



2013 SENATE BILL 536

January 30, 2014 – Introduced by Senators LAZICH, GROTHMAN and HANSEN, cosponsored by Representatives THIESFELDT, SINICKI, KNODL, CRAIG, KRUG, BERNIER, BROOKS and WRIGHT. Referred to Energy, Consumer Protection, and Government Reform.

1 **AN ACT to repeal** 100.45 (5) (a) 2., 100.45 (5) (c) and 100.45 (5m); and **to amend**
2 20.115 (1) (hm), 100.45 (3) (b) 2., 100.45 (3) (c) 4., 100.45 (4) (d) and 100.45 (4)
3 (h) of the statutes; **relating to:** the regulation of motor vehicle air conditioners.

Analysis by the Legislative Reference Bureau

Current state law imposes various requirements on the use of ozone-depleting refrigerants (ODRs) in motor vehicle air conditioners, including prohibiting a person from installing or servicing a motor vehicle air conditioner containing an ODR unless the person holds an annual certification issued by the Department of Agriculture, Trade and Consumer Protection (DATCP). Current state law also allows DATCP to charge an applicant for annual certification a surcharge if DATCP determines that the person violated the certification requirement prior to applying for certification. In addition, current state law requires DATCP to promulgate rules establishing qualifications for persons who use equipment for removing or recycling ODRs from motor vehicle air conditioners. The qualifications may include training and certification requirements. Also under current state law, a person may sell new or reclaimed ODRs for use in motor vehicle air conditioners only to resellers and persons holding annual certifications. Current state law also requires persons to transfer unreclaimed ODRs that are removed from motor vehicle air conditioners to either reclamation facilities recognized by DATCP or to persons holding annual certifications.

Current federal law also regulates the use of ODRs, including prohibiting a person from servicing a motor vehicle air conditioner unless the person is “properly

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trained and certified,” which is defined as training and certification in conformity with standards established by the federal Environmental Protection Agency (EPA).

This bill eliminates DATCP’s duty to promulgate rules establishing qualifications for persons who use equipment for removing or recycling ODRs from motor vehicle air conditioners. The bill also eliminates the requirement for DATCP to issue the annual certifications described above. Instead, the bill prohibits a person from servicing a motor vehicle air conditioner containing an ODR unless the person is properly trained and certified as specified by the EPA. In addition, under the bill, a person may sell ODRs for use in motor vehicle air conditioners only to resellers and persons who are so properly trained and certified. Also, the bill allows persons to transfer unreclaimed ODRs removed from motor vehicle air conditioners only to DATCP-recognized reclamation facilities or to persons who are so properly trained and certified.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 20.115 (1) (hm) of the statutes is amended to read:

2 20.115 (1) (hm) *Ozone-depleting refrigerants and products regulation.* The
3 amounts in the schedule for administration of the mobile air conditioner servicing
4 and refrigerant recycling programs and for responsibilities under ss. 100.45 and
5 100.50 relating to sales and labeling of products containing or made with
6 ozone-depleting substances. All moneys received from fees under s. 100.45 (5) (a)
7 3. and (5m) shall be credited to this appropriation.

8 **SECTION 2.** 100.45 (3) (b) 2. of the statutes is amended to read:

9 100.45 (3) (b) 2. A person who ~~holds an annual registration certificate under~~
10 ~~sub. (4) (h) is properly trained and certified as specified by the federal environmental~~
11 protection agency under 42 USC 7671h.

12 **SECTION 3.** 100.45 (3) (c) 4. of the statutes is amended to read:

13 100.45 (3) (c) 4. All of the recovered ozone-depleting refrigerant is conveyed in
14 a safe and timely manner to a refrigerant reclamation facility that is recognized by

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1 the department or to a person who holds an annual registration certificate under sub.
2 (4) (h) for recycling and reuse or resale is properly trained and certified as specified
3 by the federal environmental protection agency under 42 USC 7671h.

4 **SECTION 4.** 100.45 (4) (d) of the statutes is amended to read:

5 100.45 (4) (d) The individuals who use the equipment under par. (c) have the
6 ~~qualifications established under sub. (5) (a) 2.~~ been properly trained and certified as
7 specified by the federal environmental protection agency under 42 USC 7671h.

8 **SECTION 5.** 100.45 (4) (h) of the statutes is amended to read:

9 100.45 (4) (h) The person holds an annual registration certificate from the
10 department has been properly trained and certified as specified by the federal
11 environmental protection agency under 42 USC 7671h.

12 **SECTION 6.** 100.45 (5) (a) 2. of the statutes is repealed.

13 **SECTION 7.** 100.45 (5) (c) of the statutes is repealed.

14 **SECTION 8.** 100.45 (5m) of the statutes is repealed.

15 (END)