



## 1995 ASSEMBLY BILL 892

February 19, 1996 - Introduced by Representatives BRANCEL, LEHMAN, GOETSCH, BALDUS, MUSSER, DOBYNS, ZIEGELBAUER, AINSWORTH, SERATTI, HANSON, LORGE, GREEN, OLSEN, ALBERS, LA FAVE, VRAKAS, SCHNEIDERS, GUNDERSON and GROTHMAN, cosponsored by Senators WELCH, HUELSMAN, PANZER, BUETTNER, DRZEWIECKI and PETAK. Referred to Committee on Small Business and Economic Development.

1     **AN ACT to repeal** 157.065 (1) (b) 6., 157.065 (1) (b) 7., 442.06 and 452.12 (2) (b);  
2             **to renumber** 440.01 (1) (a); **to amend** 440.05 (intro.), 440.08 (2) (a) (intro.),  
3             440.08 (2) (a) 3., 440.08 (2) (a) 66., 440.26 (2) (a) 1., 440.26 (2) (b), 440.26 (4),  
4             440.42 (5) (a) 5., 440.47 (5), 440.48 (1) (e), 440.91 (1), 440.93 (1) (intro.), 442.02  
5             (5m) (a), 442.02 (5m) (b), 442.02 (6), 442.02 (7), 442.02 (9), 442.03 (1), 442.03 (2),  
6             442.03 (3), 442.07 (2), 442.07 (3), 442.08, 442.10 (1), 442.10 (2), 442.11 (2),  
7             442.11 (3), 442.11 (4), 442.11 (8), 442.11 (13), 442.12 (3), 442.13, 443.08 (title),  
8             443.08 (1), 443.08 (2), 443.08 (4) (a), 443.08 (4) (b), 443.08 (5), 443.08 (6), 443.11  
9             (2), 443.14 (4), 443.15 (2), 445.01 (8), 445.105 (4), 448.08 (1), 448.08 (2), 452.09  
10            (1) (b), 452.09 (1) (d), 452.09 (1) (e), 452.10 (1), 452.12 (2) (a), 452.12 (2) (c),  
11            452.133 (3) (b), 452.14 (4), 452.22 (2), 458.22, 459.02 (2), 480.01 (3) (b) and  
12            480.08 (3) (c); **to repeal and recreate** 440.47 (5); and **to create** 157.065 (1) (b)  
13            6m., 440.01 (1) (ag), 440.01 (1) (ah) and 440.92 (6) (b) 1m. of the statutes; **relat-**  
14            **ing to:** authorizing the department of regulation and licensing to regulate and  
15            license certain business entities for certain occupations.

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### *Analysis by the Legislative Reference Bureau*

Under current law, the department of regulation and licensing (DORL) and the examining boards and affiliated credentialing boards attached to DORL regulate

individuals and business entities that engage in a variety of occupations and professions. If a business entity must obtain a credential to engage in a particular occupation or profession, at least one individual involved in that business entity (such as an officer, partner or director) must have the credential that is required for individuals who engage in that occupation or profession. Generally, if a business entity must have a credential to engage in an occupation or profession, current law allows the business entity to use any form of business organization permitted under state law. However, current law sometimes uses language that limits the organizational form of regulated business entities to certain organization forms, such as partnerships and corporations, thus prohibiting the business entity from organizing itself, for example, as a limited liability company.

This bill explicitly permits business entities regulated by DORL or an examining board or affiliated credentialing board to use any form of business organization permitted under state law. The bill defines "business entity" to mean any organization or enterprise, other than a sole proprietorship, which is operated for profit or that is nonprofit and nongovernmental, including an association, business trust, corporation, joint venture, limited liability company, limited liability partnership, partnership or syndicate. The bill also specifies that, when at least one individual involved in that business entity must have a credential, that individual must be a "business representative" of the business entity. The bill defines "business representative" to mean a director, manager, member, officer, owner or partner of a business entity.

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

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

- 1           **SECTION 1.** 157.065 (1) (b) 6. of the statutes is repealed.
- 2           **SECTION 2.** 157.065 (1) (b) 6m. of the statutes is created to read:
- 3           157.065 (1) (b) 6m. A business entity, as defined in s. 440.01 (1) (ag).
- 4           **SECTION 3.** 157.065 (1) (b) 7. of the statutes is repealed.
- 5           **SECTION 4.** 440.01 (1) (a) of the statutes is renumbered 440.01 (1) (ar).
- 6           **SECTION 5.** 440.01 (1) (ag) of the statutes is created to read:
- 7           440.01 (1) (ag) "Business entity" means any organization or enterprise, other
- 8           than a sole proprietorship, which is operated for profit or that is nonprofit and non-

1 governmental, including an association, business trust, corporation, joint venture,  
2 limited liability company, limited liability partnership, partnership or syndicate.

3 **SECTION 6.** 440.01 (1) (ah) of the statutes is created to read:

4 440.01 (1) (ah) "Business representative" means a director, manager, member,  
5 officer, owner or partner of a business entity.

6 **SECTION 7.** 440.05 (intro.) of the statutes, as affected by 1995 Wisconsin Act 27,  
7 is amended to read:

8 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial  
9 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 442.06, 444.03,  
10 444.05, 444.11, 449.17, 449.18 and 459.46:

11 **SECTION 8.** 440.08 (2) (a) (intro.) of the statutes, as affected by 1995 Wisconsin  
12 Act 27, section 6479, is amended to read:

13 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,  
14 442.06, 444.03, 444.05, 444.11, 448.065, 449.17, 449.18 and 459.46, the renewal  
15 dates and renewal fees for credentials are as follows:

16 **SECTION 9.** 440.08 (2) (a) 3. of the statutes, as affected by 1995 Wisconsin Act  
17 27, is amended to read:

18 440.08 (2) (a) 3. ~~Accounting corporation or partnership~~ business entity: Janu-  
19 ary 1 of each even-numbered year; \$41.

20 **SECTION 10.** 440.08 (2) (a) 66. of the statutes, as affected by 1995 Wisconsin Act  
21 27, is amended to read:

22 440.08 (2) (a) 66. ~~Real estate corporation or partnership~~ business entity: Janu-  
23 ary 1 of each odd-numbered year; \$72.

24 **SECTION 11.** 440.26 (2) (a) 1. of the statutes is amended to read:

1           440.26 (2) (a) 1. A private detective agency license may be issued to an individu-  
2 al, ~~partnership, limited liability company or corporation~~ or to a business entity. An  
3 individual, ~~the members of a partnership or limited liability company and the offi-~~  
4 ~~cers or directors of a corporation, having~~ who has a private detective agency license,  
5 or a business representative of a business entity that has a private detective agency  
6 license, ~~are~~ is not required to have a private detective license unless actually engaged  
7 in the work of a private detective.

8           **SECTION 12.** 440.26 (2) (b) of the statutes is amended to read:

9           440.26 (2) (b) *Applications.* The department shall prescribe forms for original  
10 and renewal applications. A ~~partnership or limited liability company~~ business entity  
11 application shall be executed by ~~all members of the partnership or limited liability~~  
12 ~~company.~~ A corporate application shall be executed by the secretary and the presi-  
13 dent ~~or vice president and, in addition, in the case of a foreign corporation, by the reg-~~  
14 ~~istered agent~~ a business representative of the business entity.

15           **SECTION 13.** 440.26 (4) of the statutes is amended to read:

16           440.26 (4) **BONDS OR LIABILITY POLICIES REQUIRED.** No license may be issued un-  
17 der this section until a bond or liability policy, approved by the department, in the  
18 amount of \$10,000 if the applicant for the license is an agency and includes all ~~princi-~~  
19 ~~pals, partners, members or corporate officers~~ business representatives, or in the  
20 amount of \$2,000 if the applicant is a private detective, has been executed and filed  
21 with the department. Such bonds or liability policies shall be furnished by an insurer  
22 authorized to do a surety business in this state in a form approved by the department.

23           **SECTION 14.** 440.42 (5) (a) 5. of the statutes is amended to read:

1           440.42 (5) (a) 5. An educational institution and its authorized charitable  
2 foundations which solicit contributions only from its students and their families,  
3 alumni, faculty, trustees, ~~corporations~~ business entities, foundations and patients.

4           **SECTION 15.** 440.47 (5) of the statutes is amended to read:

5           440.47 (5) SUBSTITUTE SERVICE UPON SECRETARY OF STATE. A charitable organiza-  
6 tion, fund-raising counsel, professional fund-raiser or commercial coventurer that  
7 has its principal place of business outside of this state or is organized under laws oth-  
8 er than the laws of this state and that is subject to this subchapter shall be considered  
9 to have irrevocably appointed the secretary of state as its agent for the service of pro-  
10 cess or notice directed to the charitable organization, fund-raising counsel, profes-  
11 sional fund-raiser or commercial coventurer or to any of its ~~partners, principal offi-~~  
12 ~~cers or directors~~ business representatives in an action or proceeding brought under  
13 this subchapter. Service of process or notice upon the secretary of state shall be made  
14 by personally delivering to and leaving with the secretary of state a copy of the pro-  
15 cess or notice. That service shall be sufficient service if the secretary of state immedi-  
16 ately sends notice of the service and a copy of the process or notice to the charitable  
17 organization, fund-raising counsel, professional fund-raiser, commercial coventur-  
18 er or other person to whom it is directed by registered mail, with return receipt re-  
19 quested, at the last address known to the secretary of state.

20           **SECTION 16.** 440.47 (5) of the statutes, as affected by 1995 Wisconsin Acts 27  
21 and ... (this act), is repealed and recreated to read:

22           440.47 (5) SUBSTITUTE SERVICE UPON DEPARTMENT OF FINANCIAL INSTITUTIONS. A  
23 charitable organization, fund-raising counsel, professional fund-raiser or commer-  
24 cial coventurer that has its principal place of business outside of this state or is orga-  
25 nized under laws other than the laws of this state and that is subject to this sub-

1 chapter shall be considered to have irrevocably appointed the department of  
2 financial institutions as its agent for the service of process or notice directed to the  
3 charitable organization, fund-raising counsel, professional fund-raiser or commer-  
4 cial coventurer or to any of its business representatives in an action or proceeding  
5 brought under this subchapter. Service of process or notice upon the department of  
6 financial institutions shall be made by personally delivering to and leaving with the  
7 department of financial institutions a copy of the process or notice. That service shall  
8 be sufficient service if the department of financial institutions immediately sends no-  
9 tice of the service and a copy of the process or notice to the charitable organization,  
10 fund-raising counsel, professional fund-raiser, commercial coventurer or other per-  
11 son to whom it is directed by registered mail, with return receipt requested, at the  
12 last address known to the department of financial institutions.

13 **SECTION 17.** 440.48 (1) (e) of the statutes is amended to read:

14 440.48 (1) (e) No charitable organization may indemnify ~~an officer, employe or~~  
15 ~~director~~ a business representative for any costs, fees, restitution or forfeitures as-  
16 sessed against that individual by the court under par. (b), (c) or (d) unless the court  
17 determines that the individual acted in good faith and reasonably believed the con-  
18 duct was in or not opposed to the best interests of the charitable organization.

19 **SECTION 18.** 440.91 (1) of the statutes is amended to read:

20 440.91 (1) Except as provided in sub. (6m), every cemetery authority that sells  
21 or solicits the sale of a total of 10 or more cemetery lots or mausoleum spaces during  
22 a calendar year and that pays any commission or other compensation to any person  
23 for selling or soliciting the sale of its cemetery lots or mausoleum spaces shall register  
24 with the department. The registration shall be in writing and shall include the  
25 names of all of the officers business representatives of the cemetery authority.

1           **SECTION 19.** 440.92 (6) (b) 1m. of the statutes is created to read:

2           440.92 **(6)** (b) 1m. If the preneed seller is a business entity other than a corpora-  
3           tion specified in subd. 1., the name, residence address and business address of each  
4           business representative who beneficially owns or has the power to vote 5% or more  
5           of any interest in a business entity.

6           **SECTION 20.** 440.93 (1) (intro.) of the statutes is amended to read:

7           440.93 **(1)** (intro.) The department may reprimand a registrant or deny, limit,  
8           suspend or revoke a certificate of a cemetery authority, cemetery salesperson or pre-  
9           need seller if it finds that the applicant or registrant has done any of the following,  
10          or, if the applicant or registrant, ~~is an association, partnership, limited liability com-~~  
11          ~~pany or corporation~~ a business entity. that any officer, director, trustee, member or  
12          ~~shareholder~~ business representative who beneficially owns, holds or has the power  
13          to vote 5% or more of any ~~class of security issued by the~~ interest in the applicant or  
14          registrant, has done any of the following:

15          **SECTION 21.** 442.02 (5m) (a) of the statutes is amended to read:

16          442.02 **(5m)** (a) Who signs or affixes his or her name or any trade or assumed  
17          name used by the person in his or her business or profession to an opinion or certifi-  
18          cate attesting to the reliability of any representation or estimate in regard to any per-  
19          son, business entity or organization embracing financial information, financial  
20          transactions or accounting records.

21          **SECTION 22.** 442.02 (5m) (b) of the statutes is amended to read:

22          442.02 **(5m)** (b) This subsection does not prohibit any ~~officer, employe, partner~~  
23          ~~or principal~~ business representative of any organization business entity or any sole  
24          ~~proprietor~~ proprietor from affixing his or her signature to any statement or report in reference  
25          to the affairs of that organization with any wording designating the position, title or

1 office which he or she holds in that organization. This subsection does not prohibit  
2 any act of a public official or public employe in the performance of his or her duties.

3 **SECTION 23.** 442.02 (6) of the statutes is amended to read:

4 442.02 (6) Every member of a partnership and every officer and director busi-  
5 ness representative of a ~~corporation~~ business entity who, in such capacity, does any  
6 of the things enumerated in subs. (1) to (5m), shall be deemed to be in practice as a  
7 public accountant.

8 **SECTION 24.** 442.02 (7) of the statutes is amended to read:

9 442.02 (7) Nothing contained in this chapter shall prevent the employment by  
10 a certified public accountant, or by a public accountant, or by a ~~firm or corporation~~  
11 business entity, furnishing public accounting services as principal, of persons to  
12 serve as accountants in various capacities, as needed; provided, that such persons  
13 work under the control and supervision of certified public accountants or accoun-  
14 tants with certificates of authority as hereinafter provided, that such employes shall  
15 not issue any statements or reports over their own names except such office reports  
16 to their employer as are customary and that such employes are not in any manner  
17 held out to the public as public accountants as described in this chapter.

18 **SECTION 25.** 442.02 (9) of the statutes is amended to read:

19 442.02 (9) Nothing contained in this chapter shall apply to any persons who  
20 may be employed by more than one person, ~~partnership or corporation,~~ business enti-  
21 ty for the purpose of keeping books, making trial balances or statements, and prepar-  
22 ing audits or reports, provided such audits or reports are not used or issued by the  
23 employers as having been prepared by a public accountant and provided such per-  
24 sons do not do any of the things enumerated in sub. (5m) (a), without complying with  
25 sub. (5m) (b).



1           **SECTION 26.** 442.03 (1) of the statutes is amended to read:

2           442.03 (1) No person may lawfully practice in this state as a certified public  
3 accountant either in the person's own name, or as an employe, or under an assumed  
4 name, or as ~~an officer, member~~ a business representative or employe of a firm, ~~or as~~  
5 ~~an officer or employe of a corporation~~ business entity or sole proprietorship, unless  
6 the person has been granted by the examining board a certificate as a certified public  
7 accountant, and unless the person, ~~firm or corporation~~ jointly and severally, has and  
8 the business entity have complied with all of the provisions of this chapter, including  
9 licensure.

10           **SECTION 27.** 442.03 (2) of the statutes is amended to read:

11           442.03 (2) No person may lawfully practice in this state as a public accountant  
12 either in the person's own name, or as an employe or under an assumed name, or as  
13 ~~an officer, a business representative or employe or member of a firm, or as an officer~~  
14 ~~or employe of a corporation~~ business entity or sole proprietorship, unless the person  
15 has been granted by the examining board a certificate of authority as a public accoun-  
16 tant and unless the person, ~~firm or corporation~~, jointly and severally, has and the  
17 business entity have complied with all of the provisions of this chapter, including li-  
18 censure.

19           **SECTION 28.** 442.03 (3) of the statutes is amended to read:

20           442.03 (3) No ~~corporation or other~~ business entity and no ~~officer, partner, stock-~~  
21 ~~holder~~ business representative or employe thereof may lawfully practice in this state  
22 as a public accountant or a certified public accountant either in the entity's or per-  
23 son's name, or as an employe or under an assumed name, unless the natural person  
24 has been granted by this examining board a certificate of authority as a public

1 accountant and unless the person ~~or entity, jointly and severally, has~~ and the busi-  
2 ness entity have complied with all the provisions of this chapter, including licensure.

3 **SECTION 29.** 442.06 of the statutes is repealed.

4 **SECTION 30.** 442.07 (2) of the statutes is amended to read:

5 442.07 (2) No person may practice in this state as a certified public accountant  
6 or a public accountant, either in the person's name, under an assumed name, or as  
7 a ~~member~~ business representative or employe of a ~~partnership~~ business entity, ex-  
8 cept as provided in s. 442.02 (10), unless the person has been granted a certificate  
9 by the examining board and secured a license for the current licensure period. No  
10 person may practice in this state as a public accountant, as ~~an officer or director a~~  
11 business representative of a ~~corporation~~ business entity engaged in the practice of  
12 public accounting, unless the ~~corporation~~ business entity, other than a sole propri-  
13 etorship, has secured a license for the current licensure period.

14 **SECTION 31.** 442.07 (3) of the statutes is amended to read:

15 442.07 (3) Any ~~partnership, which~~ business entity that is entitled to practice  
16 as a certified public accountant or as certified public accountants in this state or any  
17 other state, every resident ~~member~~ business representative and resident manager  
18 of which is a certified public accountant of this state, after registering the ~~part-~~  
19 ~~nership~~ business entity name with the examining board, may use the designation "certi-  
20 fied public accountant" or "certified public accountants" in connection with the ~~part-~~  
21 ~~nership~~ business entity name. Any ~~partnership~~ business entity, every ~~member~~  
22 business representative and resident manager of which is a certified public accoun-  
23 tant of this state or any other state or holds a certificate of authority under this chap-  
24 ter, after registering the ~~partnership~~ business entity name with the examining  
25 board, may use the designation "public accountant" or "public accountants" in con-

1 nection with the ~~partnership~~ business entity name. An assumed name, in use prior  
2 to September 21, 1935, may be used the same as a partnership name, provided the  
3 individual persons practicing as principals under that name hold certificates  
4 granted by the examining board and register the name with the examining board.

5 **SECTION 32.** 442.08 of the statutes is amended to read:

6 **442.08 Licensure.** Upon application by a holder of an unrevoked Wisconsin  
7 certificate as a certified public accountant or an unrevoked Wisconsin certificate of  
8 authority as provided for in this chapter, the department shall issue a license to the  
9 holder. A license shall also be issued to any ~~partnership or corporation~~ business enti-  
10 ty, upon application, which has complied with this chapter. The renewal date and  
11 renewal fee for licenses issued under this chapter are specified under s. 440.08 (2)  
12 (a).

13 **SECTION 33.** 442.10 (1) of the statutes is amended to read:

14 442.10 (1) Whenever any person, as a certified public accountant or public ac-  
15 countant, signs or certifies any report, schedule or statement relative to the affairs  
16 of any ~~corporation, association or partnership~~ business entity in which the person is  
17 financially interested or by which the person is regularly engaged as ~~an officer~~ a busi-  
18 ness representative or employe, the signature or certification shall be accompanied  
19 by a specific statement setting forth the fact that the person is financially interested  
20 in or is ~~an officer~~ a business representative or regular employe of the ~~corporation,~~  
21 ~~association or partnership~~ business entity. If the person is both financially inter-  
22 ested and ~~an officer~~ a business representative or regular employe, the statement  
23 shall cover both financial interest and employment. In the case of a corporation hold-  
24 ing a certificate of authority signing or certifying as above, the interest of any of its  
25 stockholders shall be disclosed.

1           **SECTION 34.** 442.10 (2) of the statutes is amended to read:

2           442.10 (2) Notwithstanding sub. (1), no person licensed under this chapter, and  
3 no ~~firm~~ business entity of which the person is a ~~partner or shareholder~~ business rep-  
4 resentative, may express an opinion as an independent certified public accountant  
5 on financial statements of any enterprise unless the person and the ~~firm~~ business  
6 entity are independent of the enterprise. The requirement for independence under  
7 this subsection also extends to the spouse of such a person and to other relatives hav-  
8 ing a financial or business relationship with the enterprise which, in the opinion of  
9 the examining board, may impair independence.

10           **SECTION 35.** 442.11 (2) of the statutes is amended to read:

11           442.11 (2) Who, when practicing under an assumed name, or as a ~~member~~ busi-  
12 ness representative of a ~~partnership~~ business entity, other than one which is regis-  
13 tered under s. 442.07 as composed of certified public accountants, or as an ~~officer~~ a  
14 business representative of a ~~corporation~~ business entity, announces, either in writ-  
15 ing or by printing, that the assumed name, ~~partnership or corporation~~ business enti-  
16 ty is practicing as a certified public accountant; or

17           **SECTION 36.** 442.11 (3) of the statutes is amended to read:

18           442.11 (3) Who, as a member of a ~~partnership~~ business entity, announces, ei-  
19 ther in writing or by printing, that the ~~partnership~~ business entity is practicing as  
20 “public accountant” or “public accountants” unless the ~~partnership~~ business entity  
21 is registered as such under s. 442.07; or

22           **SECTION 37.** 442.11 (4) of the statutes is amended to read:

23           442.11 (4) Who, as an ~~officer~~ a business representative of a ~~corporation~~ busi-  
24 ness entity, permits it to practice as a public accountant unless it is registered with

1 the examining board, and holds an unrevoked certificate of authority from the ex-  
2 amining board; or

3 **SECTION 38.** 442.11 (8) of the statutes is amended to read:

4 442.11 (8) Who shall as an individual, or, as a member of a partnership or as  
5 an officer or director business representative of a corporation business entity, prac-  
6 tice or permit the partnership or corporation business entity to practice as a certified  
7 public accountant or as a public accountant unless a license has been secured for the  
8 current licensure period; or

9 **SECTION 39.** 442.11 (13) of the statutes is amended to read:

10 442.11 (13) Who shall, as an individual, or as a member business representa-  
11 tive or employe of a partnership or as an officer of a corporation business entity, per-  
12 mit to be announced by printed or written statement that any report, certificate, ex-  
13 hibit, schedule or statement has been prepared by or under supervision of a certified  
14 public accountant or by or under supervision of a public accountant when the person  
15 who prepared the same was not such certified public accountant or public accoun-  
16 tant.

17 **SECTION 40.** 442.12 (3) of the statutes is amended to read:

18 442.12 (3) In the case of a corporation or a partnership business entity, revoke,  
19 limit or suspend the license of the partnership or corporation business entity, or rep-  
20 rimand it, if it is found that any officer, director or member business representative  
21 or employe has been guilty of such act or omission as would be cause for revoking,  
22 limiting or suspending a certificate or license to the person as an individual or for  
23 reprimanding the person.

24 **SECTION 41.** 442.13 of the statutes is amended to read:

1           **442.13 Ownership of accountant's working papers.** All statements, re-  
2 cords, schedules, working papers and memoranda made by a certified public accoun-  
3 tant or public accountant incident to or in the course of professional service to clients  
4 by such accountant, except reports submitted by a certified public accountant or pub-  
5 lic accountant to a client, shall be and remain the property of such accountant, in the  
6 absence of an express agreement between such accountant and the client to the con-  
7 trary. No such statement, record, schedule, working paper or memorandum shall  
8 be sold, transferred or bequeathed, without the consent of the client or the client's  
9 personal representative or assignee, to anyone other than ~~one or more a~~ surviving  
10 ~~partners~~ business entity or ~~new or a~~ successor ~~partners of such accountant~~ business  
11 entity.

12           **SECTION 42.** 443.08 (title) of the statutes is amended to read:

13           **443.08 (title) Registration requirement: ~~firms, partnerships and corpo-~~**  
14 **~~rations~~ business entities.**

15           **SECTION 43.** 443.08 (1) of the statutes is amended to read:

16           443.08 (1) The practice of architecture, professional geology and professional  
17 engineering pertaining to the internal operations of a ~~firm, partnership or corpora-~~  
18 ~~tion~~ business entity may be performed by employes if the architectural, professional  
19 geological or professional engineering services are performed by or under the direct  
20 supervision of architects, professional geologists or professional engineers registered  
21 under this chapter, or persons exempt from registration under s. 443.14. Registered  
22 or exempt architectural, professional geological or professional engineering em-  
23 ployes may provide architectural, professional geological or professional engineering  
24 data with respect to the manufacture, sale and utilization of the products of the ~~firm,~~

1 ~~partnership or corporation~~ business entity to other registered or exempt architects,  
2 professional geologists or professional engineers.

3 **SECTION 44.** 443.08 (2) of the statutes is amended to read:

4 443.08 (2) The practice of or the offer to practice architecture, professional geol-  
5 ogy, professional engineering or designing by individual architects, professional  
6 geologists, professional engineers or designers registered or granted a permit under  
7 this chapter, through a ~~firm, partnership or corporation~~ business entity as princi-  
8 pals, ~~officers, employes or agents~~ business representatives, is permitted subject to  
9 this chapter, if all personnel who practice or offer to practice in its behalf as archi-  
10 tects, professional geologists, professional engineers or designers are registered or  
11 granted a permit under this chapter and, if the business entity is a corporation, the  
12 corporation has been issued a certificate of authorization under sub. (3).

13 **SECTION 45.** 443.08 (4) (a) of the statutes is amended to read:

14 443.08 (4) (a) No ~~firm, partnership or corporation~~ business entity may be re-  
15 lieved of responsibility for the conduct or acts of its ~~agents,~~ business representatives  
16 or employes or officers by reason of its compliance with this chapter, nor may any in-  
17 dividual practicing architecture, landscape architecture, professional geology, pro-  
18 fessional engineering or designing be relieved of responsibility for architectural,  
19 landscape architectural, professional geological, professional engineering or design-  
20 ing services performed by reason of his or her employment or relationship with the  
21 ~~firm, partnership or corporation~~ business entity.

22 **SECTION 46.** 443.08 (4) (b) of the statutes is amended to read:

23 443.08 (4) (b) All final drawings, specifications, plans, reports or other architec-  
24 tural, geological, engineering or designing papers or documents involving the prac-  
25 tice of architecture, professional geology, professional engineering or designing, or

1 landscape architectural papers or documents prepared by a landscape architect reg-  
2 istered under this chapter, prepared for the use of the ~~corporation~~ business entity,  
3 for delivery by it to any person or for public record within the state shall be dated and  
4 bear the signature and seal of the architect, landscape architect, professional geolo-  
5 gist, professional engineer or designer who was in responsible charge of their prepa-  
6 ration. This paragraph does not apply to persons exempt under s. 443.14 (3), (4) or  
7 (5).

8 **SECTION 47.** 443.08 (5) of the statutes is amended to read:

9 443.08 (5) No ~~firm, partnership or corporation~~ business entity may engage in  
10 the practice of or offer to practice architecture, professional geology, professional en-  
11 gineering or designing in this state, or use in connection with its name or otherwise  
12 assume, use or advertise any title or description tending to convey the impression  
13 that it is engaged in the practice of architecture, professional geology, professional  
14 engineering or designing, nor may it advertise or offer to furnish an architectural,  
15 professional geological, professional engineering or designing service, unless the  
16 ~~firm, partnership or corporation~~ business entity has complied with this chapter.

17 **SECTION 48.** 443.08 (6) of the statutes is amended to read:

18 443.08 (6) Any firm, partnership or corporation using the word “engineering”  
19 or any of its derivatives in its name prior to April 24, 1964, shall be permitted to con-  
20 tinue to do so and shall be permitted to use such word in any new ~~firm, partnership~~  
21 ~~or corporation~~ business entity formed as a result of a reorganization of the firm, part-  
22 nership or corporation, if the ~~firm, partnership or corporation~~ business entity does  
23 not practice or offer to practice architecture, professional engineering or designing  
24 unless it complies with all other applicable provisions of this chapter.

25 **SECTION 49.** 443.11 (2) of the statutes is amended to read:



1           443.11 (2) The examining board may reprimand or may limit, suspend or re-  
2           voke the certificate of authorization of a corporation if any of its ~~agents, business rep-~~  
3           ~~resentatives or employes or officers~~ has committed any act or has been guilty of any  
4           conduct which would authorize a reprimand or a limitation, suspension or revocation  
5           of the certificate of registration of a registrant or the certificate of record of an engi-  
6           neer-in-training under this chapter, unless the corporation submits evidence satis-  
7           factory to the examining board that the ~~agent, business representative or employe~~  
8           ~~or officer~~ is not now practicing or offering to practice architecture, professional geolo-  
9           gy or professional engineering in its behalf.

10           **SECTION 50.** 443.14 (4) of the statutes is amended to read:

11           443.14 (4) Any person who practices architecture, professional geology or pro-  
12           fessional engineering, exclusively as a regular employe of a ~~private company or cor-~~  
13           ~~poration business entity~~, by rendering to the ~~company or corporation business entity~~  
14           architectural, professional geological or professional engineering services in connec-  
15           tion with its operations, so long as the person is thus actually and exclusively  
16           employed and no longer, if the ~~company or corporation business entity~~ has at least  
17           one architect, professional geologist or professional engineer who is registered under  
18           this chapter in responsible charge of the ~~company's or corporation's business entity's~~  
19           architectural, professional geological or professional engineering work in this state.

20           **SECTION 51.** 443.15 (2) of the statutes is amended to read:

21           443.15 (2) Nothing in this chapter prevents any person, ~~firm or corporation or~~  
22           ~~business entity~~ from making plans and specifications for or supervising the erection,  
23           enlargement or alteration of any new building containing less than 50,000 cubic feet  
24           total volume or addition to a building which by reason of such addition results in a  
25           building containing less than 50,000 cubic feet total volume or structural alteration

1 to a building containing less than 50,000 cubic feet total volume. Nothing in this  
2 chapter prevents any person, ~~firm or corporation~~ or business entity from making re-  
3 pairs or interior alterations to buildings which do not affect health or safety.

4 **SECTION 52.** 445.01 (8) of the statutes is amended to read:

5 445.01 (8) "Person" includes ~~firm, corporation, partnership, cooperative and~~  
6 ~~association of individuals~~ any business entity.

7 **SECTION 53.** 445.105 (4) of the statutes is amended to read:

8 445.105 (4) Violations of this chapter or any rules or regulations of the examin-  
9 ing board committed by any person, or ~~an officer, agent~~ or by a business representa-  
10 tive or employe with the knowledge or consent of any person operating such funeral  
11 establishments, shall be considered sufficient cause for reprimand or for limitation,  
12 suspension or revocation of such funeral establishment permit.

13 **SECTION 54.** 448.08 (1) of the statutes is amended to read:

14 448.08 (1) FEE SPLITTING. Except as otherwise provided in this section, no per-  
15 son licensed or certified under this chapter may give or receive, directly or indirectly,  
16 to or from any person, ~~firm or corporation~~ or business entity any fee, commission, re-  
17 bate or other form of compensation or anything of value for sending, referring or  
18 otherwise inducing a person to communicate with a licensee in a professional capac-  
19 ity, or for any professional services not actually rendered personally or at his or her  
20 direction.

21 **SECTION 55.** 448.08 (2) of the statutes is amended to read:

22 448.08 (2) SEPARATE BILLING REQUIRED. Any person licensed under this chapter  
23 who renders any medical or surgical service or assistance whatever, or gives any  
24 medical, surgical or any similar advice or assistance whatever to any patient, physi-  
25 cian or ~~corporation~~ business entity, or to any other institution or organization of any

1 kind, including a hospital, for which a charge is made to such patient receiving such  
2 service, advice or assistance, shall, except as authorized by Title 18 or Title 19 of the  
3 federal social security act, render an individual statement or account of the charges  
4 therefor directly to such patient, distinct and separate from any statement or account  
5 by any physician or other person, who has rendered or who may render any medical,  
6 surgical or any similar service whatever, or who has given or may give any medical,  
7 surgical or similar advice or assistance to such patient, physician, ~~corporation~~ busi-  
8 ness entity, or to any other institution or organization of any kind, including a hospi-  
9 tal.

10 **SECTION 56.** 452.09 (1) (b) of the statutes is amended to read:

11 452.09 (1) (b) The name and address of the applicant; if the applicant is a part-  
12 nership business entity, the name and address of each member; and if the applicant  
13 is a corporation, ~~the name and address of each of its officers~~ business representative.

14 **SECTION 57.** 452.09 (1) (d) of the statutes is amended to read:

15 452.09 (1) (d) The business or occupation engaged in by the applicant, or if a  
16 partnership business entity, by each member, ~~or if a corporation, by each officer~~ busi-  
17 ness representative, for a period of at least 2 years immediately preceding the date  
18 of the application.

19 **SECTION 58.** 452.09 (1) (e) of the statutes is amended to read:

20 452.09 (1) (e) Any other information which the department may reasonably re-  
21 quire to enable it to determine the competency of each applicant, including each  
22 member business representative of the partnership, ~~or each officer of the corporation~~  
23 business entity, to transact the business of a broker or salesperson in a manner which  
24 safeguards the interests of the public.

25 **SECTION 59.** 452.10 (1) of the statutes is amended to read:

1           452.10 (1) An application shall be verified by the applicant. If made by a part-  
2           nership business entity it shall be verified by at least 2 members. If made by a corpo-  
3           ration it shall be verified by the president and secretary business representatives.

4           **SECTION 60.** 452.12 (2) (a) of the statutes is amended to read:

5           452.12 (2) (a) A license may be issued to a ~~corporation~~ business entity if the  
6           ~~corporation~~ business entity has at least one officer business representative licensed  
7           as a broker. The license issued to the ~~corporation~~ business entity entitles each officer  
8           business representative of the ~~corporation~~ business entity who is a licensed broker  
9           to act as a broker on behalf of the ~~corporation~~ business entity.

10          **SECTION 61.** 452.12 (2) (b) of the statutes is repealed.

11          **SECTION 62.** 452.12 (2) (c) of the statutes is amended to read:

12          452.12 (2) (c) Application for a ~~corporate or partnership~~ business entity license  
13          shall be made on forms prescribed by the department, listing the names and address-  
14          es of all ~~officers and partners~~ business representatives, and shall be accompanied by  
15          the fee specified in s. 440.05 (1). If there is a change in any of the ~~officers or partners~~  
16          business representatives, the change shall be reported to the department, on the  
17          same form, within 30 days after the effective date of the change.

18          **SECTION 63.** 452.133 (3) (b) of the statutes is amended to read:

19          452.133 (3) (b) Act in a transaction on the broker's own behalf, on behalf of the  
20          broker's immediate family ~~or firm~~, or on behalf of any organization or business entity  
21          in which the broker has an interest, unless the broker has the written consent of all  
22          parties to the transaction.

23          **SECTION 64.** 452.14 (4) of the statutes is amended to read:

24          452.14 (4) If a broker is a ~~company~~ business entity it shall be sufficient cause  
25          for reprimand or for the limitation, suspension or revocation of a broker's license that

1 any officer, director or trustee business representative of the company, or any mem-  
2 ber of a partnership business entity, or anyone who has a financial interest in or is  
3 in any way connected with the operation of a brokerage business, has been guilty of  
4 any act or omission which would be cause for refusing a broker's license to such per-  
5 son as an individual.

6 **SECTION 65.** 452.22 (2) of the statutes is amended to read:

7 452.22 (2) The certificate of the secretary or his or her designee to the effect that  
8 a specified individual, ~~partnership or corporation~~ business entity is not or was not  
9 on a specified date the holder of a broker's, salesperson's or time-share salesperson's  
10 license or registration, or that a specified license or registration was not in effect on  
11 a date specified, or as to the issuance, limitation, suspension or revocation of any li-  
12 cense or registration or the reprimand of any holder thereof, the filing or withdrawal  
13 of any application or its existence or nonexistence, is prima facie evidence of the facts  
14 therein stated for all purposes in any action or proceedings.

15 **SECTION 66.** 458.22 of the statutes is amended to read:

16 **458.22 Use of title restricted to individual.** No ~~firm, partnership, corpora-~~  
17 ~~tion~~ business entity or other group of individuals may use the title "Wisconsin certi-  
18 fied appraisers", "Wisconsin certified general appraisers", "Wisconsin certified resi-  
19 dential appraisers", "Wisconsin licensed appraisers" or any similar title in  
20 connection with the name or signature of the ~~firm, partnership, corporation~~ business  
21 entity or group of individuals.

22 **SECTION 67.** 459.02 (2) of the statutes is amended to read:

23 459.02 (2) Nothing in this subchapter shall prohibit any ~~corporation or mercan-~~  
24 ~~tile establishment~~ business entity which maintains an established business address  
25 from engaging in the business of selling or offering for sale hearing aids at retail

1 without a license, provided that for the purpose of selling and fitting hearing aids it  
2 employs persons licensed under this subchapter. Such ~~corporation or mercantile es-~~  
3 ~~tabishment~~ business entity shall annually file with the examining board a list of all  
4 persons employed for the purpose of selling and fitting hearing aids.

5 **SECTION 68.** 480.01 (3) (b) of the statutes is amended to read:

6 480.01 (3) (b) If the auction company is a ~~partnership, association or corpora-~~  
7 ~~tion~~ business entity, any ~~partner of the partnership, officer or director of the associa-~~  
8 ~~tion or officer or director of the corporation~~ business representative of the business  
9 entity.

10 **SECTION 69.** 480.08 (3) (c) of the statutes is amended to read:

11 480.08 (3) (c) Subject to ss. 111.321, 111.322 and 111.335, submits evidence sat-  
12 isfactory to the department that the person does not have an arrest or conviction re-  
13 cord and, if the person is a ~~partnership, association or corporation~~ business entity,  
14 that no ~~partner of the partnership, officer or director of the association or officer or~~  
15 ~~director of the corporation~~ business representative of the business entity has an ar-  
16 rest or conviction record.

17 **SECTION 70. Effective dates.** This act takes effect on the day after publica-  
18 tion, except as follows:

19 (1) The repeal and recreation of section 440.47 (5) of the statutes takes effect  
20 on July 1, 1996.

21 (END)