2017 SENATE BILL 43

February 15, 2017 - Introduced by Senators NASS and OLSN, cosponsored by Representatives ALLEN, TITTL, HORNACHER, SUBECK, R. BROOKS, KREMER, EDMING, SPIROS and MURSAU. Referred to Committee on Labor and Regulatory Reform.

AN ACT to repeal 440.996 (2) (d); to amend 145.02 (title) and 440.03 (7); and to create 101.02 (25), 145.02 (5), 946.77 and 971.19 (13) of the statutes; relating to: material misstatements on applications for certain credentials and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

This bill provides that any person who intentionally makes a material misstatement or omission or who submits falsified documentation in an application for a credential or for the renewal of a credential issued by the Department of Safety and Professional Services or an attached credentialing board is guilty of a Class A misdemeanor, for which the penalty is a fine not to exceed $10,000 or imprisonment not to exceed nine months, or both. The bill specifies that in an action for a violation of the crime created in the bill, the defendant shall be tried in the county where the Office of the Secretary of Safety and Professional Services is located, and the bill requires DSPS to ensure that all application forms for such credentials include a statement regarding the prohibition and penalty created in the bill.

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:
SECTION 1. 101.02 (25) of the statutes is created to read:

101.02 (25) The department shall include a statement regarding the prohibition and penalty under s. 946.77 on all forms prescribed by the department for applying for any credential, as defined in s. 946.77 (1), issued or renewed under this chapter or the rules promulgated under this chapter.

SECTION 2. 145.02 (title) of the statutes is amended to read:

145.02 (title) Powers and duties of department.

SECTION 3. 145.02 (5) of the statutes is created to read:

145.02 (5) The department shall include a statement regarding the prohibition and penalty under s. 946.77 on all forms prescribed by the department for applying for any credential, as defined in s. 946.77 (1), issued or renewed under this chapter.

SECTION 4. 440.03 (7) of the statutes is amended to read:

440.03 (7) The department shall establish the style, content and format of all credentials and of all forms for applying for any credential issued or renewed under chs. 440 to 480. All forms shall include a place for the information required under sub. (11m) (a) and shall include a statement regarding the prohibition and penalty under s. 946.77. Upon request of any person who holds a credential and payment of a $10 fee, the department may issue a wall certificate signed by the governor.

SECTION 5. 440.996 (2) (d) of the statutes is repealed.

SECTION 6. 946.77 of the statutes is created to read:

946.77 False statement in credential application. (1) In this section, “credential” means a license, permit, or certificate of certification or registration that is issued under chs. 101, 145, or 440 to 480.
(2) Any person who, in an application for a credential or for the renewal of a
credential, intentionally makes a material misstatement or omission or submits
falsified documentation is guilty of a Class A misdemeanor.

SECTION 7. 971.19 (13) of the statutes is created to read:

971.19 (13) In an action under s. 946.77, the defendant shall be tried in the
county where the office of the secretary of safety and professional services is located.

SECTION 8. Effective date.

(1) This act takes effect on July 1, 2018.