



2017 SENATE BILL 132

1 **AN ACT** *to amend* 100.20 (5) and 100.20 (6); and *to create* 66.0439, 100.20 (1v)
2 and 100.70 of the statutes; **relating to:** regulating the use of certain
3 professional credentials and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

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

4 **SECTION 1.** 66.0439 of the statutes is created to read:
5 **66.0439 Environmental, occupational health, and safety credentials.**
6 **(1)** No city, village, town, or county may enact an ordinance or adopt a resolution that
7 restricts the use of a title or a representation described in s. 100.70 (1) (a) to (h).
8 **(2)** If a city, village, town, or county has in effect on the effective date of this
9 subsection [LRB inserts date], an ordinance that the city, village, town, or county
10 is prohibited from enacting under sub. (1), the ordinance does not apply and may not
11 be enforced.

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1 **SECTION 2.** 100.20 (1v) of the statutes is created to read:

2 100.20 (1v) It is an unfair method of competition in business or an unfair trade
3 practice for a person or business entity to violate s. 100.70 (1).

4 **SECTION 3.** 100.20 (5) of the statutes is amended to read:

5 100.20 (5) Any person suffering pecuniary loss because of a violation by any
6 other person of s. 100.70 or any order issued under this section may sue for damages
7 therefor in any court of competent jurisdiction and shall recover twice the amount
8 of such pecuniary loss, together with costs, including a reasonable attorney's
9 attorney fee.

10 **SECTION 4.** 100.20 (6) of the statutes is amended to read:

11 100.20 (6) The department may commence an action in circuit court in the
12 name of the state to restrain by temporary or permanent injunction the violation of
13 s. 100.70 or any order issued under this section. The court may in its discretion, prior
14 to entry of final judgment make such orders or judgments as may be necessary to
15 restore to any person any pecuniary loss suffered because of the acts or practices
16 involved in the action, provided proof thereof is submitted to the satisfaction of the
17 court. The department may use its authority in ss. 93.14 and 93.15 to investigate
18 violations of s. 100.70 or any order issued under this section.

19 **SECTION 5.** 100.70 of the statutes is created to read:

20 **100.70 Environmental, occupational health, and safety credentials. (1)**

21 PROHIBITIONS. (a) *Certified dangerous goods professional.* No person may use the
22 title "Certified Dangerous Goods Professional," the initials "C.D.G.P.," or any
23 variation or combination of those terms to identify, advertise, or represent, by any
24 means, that the person is a certified dangerous goods professional unless the person
25 is designated as a certified dangerous goods professional by the Institute of

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1 Hazardous Materials Management and that designation has not expired or been
2 revoked.

3 (b) *Certified hazardous materials manager.* No person may use the title
4 “Certified Hazardous Materials Manager,” the initials “C.H.M.M.,” or any variation
5 or combination of those terms to identify, advertise, or represent, by any means, that
6 the person is a certified hazardous materials manager unless the person is
7 designated as a certified hazardous materials manager by the Institute of Hazardous
8 Materials Management and that designation has not expired or been revoked.

9 (c) *Certified hazardous materials practitioner.* No person may use the title
10 “Certified Hazardous Materials Practitioner,” the initials “C.H.M.P.,” or any
11 variation or combination of those terms to identify, advertise, or represent, by any
12 means, that the person is a certified hazardous materials practitioner unless the
13 person is designated as a certified hazardous materials practitioner by the Institute
14 of Hazardous Materials Management and that designation has not expired or been
15 revoked.

16 (d) *Certified health physicist.* No person may use the title “Certified Health
17 Physicist,” the initials “C.H.P.,” or any variation or combination of those terms to
18 identify, advertise, or represent, by any means, that the person is a certified health
19 physicist unless the person is designated as a certified health physicist by the
20 American Board of Health Physics and that designation has not expired or been
21 revoked.

22 (e) *Certified industrial hygienist.* No person may use the title “Certified
23 Industrial Hygienist,” the initials “C.I.H.,” or any variation or combination of those
24 terms to identify, advertise, or represent, by any means, that the person is a certified
25 industrial hygienist unless the person is designated as a certified industrial

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1 hygienist by the American Board of Industrial Hygiene and that designation has not
2 expired or been revoked.

3 (f) *Certified safety professional.* No person may use the title “Certified Safety
4 Professional,” the initials “C.S.P.,” or any variation or combination of those terms to
5 identify, advertise, or represent, by any means, that the person is a certified safety
6 professional unless the person is designated as a certified safety professional by the
7 Board of Certified Safety Professionals and that designation has not expired or been
8 revoked.

9 (g) *Registered radiation protection technologist.* No person may use the title
10 “Registered Radiation Protection Technologist,” the initials “R.R.P.T.,” or any
11 variation or combination of those terms to identify, advertise, or represent, by any
12 means, that the person is a registered radiation protection technologist unless the
13 person is designated as a registered radiation protection technologist by the National
14 Registry of Radiation Protection Technologists and that designation has not expired
15 or been revoked.

16 (h) *Commercial representation.* No business entity may identify, advertise, or
17 represent, by any means, that the services provided by the business entity are
18 furnished by a certified or registered professional described under pars. (a) to (g)
19 unless those services are provided by, or are provided under the direct supervision
20 of, a person who is permitted to use that title under pars. (a) to (g).

21 (i) *Certification mark.* No person may mislead or deceive a person by the
22 unauthorized use of a certification mark awarded by the U.S. patent and trademark
23 office that includes a title described in pars. (a) to (g).

