

State of Wisconsin



2023 Senate Bill 52

Date of enactment:
Date of publication*:

2023 WISCONSIN ACT

AN ACT *to create* 93.36 of the statutes; **relating to:** creating a deicer applicators registration program.

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

SECTION 1. 93.36 of the statutes is created to read:

93.36 Deicer applicators registration program.

(1) **DEFINITIONS.** In this section:

(a) “Commercial applicator” means an individual who applies deicer for hire but does not include a municipal, state, or other government employee.

(b) “Deicer” means any substance used to melt snow and ice or for its anti-icing effects on privately owned surfaces traveled by pedestrians and vehicles.

(c) “Owner” means a person that owns or leases private real estate and that enters into a written contract with a registered commercial applicator for snow and ice removal and deicer application.

(d) “Registered commercial applicator” means a commercial applicator who is registered by the department under sub. (2) (b).

(2) **VOLUNTARY REGISTRATION PROGRAM.** (a) The department shall create a deicer applicators registration program and establish criteria for training commercial applicators in methods for snow and ice removal and deicer application that protect water quality. The department shall certify 3rd-party providers of training that meets the criteria established by the department under this paragraph and shall maintain a list of registered training providers.

(b) The department shall register a commercial applicator if the commercial applicator successfully completes a training program approved by the department under par. (a) and passes an examination approved by the department. A registration under this paragraph shall be valid for 5 years.

(c) The department shall maintain and publish on the department’s website a list of all of the following:

1. Companies that employ or contract with registered commercial applicators.

2. Sole proprietors who are registered commercial applicators.

(3) **LIABILITY.** (a) A registered commercial applicator or an owner is not liable for damages arising from a hazard resulting from the accumulation of snow and ice on any private real estate maintained by the registered commercial applicator when the hazard is caused by snow or ice and the registered commercial applicator used methods for snow and ice removal and deicer application that are taught in a training program approved by the department under sub. (2) (a).

(b) Nothing in par. (a) limits the liability of a registered commercial applicator or an owner if the registered commercial applicator or owner does any of the following:

1. Commits an act or omission that involves reckless or wanton conduct or intentional misconduct and the act

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication.”

or omission proximately causes injury, damage, or death.

2. Intentionally injures an entrant onto real estate of the owner that is maintained by the registered commercial applicator.

3. Fails to use methods for snow and ice removal and deicer application that are taught in a training program approved by the department under sub. (2) (a).

(c) This subsection does not apply to a commercial applicator who is not registered under this section.

(d) With respect to a commercial applicator that is not registered by the department under sub. (2) (b), any evidence related to the program under this section or the fact that the commercial applicator is not registered is inadmissible for any purpose in any judicial, legislative, or administrative action, proceeding, or hearing.

(4) RECORD KEEPING. A registered commercial applicator shall maintain all of the following records:

(a) A copy of the registered commercial applicator's registration that is issued by the department.

(b) Evidence of passing the examination approved by the department.

(c) A written record describing the road, parking lot, and property maintenance practices the registered commercial applicator used. The record shall include the types and amounts of deicers used and the dates of

treatment for each event requiring deicer application. The registered commercial applicator shall maintain records under this paragraph for not less than 3 years.

(d) Proof of compliance with the reporting requirements under sub. (5).

(5) REPORTING. No later than July 1 of each year, a registered commercial applicator shall submit to the department on a form provided by the department the types and amounts of deicers he or she used in the previous calendar year.

(6) REVOCATION OF REGISTRATION. If the department determines that a registered commercial applicator has failed to comply with this section or rules promulgated under this section, the department may revoke the registration of the registered commercial applicator. Any individual who receives notice that his or her registration has been revoked under this subsection is entitled to a contested case hearing under ch. 227 if the individual requests the hearing no later than 30 days after receiving the notice that his or her registration has been revoked.

SECTION 2. Effective date.

(1) This act takes effect on the day after publication, or on the 2nd day after publication of the 2023 biennial budget act, whichever is later.