	of his or her fingerprints.
11	(c) The individual provides evidence satisfactory to the department that he or
12	she is an employee of a private detective agency described in sub. (5) (e) s. 440.29 (3)
13	(intro.).
14	(2) The renewal dates for permits issued under this subscetion section are
15	specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the
16	department on a form provided by the department and shall include the renewal fee
17	specified in s. 440.08 (2) (a).
18	(3) A private security permit issued under this subsection section authorizes
19	the holder of the permit to engage in private security activities described in sub. (5)
20	(e) s. 440.29 (3) (intro.) for an employer described in sub. (5) (c) s. 440.29 (3) (intro.)
21	anywhere in this state.
22	(4) The department shall maintain a record pertaining to each applicant for a
23	permit under this subsection section and each holder of a permit issued under this
24	subsection section. The record shall include all information received by the

1	department that is relevant to the approval or denial of the application, the issuance
2	of the permit, and any limitations, suspensions, or revocations of the permit.  Note: Sections and A 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.
3	4278/P1.29* *-3546/1.28* SECTION 45. 440.26 (5r) of the statutes is
4	renumbered 440.32, and 440.32 (1) (a), (2) and (3), as renumbered, are amended to
5	read:
6	440.32 (1) (a) The individual has completed an application and provided
7	information required under sub. (5m) (a) s. 440.31 (1).
8	(2) (a) Except as provided in subd. 2. par. (b), an individual who has been issued
9	a temporary private security permit under par. (a) sub. (1) may act as a private
10	security person in the same manner as an individual issued a private security permit
11	under <del>sub. (5m)</del> <u>s. 440.31</u> .
12	(b) An individual may not carry a dangerous weapon while acting as a private
13	security person under a temporary private security permit issued under par. (a) sub.
14	<u>(1)</u> .
15	(3) (a) Except as provided in subd. 2. par. (b), a temporary private security
16	permit issued under par. (a) sub. (1) is valid for 30 days.
17	(b) A temporary private security permit issued under par. (a) sub. (1) shall
18	expire on the date that the individual receives written notice from the department
19	that a background check of the individual has been completed and that the
20	department is granting or denying the individual's application for a private security

permit, if that date occurs before the end of the period specified in subd. 1 par. (a).

1	(c) A temporary private security permit issued under par. (a) sub. (1) may not
2	be renewed.
3	*-4278/P1.30* *-3546/1.29* SECTION 46. 440.26 (6) of the statutes is
4	renumbered 440.35, and 440.35 (1) (intro.), (c) and (d), as renumbered, are amended
5	to read:
6	440.35 Discipline. (1) (intro.) Subject to the rules adopted under s. 440.03
7	(1), the department may reprimand the holder of a license or permit issued under this
8	section subchapter or revoke, suspend, or limit the license or permit of any person
9	who has done any of the following:
10	(c) Made a false statement in connection with any application for a license or
11	permit under this section subchapter
12	(d) Violated this section subchapter or any rule promulgated or order issued
13	under this section subchapter.
14	*-4278/P1.31* *-3546/1.30* Section 47. 440.26 (8) of the statutes is
15	renumbered 440.36 and amended to read:
16	440.36 Penalties. Any person, acting as a private detective, investigator, or
17	private security person, or who employs any person who solicits, advertises, or
18	performs services in this state as a private detective or private security person, or
19	investigator or special investigator, without having procured the license or permit
20	required by this section subchapter, may be fined not less than \$100 nor more than
21	\$500 or imprisoned not less than 3 months nor more than 6 months or both. Any
22	agency having an employee, owner, officer, or agent convicted of the above offense
23	may have its agency license revoked or suspended by the department. Any person
24	convicted of the above offense shall be ineligible for a license for one year.



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

NOTE: SECTIONS to 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.

\*-4284/P1.1\* \*-3543/1.53\* \*-4779/P1.1\* SECTION 58. 448.13 (1) of the statutes is amended to read:

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

\*-4284/P1.2\* Section 59.) 448.13 (1m) of the statutes is amended to read:

448.13 (1m) The board shall, on a random basis, verify the accuracy of proof submitted by physicians under sub. (1) and may, at any time during the 2 calendar years 2-year period specified in sub. (1), require a physician to submit proof of any continuing education programs or courses of study that he or she has attended and 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 require 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.

\*-4284/P1.3\* SECTION 60 448.665 of the statutes is amended to read:

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

LRB-4 P(	696 3:	
SECTI	ON	61

*-4285/P1.1* *-3543/1.54*	*-4780/P1.6*	Section 61.	449.18 (7) of the
statutes is amended to read:			

449.18 (7) The examining board shall promulgate rules requiring applicants for renewal under sub. (4) to attend continuing education courses approved by the examining board. The rules shall establish criteria for the approval of such courses and may not require an applicant for renewal to attend more than 30 hours of courses within the 2 calendar years immediately preceding the expiration date specified in 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.

\*-4283/P1.1\* \*-3543/1.55\* \*-4775/P1.1\* SECTION 62. 458.08 (5) of the statutes is repealed.

\*-4283/P1.2\* \*-3543/1.56\* \*-4775/P1.2\* SECTION 63. 458.09 (2) (intro.) of the statutes is amended to read:

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

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.

\*-4282/P1.17\* \*-3543/1.57\* \*-4773/P1.19\* SECTION 64. 459.01 (2), (3) and (5) of the statutes are amended to read:

459.01 (2) "Hearing aid <u>instrument</u>" means any wearable instrument or device designed for or offered for the purpose of aiding or compensating for impaired human

- hearing and any parts, attachments, or accessories of such an instrument or device, except batteries and cords.
- (3) "Hearing instrument specialist" means any person who is or is required to be licensed under s. 459.05 to engage in the practice of dealing in or fitting hearing aids instruments.
- (5) "Practice of fitting and dealing in hearing aids <u>instruments</u>" means the measurement of human hearing by means of an audiometer or by any other means accepted by the examining board solely for the purpose of making selections, adaptations, or sales of hearing aids <u>instruments</u> intended to compensate for impaired hearing. This term also includes making impressions for ear molds.
- \*-4282/P1.18\* \*-3543/1.58\* Section 65. 459.02 of the statutes is amended to read:
- 459.02 License required to sell and fit hearing aids instruments. (1) No person may engage in the practice of selling or fitting hearing aids instruments or display a sign or in any other way advertise or represent himself or herself as a person who practices the fitting or sale of hearing aids instruments unless he or she holds a valid license issued under this subchapter or a valid license or permit to practice audiology issued under subch. II. The license required by s. 459.05 shall be conspicuously posted in his or her office or place of business as registered with the department at all times. Duplicate licenses shall be issued by the department under this subchapter to valid license holders operating more than one office without additional payment.
- (2) Nothing in this subchapter or subch. II shall prohibit any corporation or mercantile establishment which that maintains an established business address from engaging in the business of selling or offering for sale hearing aids instruments

1	at retail without a license, provided that for the purpose of selling and fitting hearing
2	aids instruments it employs persons licensed under this subchapter or persons
3	issued licenses or permits to practice audiology under subch. II. Such corporation
4 ~	or mercantile establishment shall annually file with the examining board a list of all
5	persons employed for the purpose of selling and fitting hearing aids instruments.
6	*-4282/P1.19* *-3543/1.59* *-4773/P1.22* SECTION 66. 459.03 (title) of the
7	statutes is amended to read:
8	459.03 (title) Receipt required to be furnished to a person supplied
9	with hearing aid instrument.
10	*-4282/P1.20* *-3543/1.60* SECTION 67. 459.03 (1) of the statutes is amended
11	to read:
12	459.03 (1) Whoever practices fitting or selling of hearing aids instruments
13	under this subchapter shall deliver to each person supplied with a hearing aid
14	instrument a receipt. The receipt shall contain the licensee's signature and show the
15	licensee's business address and certificate number, together with specifications as to
16	the make and model of the hearing aid instrument furnished and full terms of sale
17	clearly stated. If a hearing aid which instrument that is not new is sold, the receipt
18	and the container thereoffmust be clearly marked as "used" or "reconditioned"
19	whichever is applicable.
20	*-4282/P1.21* *-3543/1.61* *-4773/P1.25* SECTION 68. 459.03 (2) (b) of the
21	statutes is amended to read:
22	459.03 (2) (b) A statement that the purchaser has been advised at the outset
23	of the purchaser's relationship with the hearing instrument specialist that any
24	examination or representation made by a hearing instrument specialist in
25	connection with the fitting and selling of this hearing aid instrument is not an

<u>.</u>	examination, diagnosis, or prescription by a person licensed to practice medicine in
2 .	this state and therefore must not be regarded as medical opinion or advice.

\*-4282/P1.22\* \*-3543/1.62\* \*-4773/P1.26\* Section 69. 459.035 of the statutes is amended to read:

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

\*-4282/P1.23\* \*-3543/1.63\* \*-4773/P1.27\* SECTION 70. 459.04 of the statutes is amended to read:

459.04 Seller's guarantee. The seller of a hearing aid <u>instrument</u> shall give to the purchaser a personal guarantee that is at least identical in its terms to the guarantee of the manufacturer of the hearing aid <u>instrument</u>.

\*-4282/P1.24\* \*-3543/1.64\* \*-4773/P1.28\* Section 71. 459.05 (1m) of the statutes is amended to read:

459.05 (1m) Whenever the examining board determines that another state or jurisdiction has requirements equivalent to or higher than those in effect in the state for the practice of fitting and selling hearing aids instruments, and that such state or jurisdiction has a program equivalent to or stricter than the program for determining whether applicants in this state are qualified to fit and sell hearing aids instruments, the department may issue a license by reciprocity to applicants who hold valid certificates or licenses to deal in or fit hearing aids instruments in such other state or jurisdiction, who pay the fee specified in s. 440.05 (2), and who are otherwise qualified for licensure. No applicant for a license by reciprocity under this

1	subsection shall be required to submit to or undergo a qualifying examination, if the
2	applicant personally appears at the next meeting of the examining board after filing
3	the application to answer any questions the examining board has.
4	*-4282/P1.25* *-3543/1.65* *-4773/P1.29* Section 72. 459.06 (2) (a) (intro.)
5	and 3. and (b) (intro.) and 4. and (3) of the statutes are amended to read:
6	459.06 (2) (a) (intro.) Tests of knowledge in the following areas as they pertain
7	to the fitting of hearing aids <u>instruments</u> :
8	3. The function of hearing aids instruments.
9	(b) (intro.) Practical tests of proficiency in the following techniques as they
10	pertain to the fitting of hearing aids instruments:
11	4. Recording and evaluation of audiograms and speech audiometry to
12	determine proper selection and adaption of a hearing aid instrument.
13	(3) The applicant for license by examination shall appear at a time and place
14	as the examining board designates, to be examined by means of written and practical
15	tests in order to demonstrate that he or she is qualified to practice the fitting of
16	hearing aids instruments. Such examinations shall be conducted at least twice a
17	year and at such other times and places designated by the examining board.
18	*-4282/P1.26* *-3543/1.66* *-4773/P1.30* SECTION 73. 459.07 (2) of the
19	statutes is amended to read:
20	459.07 (2) Upon receiving an application under this section, accompanied by
21	the fee under s. 440.05 (6), the examining board may grant a trainee permit which
22	may entitle the applicant to practice fitting of hearing aids instruments for a period
23	of one year. A person holding a valid hearing instrument specialist license shall be

responsible for the direct supervision and training of the applicant and shall be liable

for all	negligent	acts	and	omissions	of	the	trainee	in	the	fitting	of	hearing	aids
instrur	ments.				•								

\*-4282/P1.27\* \*-3543/1.67\* \*-4773/P1.31\* SECTION 74. 459.08 (1) of the statutes is amended to read:

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

\*-4282/P1.28\* \*-3543/1.68\* \*-4773/P1.32\* SECTION 75. 459.085 of the statutes is amended to read:

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

\*-4282/P1.29\* \*-3543/1.69\* SECTION 76. 459.095 (3) of the statutes is amended to read:

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

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

- \*-4282/P1.30\* \*-3543/1.70\* \*-4773/P1.35\* SECTION 77. 459.10 (1) (d), (e), (j), (k) and (p) of the statutes are amended to read:
- 459.10 (1) (d) Been found guilty of an offense the circumstances of which substantially relate to the practice of fitting and dealing in hearing aids instruments.
- (e) Violated this subchapter or ch. 440 or any federal or state statute or rule which that relates to the practice of fitting and dealing in hearing aids instruments.
- (j) Engaged in conduct which that evidenced a lack of knowledge or ability to apply principles or skills of the practice of fitting and dealing in hearing aids instruments.
- (k) Engaged in unprofessional conduct. In this subsection, "unprofessional conduct" means the violation of any standard of professional behavior which that through experience, state statute, or administrative rule has become established in the practice of fitting and dealing in hearing aids instruments.
- (p) Sold a hearing aid instrument to a person who was not given tests using appropriate procedures and instrumentation or without proper measurement of the functional intensity and range of the person's hearing.

1	*-4282/P1.31* *-3543/1.71* *-4773/P1.36* Section 78. 459.14 (2) of the
2	statutes is amended to read:
3	459.14 (2) This subchapter does not apply to a person engaged in the practice
4	of measuring human hearing for selecting hearing aids instruments or any other
5	purpose if the person or the organization employing such person does not sell hearing
6	aids instruments or hearing accessories.
7	*-4282/P1.32* *-3543/1.72* SECTION 79. 459.20 (2) (b) of the statutes is
8	amended to read:
9	459.20 (2) (b) Engaging in the practice of fitting and dealing in hearing aids
10	instruments.
11	*-4282/P1.33* *-3543/1.73* Section 80. 459.20 (3g) of the statutes is
12	amended to read:
13	459.20 (3g) "Hearing aid instrument" means any wearable or implantable
14	instrument or device designed for or offered for the purpose of aiding or
15	compensating for impaired human hearing and any parts, attachments, or
16	accessories of such an instrument or device, except batteries and cords.
17	*-4282/P1.34* *-3543/1.74* Section 81. 459.20 (3p) of the statutes is
18	amended to read:
19	459.20 (3p) "Practice of fitting and dealing in hearing aids instruments" means
. 20	the measurement of human hearing by means of an audiometer or by any other
21	means accepted by the examining board for the purpose of making selections,
22	adaptations, or sales of hearing aids instruments intended to compensate for
23	impaired hearing, and includes making impressions for ear molds.
24	*-4282/P1.35* *-3543/1.75* *-4773/P1.37* Section 82. 459.22 (1) of the
25	statutes is repealed.

1	*-4282/P1.36* *-3543/1.76* Section 83. 459.22 (2) of the statutes is
2	renumbered 459.22, and 459.22 (2) and (3), as renumbered, are amended to read:
3	459.22 (2) Authorize a speech-language pathologist licensed under this
4	subchapter to dispense or sell hearing aids instruments without obtaining a hearing
5	instrument specialist license under subch. I.
6	(3) Require a hearing instrument specialist licensed under subch. I to be
7	licensed as an audiologist under this subchapter to engage in the testing of hearing
8	or in other practices or procedures solely for the purpose of fitting or selling hearing
9	aids instruments.
10	*-4282/P1.37* *-3543/1.78* *-4773/P1.41* Section 84. 459.24 (1m) of the
11	statutes is amended to read:
12	459.24 (1m) Proнівітер тітсея. No person may use the title "certified hearing
13	aid audiologist" or," "certified hearing instrument audiologist", "licensed hearing aid
14	audiologist".," or "licensed hearing instrument audiologist".
15	*-4282/P1.38* *-3543/1.79* Section 85. 459.24 (3m) of the statutes is
16	amended to read:
17	459.24 (3m) FITTING AND SALE OF HEARING AIDS INSTRUMENTS. An audiologist
18	licensed under this subchapter or an individual granted a permit to practice
19	audiology under this subchapter who engages in the practice of fitting and dealing
20	in hearing aids instruments shall do all of the following:
21	(a) Deliver to each person supplied with a hearing aid instrument a receipt.
22	The receipt shall contain the signature and show the business address and certificate
23	number of the licensee or permittee, together with specifications as to the make and
24	model of the hearing aid instrument and full terms of sale clearly stated. If a hearing
25	aid instrument that is not new is sold, the receipt and the container must be clearly

1 1	marked as "used" or "reconditioned"," whichever is applicable. The terms of the
2	guarantee, if there is any given, shall be set out in not less than 8-point type.
3	(b) Give to a purchaser of a hearing aid instrument a personal guarantee that
4	is at least identical in its terms to the guarantee given by the manufacturer of the
5	hearing aid instrument.
6	*-4282/P1.39* *-3543/1.80* Section 86. 459.26 (2) (b) (intro.) of the statutes
7	is amended to read:
8	459.26 (2) (b) (intro.) An applicant for an audiologist license shall also complete
9	an examination administered by the examining board that consists of practical tests
10	of proficiency in techniques that pertain to the fitting of hearing aids instruments,
11	including the following:
12	*-4282/P1.40* *-3543/1.81* Section 87. 459.26 (2) (b) 4. of the statutes is
13	amended to read:
14	459.26 (2) (b) 4. Recording and evaluation of audiograms and speech
15	audiometry to determine proper selection and adaption of a hearing aid instrument.
16	*-4282/P1.41* *-3543/1.82* Section 88. 459.34 (2) (ce) of the statutes is
17	amended to read:
18	459.34 (2) (ce) Violated any federal or state statute, rule, or regulation that
19	relates to the practice of fitting and dealing in hearing aids instruments. This
20	paragraph does not apply to speech-language pathologists.
21	*-4282/P1.42* *-3543/1.83* SECTION 89. 459.34 (2) (cm) of the statutes is
22	amended to read:
23	459.34 (2) (cm) Failed to conduct a direct observation of the ear canal of a
24	purchaser of a hearing aid instrument. This paragraph does not apply to
25	speech-language pathologists.

1	*-4282/P1.43* *-3543/1.84* SECTION 90. 459.34 (2) (cs) of the statutes is
2	amended to read:
3	459.34 (2) (cs) Sold a hearing aid instrument to a person who was not given
4	tests using appropriate procedures and instrumentation or without proper
5	measurement of the functional intensity and range of the person's hearing. This
6	paragraph does not apply to speech-language pathologists.
7	*-4282/P1.44* Section 91. Subchapter III of chapter 459 [precedes 459.40] of
8	the statutes is repealed.
9	*-4278/P1.34* *-3546/1.33* Section 92. 895.527 (6) of the statutes is
10	amended to read:
11	895.527 (6) A city, village, town, or county may regulate the hours between
12	11:00 p.m. and 6:00 a.m. that an outdoor sport shooting range may operate, except
13	that such a regulation may not apply to a law enforcement officer as defined in s.
14	165.85 (2) (c), a member of the U.S. armed forces, or a private security person as
15	defined in s. 440.26 (1m) (h) 440.27 (1) who meets all of the requirements under s.
16	167.31 (4) (a) 4.
17	*-4278/P1.35* *-3546/1.34* Section 93. 940.34 (1) (b) of the statutes is
18	amended to read:
19	940.34 (1) (b) Whoever violates sub. (2) (b) is guilty of a Class C misdemeanor
20	and is subject to discipline under s. 440.26 (6) 440.35.
21	*-4278/P1.36* *-3546/1.35* Section 94. 940.34 (2) (b) of the statutes is
22	amended to read:
23	940.34 (2) (b) Any person licensed as a private detective or granted a private
24	security permit under s. 440.26 subch. II of ch. 440 who has reasonable grounds to
25	believe that a crime is being committed or has been committed shall notify promptly

	1	an appropriate law enforcement agency of the facts which that form the basis for this
	2	belief.
	3	*-4278/P1.37* *-3546/1.36* SECTION 95. 940.34 (2) (c) 1. of the statutes is
	4	amended to read:
	5	940.34 (2) (c) 1. In this paragraph, "unlicensed private security person" means
	6	a private security person, as defined in s. 440.26 (1m) (h) 440.27 (1), who is exempt
	7	from the permit and licensure requirements of s. 440.26 subch. II of ch. 440.
	8	*-4278/P1.38* *-3546/1.37* Section 96. 941.237 (1) (em) of the statutes is
	9	amended to read:
	10	941.237 (1) (em) "Private security person" has the meaning given in s. 440.26
	11	(1m) (h) 440.27 (1).
	12	*-4278/P1.39* *-3546/1.38* Section 97. 941.237 (3) (cm) 1. of the statutes is
	13	amended to read:
	14	941.237 (3) (cm) 1. The private security person is covered by a license or permit
	15	issued under s. 440.26 subch. II of ch. 440.
renises	subcharte	Note: Sections 11 to 14, 17 to 19, 24 to 36, 38 to 49, and 92 to 96 of this bill reorganize current statutes regulating private detectives, detective agencies and security guards. Currently, all of these provisions are in one statute, s. 440.26, stats. This bill ersetes a new subchapter of ch. 440 (subthapter 18) in which all of these requirements are placed. It also renumbers these requirements for better organization and readability.
	16	*-4282/P1.45* *-3543/1.86* *-4773/P1.43* SECTION 98. 968.27 (7) (b) of the
	17	statutes is amended to read:
	18	968.27 (7) (b) A hearing aid instrument or similar device being used to correct

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Note: Sections 1 to 4, 20, 21 and 23, and 91 of this bill remove outdated provisions in current law that relate to the registration of speech-language pathologists and audiologists. These registration provisions were in effect between December 1, 1990, and June 30, 1993. The current licensing provisions for speech-language pathologists and audiologists became effective as of July 1, 1993.

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SECTION 98

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NOTE: SECTIONS 100 15, 16, 64 to 00 and 98 change statutory references from "hearing aid" to "hearing instrument." In addition, the term "hearing aid dealers and fitters" is changed to "hearing instrument specialist."

\*-4284/P1.4\* \*-3543/1.87\* \*-4779/P1.2\* Section 99. Initial applicability;

regulation and licensing.

(1) PHYSICIAN AND PODIATRIST CONTINUING EDUCATION. This are first applies to applications that are submitted to renew licenses that expire on November 1, 2003.

(END)

The treatment of sections 448.13(1) and (1m) and 448.665 of the statutes

### Emery, Lynn

From:

Zavos, Nicholas

Sent:

Wednesday, February 06, 2002 3:57 PM LRB.Legal

To:

Subject:

Draft review: LRB-4696/1 Topic: Various law revision committee changes

It has been requested by <Zavos, Nicholas> that the following draft be jacketed for the SENATE:

Draft review: LRB-4696/1 Topic: Various law revision committee changes