

CHAPTER 443

EXAMINING BOARD OF ARCHITECTS AND PROFESSIONAL ENGINEERS

443.01	Definitions	443.10	Applications, certificates, rules and roster
443.02	Practice requirements and registration: general provisions.	443.11	Disciplinary proceedings against architects and engineers
443.03	Registration requirements for architects.	443.12	Disciplinary proceedings against land surveyors.
443.04	Registration requirements for professional engineers.	443.13	Disciplinary proceedings against designers of engineering systems
443.05	Certification of engineers-in-training	443.14	Exempt persons.
443.06	Registration requirements for land surveyors.	443.15	Exempt buildings.
443.07	Permit requirements: designers of engineering systems	443.16	Change of name
443.08	Registration requirement: firms, partnerships and corporations	443.17	Seal or stamp; aiding unauthorized practice
443.09	Examinations and experience requirements for architect and engineer applicants.	443.18	Penalties; law enforcement

443.01 Definitions. In this chapter, unless the context provides otherwise:

(1) "Architect" means a person who is legally qualified to practice architecture.

(2) "Practice of architecture" includes any professional service, such as consultation, investigation, evaluation, planning, architectural and structural design, or responsible supervision of construction, in connection with the construction of any private or public buildings, structures, projects, or the equipment thereof, or addition to or alterations thereof, in which the public welfare or the safeguarding of life, health or property is concerned or involved.

(3) "Professional engineer" means a person who by reason of his or her knowledge of mathematics, the physical sciences and the principles of engineering, acquired by professional education and practical experience, is qualified to engage in engineering practice as defined in sub. (4).

(4) "Practice of professional engineering" includes any professional service requiring the application of engineering principles and data, in which the public welfare or the safeguarding of life, health or property is concerned and involved, such as consultation, investigation, evaluation, planning, design, or responsible supervision of construction, alteration, or operation, in connection with any public or private utilities, structures, projects, bridges, plants and buildings, machines, equipment, processes and works. A person offers to practice professional engineering if the person by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself or herself to be a professional engineer; or who through the use of some other title implies that he or she is a professional

engineer; or who holds himself or herself out as able to practice professional engineering.

(5) "Examining board" means the examining board of architects, professional engineers, designers and land surveyors, as created by s. 15.405 (2).

(6) "Engineer-in-training" means a person who is a graduate in an engineering curriculum of 4 years or more from a school or college approved by the examining board as of satisfactory standing, or a person who has had 4 years or more of experience in engineering work of a character satisfactory to the examining board; and who, in addition, has successfully passed the examination in the fundamental engineering subjects prior to the completion of the requisite years in engineering work, as provided in s. 443.05, and who has been granted a certificate of record by the examining board stating that the person has successfully passed this portion of the professional examinations.

(7) "Responsible supervision of construction" means a professional service, as distinguished from superintending of construction, and means the performance, or the supervision thereof, of reasonable and ordinary on-site observations to determine that the construction is in substantial compliance with the approved drawings, plans and specifications.

(8) "Land surveying" means any service comprising the determination of the location of land boundaries and land boundary corners; the preparation of maps showing the shape and area of tracts of land and their subdivisions into smaller tracts; the preparation of maps showing the layout of roads, streets and rights-of-way of same to give access to smaller tracts; and the

443.01 EXAMINING BOARD OF ARCHITECTS AND PROFESSIONAL ENGINEERS 4072

preparation of official plats, or maps, of land in this state.

History: 1971 c. 42, 215, 307; 1975 c. 9, 39, 199, 200, 334, 421; 1977 c. 29, 125, 418; 1979 c. 34, 98; 1979 c. 162 s. 38 (7); 1979 c. 167; 1979 c. 221 s. 780; 1979 c. 355.

443.02 Practice requirements and registration: general provisions. (1) Any person practicing or offering to practice architecture or professional engineering in this state shall comply with this chapter.

(2) No person may practice architecture or professional engineering in this state unless the person has been duly registered, is exempt under s. 443.14 or has in effect a permit under s. 443.10 (1) (d).

(3) No person may offer to practice architecture or professional engineering or use in connection with the person's name or otherwise assume, use or advertise any title or description tending to convey the impression that he or she is an architect or professional engineer or advertise to furnish architectural or professional engineering services unless the person has been duly registered or has in effect a permit under s. 443.10 (1) (d).

(4) (a) No person may practice land surveying in this state or use or advertise any title or description tending to convey the impression that the person is a land surveyor unless the person has been issued a certificate of registration or granted a permit to practice under this chapter.

History: 1971 c. 164 s. 88; 1971 c. 215; 1975 c. 39; 1977 c. 29, 418; 1979 c. 34, 167, 355.

443.03 Registration requirements for architects. (1) An applicant for registration as an architect shall submit satisfactory evidence to the examining board:

(a) That he or she has acquired a thorough knowledge of sound construction, building hygiene, architectural design and mathematics; and

(b) 1. A diploma of graduation, or a certificate, from an architectural school or college approved by the examining board as of satisfactory standing, together with at least 2 years' practical experience of a character satisfactory to the examining board in the design and construction of buildings; or

2. A specific record of 7 or more years of experience in architectural work of a character satisfactory to the examining board in the design and construction of buildings.

(2) Graduation in architecture from a school or college approved by the examining board as of satisfactory standing shall be considered as equivalent to 5 years of experience, and the completion satisfactory to the examining board of each year of work in architecture in such

school or college without graduation shall be considered equivalent to one year of experience. Graduation in a course other than architecture from a school or college approved by the examining board as of satisfactory standing shall be considered as equivalent to not more than 4 years of experience.

History: 1979 c. 167.

443.04 Registration requirements for professional engineers. (1) An applicant for registration as a professional engineer shall submit satisfactory evidence to the examining board of one of the following:

(a) A diploma of graduation, or a certificate, from an engineering school or college approved by the examining board as of satisfactory standing in an engineering course of not less than 4 years, together with an additional 4 years of experience in engineering work of a character satisfactory to the examining board and indicating that the applicant is competent to be placed in responsible charge of such work; or

(b) A specific record of 12 or more years of experience in engineering work of a character satisfactory to the examining board and indicating that the applicant is competent to be placed in responsible charge of such work; or

(c) A specific record by an applicant not less than 35 years of age of 12 years or more of experience in engineering work of a character satisfactory to the examining board and indicating that the applicant is competent to practice engineering.

(2) Graduation in engineering from a school or college approved by the examining board as of satisfactory standing shall be considered as equivalent to 4 years of experience, and the completion satisfactory to the examining board of each year of work in engineering in such school or college without graduation shall be considered as equivalent to one year of experience. Graduation in a course other than engineering from a school or college approved by the examining board as of satisfactory standing shall be considered as equivalent to 2 years of experience. No applicant may receive credit for more than 4 years of experience under this subsection.

History: 1979 c. 167.

443.05 Certification of engineers-in-training. (1) An applicant for certification as an engineer-in-training shall submit satisfactory evidence to the examining board as follows:

(a) A diploma of graduation in engineering or a certificate in engineering from a school or college approved by the examining board as of satisfactory standing, or

4073 **EXAMINING BOARD OF ARCHITECTS AND PROFESSIONAL ENGINEERS 443.07**

(b) A specific record of 4 years or more of experience in engineering work of a character satisfactory to the examining board.

(2) Graduation in engineering from a school or college approved by the examining board as of satisfactory standing shall be considered as equivalent to 4 years of experience and the completion satisfactory to the examining board of each year of work in engineering in such school or college without graduation shall be considered as equivalent to one year of experience. Graduation in a course other than engineering from a school or college approved by the examining board as of satisfactory standing shall be considered as equivalent to 2 years of experience. No applicant may receive credit for more than 4 years of experience under this subsection.

History: 1979 c 167.

443.06 Registration requirements for land surveyors. (1) REGISTRATION, APPLICATION, QUALIFYING EXPERIENCE.

(a) Application for registration as a land surveyor or a permit to practice shall be made to the section under oath, on forms prescribed by the examining board and provided by the department, which shall require the applicant to submit such information as the section deems necessary. The section may require applicants to pass written or oral examinations or both. Applicants who are of good character and repute shall be entitled to be registered or issued a permit to practice as land surveyors when satisfactory evidence is submitted that the applicant has met one or more of the requirements of sub. (2).

(b) Each year, but not more than 2 years, of work or training completed in a curriculum in land surveying approved by the section, or responsible charge of land surveying teaching may be considered as equivalent to one year of qualifying experience in land surveying work, and each year, but not more than 4 years completed in a curriculum other than land surveying approved by the section, may be considered as equivalent to one-half year of qualifying experience.

(2) REQUIREMENTS; CERTIFICATE OF REGISTRATION. The section may grant a certificate of registration as a land surveyor to any person who has submitted to it an application, the required fees and one or more of the following:

(a) A record of completion of a course in land surveying of not less than 2 years' duration approved by the section together with 2 years of practice in land surveying work of satisfactory character which indicates that the applicant is competent to be placed in responsible charge of such work, if the applicant has passed a satisfactory oral and written or written examination.

(b) A record of 6 years of practice in land surveying of satisfactory character, which indicates that the applicant is competent to be placed in responsible charge of such work, if the applicant has passed a satisfactory oral and written or written examination.

(c) A record of 20 years of practice in land surveying of satisfactory character, which indicates that the applicant is competent to be placed in responsible charge of such work, if the applicant is not less than 45 years of age.

(d) An unexpired certificate of registration as a land surveyor issued to the applicant by the proper authority in any state or territory or possession of the United States or in any other country whose requirements meet or exceed the requirement for registration in this subsection.

(e) A record of satisfactory completion of an apprenticeship training course in land surveying prescribed by the department of industry, labor and human relations, of satisfactory character which indicates that the applicant is competent to be placed in responsible charge of such work, if the applicant has passed a satisfactory oral and written or written examination.

(3) PERMIT TO PRACTICE. The examining board may grant a permit to practice land surveying during the time an application is pending to a person who is not registered in this state, if the person has submitted an application for registration as a land surveyor and paid the required fee and holds an unexpired certificate which in the opinion of the examining board meets the requirements of sub. (2). The permit shall be revocable by the section at its pleasure.

History: 1979 c 167.

443.07 Permit requirements: designers of engineering systems. (1) An applicant for a permit as a designer shall submit evidence satisfactory to the board indicating that he or she is competent to be in charge of such work as follows:

(a) A specific record of 8 years or more of experience in specialized engineering design work and the satisfactory completion of a written examination in the field or branch, as determined by the board, in which certification is sought; or

(b) A specific record of 12 years of experience by any person at least 35 years of age who was actively engaged in this state in the preparation of plans, specifications, designs and layouts in specific fields or branches as designated under sub. (3). Such a person may be granted a permit to offer and perform services in the designated field or branch.

(2) Completion of technological academic training or apprenticeship program approved by

443.07 EXAMINING BOARD OF ARCHITECTS AND PROFESSIONAL ENGINEERS 4074

the board may be considered equivalent to experience, but should not exceed a total of 4 years. The successful completion of each year of academic work without graduation shall be equivalent to one year of experience. Graduation from a course other than engineering technology shall be equivalent to 2 years of experience under this subsection.

(3) Permits shall be granted, designated and limited to the fields and subfields of technology as are determined by the examining board and recognized in engineering design practice. Any person holding a permit may prepare plans and specifications and perform consultation, investigation and evaluation in connection with the making of plans and specifications, within the scope of the permit, notwithstanding that such activity constitutes the practice of architecture or professional engineering under this chapter.

(4) A master plumber's license under ch. 145 shall be considered equivalent to the work experience and satisfactory completion of a written examination in the field of plumbing systems, and the holder of a master plumber's license shall be issued a permit as a designer of plumbing systems upon the making of an application and the payment of the permit fee.

(5) The permit shall, on its face, restrict the holder thereof to the specific field and subfields of designing in which the permittee acquired his or her experience in designing. If qualified in more than one type of designing, persons may receive permits for more than one field or subfield of designing as may be determined by the examining board.

(6) Permits shall expire on January 31 of the even-numbered year following their issuance or renewal and shall become invalid after that date unless renewed. Renewal may be effected during the month of January by payment of the fee specified in s. 440.05 (3).

History: 1979 c. 167.

Although designer of plumbing systems permits must be issued to applicants who are licensed master plumbers, the examining board has wide discretion to establish design of engineering systems classifications in fields and subfields of technology recognized in engineering design practice and to determine the competence of applicants who hold restricted or temporary master plumber's licenses. 60 Atty Gen. 37.

443.08 Registration requirement: firms, partnerships and corporations.

(1) The practice of architecture and professional engineering pertaining to the internal operations of a firm, partnership or corporation may be performed by employes if the architectural or professional engineering services are performed by or under the direct supervision of architects or professional engineers registered under this chapter, or persons exempt from registration under s. 443.14. Registered or exempt architectural or professional engineering employes may

provide architectural or professional engineering data with respect to the manufacture, sale and utilization of the products of the firm, partnership or corporation to other registered or exempt architects or professional engineers.

(2) The practice of or the offer to practice architecture or professional engineering by individual architects or professional engineers registered under this chapter, through a firm, partnership or corporation as principals, officers, employes or agents, is permitted subject to this chapter, if all personnel who practice or offer to practice in its behalf as architects or professional engineers are registered under this chapter and if the corporation has been issued a certificate of authorization under sub. (3).

(3) (a) A corporation desiring a certificate of authorization shall submit an application with the examining board on forms prescribed by the examining board and provided by the department, listing the names and addresses of all officers and directors, and all individuals in its employment registered to practice architecture or professional engineering in this state who will be in responsible charge of architecture or professional engineering being practiced in this state through the corporation and other relevant information required by the examining board. A similar type of form shall also accompany the biennial renewal fee. If there is a change in any of these persons during the biennium, the change shall be reported on the same type of form, and filed with the examining board within 30 days after the effective date of the change. The examining board shall grant a certificate of authorization to a corporation complying with this subsection upon payment of the certification fee specified in s. 440.05 (8). This subsection does not apply to corporations exempt under s. 443.14 (3) or (5).

(b) All certificates of authorization shall expire on January 31 of the even-numbered year following their issuance or renewal and shall be invalid after the expiration date unless renewed. The department shall notify every corporation certified under this section of the date of the expiration of its certificate and the fee required in s. 440.05 (8). The notice shall be mailed at least one month in advance of expiration.

(4) (a) No firm, partnership or corporation may be relieved of responsibility for the conduct or acts of its agents, employes or officers by reason of its compliance with this chapter, nor may any individual practicing architecture or professional engineering be relieved of responsibility for architectural or professional engineering services performed by reason of his or her employment or relationship with the firm, partnership or corporation.

4075 EXAMINING BOARD OF ARCHITECTS AND PROFESSIONAL ENGINEERS 443.10

(b) All final drawings, specifications, plans, reports or other architectural or engineering papers or documents involving the practice of architecture or professional engineering prepared for the use of the corporation, for delivery by it to any person or for public record within the state shall be dated and bear the signature and seal of the architect or professional engineer who was in responsible charge of their preparation. This paragraph does not apply to persons exempt under s. 443.14 (3), (4) or (5).

(5) No firm, partnership or corporation may engage in the practice of or offer to practice architecture or professional engineering in this state, or use in connection with its name or otherwise assume, use or advertise any title or description tending to convey the impression that it is engaged in the practice of architecture or professional engineering, nor may it advertise or offer to furnish an architectural or professional engineering service, unless the firm, partnership or corporation has complied with this chapter.

(6) Any firm, partnership or corporation using the word "engineering" or any of its derivatives in its name prior to April 24, 1964, shall be permitted to continue to do so and shall be permitted to use such word in any new firm, partnership or corporation formed as a result of a reorganization of the firm, partnership or corporation, if the firm, partnership or corporation does not practice or offer to practice architecture or professional engineering unless it complies with all other applicable provisions of this chapter.

History: 1979 c. 167.

443.09 Examinations and experience requirements for architect and engineer applicants. (1) In considering the qualifications of an applicant as an architect or professional engineer, responsible charge of architectural or engineering teaching may be construed as experience.

(2) No person is eligible for registration as an architect or a professional engineer, or certification as an engineer-in-training who is not of good character and repute.

(3) Written examinations shall be required of every applicant for certification as engineer-in-training.

(4) Written or written and oral examinations shall be required of every applicant for registration as an architect or a professional engineer except an applicant who satisfies s. 443.04 (1) (c). Only one form of examination may be required for all applicants. The examination shall be reasonably related to the skills likely to

be needed by an applicant practicing the profession at the time of examination and seek to determine the applicant's preparedness to exercise such skills. Failure to pass an examination under this section or under any order of registration shall not be a bar to registration under s. 443.04 (1) (c).

(5) Written or written and oral examinations shall be held at such time and place as the examining board determines except as provided in s. 443.04 (1) (c). The scope of the examinations and the methods of procedure shall be prescribed by the examining board with special reference to the applicant's ability to design and supervise architectural or engineering work, which shall promote the public welfare and ensure the safety of life, health and property. The examination or examinations shall include questions which require applicants to demonstrate knowledge of the design needs of people with physical disabilities and of the relevant statutes and codes. Such questions shall be developed by the examining board in consultation with the department of industry, labor and human relations. A candidate failing an examination may, upon application and payment of the required reexamination fee, be examined again by the examining board. No restrictions may be placed on the number of times an unsuccessful candidate may be reexamined, except that after failure of 3 reexaminations, the examining board may require a one-year waiting period before further reexamination.

(6) The examination papers of each applicant shall be retained by the examining board and shall be available to the applicant for review for a one-year period from the date of the examination. The applicant may make a written request, within the one-year period, for a review by the section, of all or of any part of the examination failed. The section shall review the examination, or any part of the examination within 90 days, following receipt of a written request, and shall furnish the applicant a written reply of the results of the review, including a statement of the reasons for a failing grade.

History: 1979 c. 167.

443.10 Applications, certificates, rules and roster. (1) CERTIFICATE OF REGISTRATION OR RECORD; PERMIT; RECIPROCITY PROVISIONS.

(a) The examining board may, upon application therefor, and the payment of the required fee, grant a certificate of registration as an architect, or as a professional engineer to any person who holds an unexpired certificate of similar registration issued to the person by the proper authority in any state or territory or possession of the United States or in any country in which the requirements for the registration of

443.10 EXAMINING BOARD OF ARCHITECTS AND PROFESSIONAL ENGINEERS 4076

architects, or of professional engineers are of a standard not lower than that specified in this chapter.

(b) The examining board may, upon application therefor and payment of the required fee, grant a certificate of registration as an architect, or as a professional engineer to any person who holds an unrevoked card or certificate of national reciprocal registration, issued by any state, province or country in conformity with the regulations of the national council of state board of architectural, or engineering examiners, and who complies with the regulations of the examining board, except as to qualifications and registration fee.

(c) The examining board may, upon application therefor, and the payment of the required fee, grant a certificate-of-record as engineer-in-training to any person who holds an unexpired certificate of similar certification issued to the person by the proper authority in any state or territory or possession of the United States or in any country in which the requirements for the certification of engineers-in-training are of a standard not lower than specified in this chapter.

(d) The examining board may, upon application therefor, grant a permit to practice or to offer to practice architecture or professional engineering to a person who is not a resident of and has no established place of business in this state, or who has recently become a resident of this state, if the person submits to the examining board an application for a certificate of registration and pays the required fee, if the person holds an unexpired certificate of similar registration issued to the person by the proper authority in any state or territory or possession of the United States or in any country in which the requirements for the registration of architects or professional engineers are of a standard not lower than specified in this chapter.

(2) APPLICATIONS FOR REGISTRATION, FEES, CONTENTS OF CERTIFICATION, EXPIRATION. (a) Applications for registration or for a certificate of record shall be on forms prescribed by the examining board and provided by the department and shall contain statements made under oath showing the applicant's education and detail summary of the applicant's technical work and not less than 5 references, of whom 3 or more shall have personal knowledge of the applicant's architectural or engineering experience in the case of an application for registration or of the applicant's technical education or engineering work in the case of an application for a certificate of record.

(b) The fees for examinations and licenses granted or renewed under this chapter are specified in s. 440.05.

(c) The examining board shall grant a certificate of registration upon payment of the registration fee to any applicant who, in the opinion of the examining board, has satisfactorily met all the applicable requirements of this chapter. The certificate shall authorize the practice of architecture or of professional engineering. Certificates of registration shall show the full name of the registrant, shall have a serial number, and shall be signed by the chairperson and the secretary of the examining board under seal of the examining board.

(d) The granting of a certificate of registration by the examining board shall be evidence that the person named in the certificate is entitled to all the rights and privileges of a registered architect or a registered professional engineer under the classification stated on the certificate, while the certificate remains unrevoked or unexpired.

(e) Certificates of registration shall expire on July 31 of the even-numbered year following their issuance or renewal and shall become invalid after that date unless renewed. The department shall notify every person registered under this chapter of the date of the expiration of their respective certificates and the amount of the fee required in s. 440.05 (3).

(f) The examining board shall grant a certificate of record as engineer-in-training to any applicant who, in the opinion of the examining board, has satisfactorily met all the requirements of this section pertaining to engineers-in-training. The certificate of record shall show the full name of the engineer-in-training, shall have a serial number, and shall be signed by the chairperson and secretary of the examining board under the seal of the examining board.

(g) A certificate of record as engineer-in-training is evidence that the engineer-in-training to whom it is issued has successfully passed the portion of the examinations in the fundamental engineering subjects required of an applicant for registration as a professional engineer.

(h) Certificates of record as engineers-in-training shall expire on July 31st of the 10th year after their issuance unless extended by the examining board. An application for extension shall contain evidence satisfactory to the examining board that the applicant's professional experience has been delayed.

(4) ROSTER; RECORDS. (a) A list, showing the names and addresses of all engineers-in-training certified by the examining board during the period from July 1 to June 30, shall be prepared each year by the examining board. The list shall be obtainable by purchase at cost.

(b) The examining board shall keep a record of its proceedings together with a record of all

4077 **EXAMINING BOARD OF ARCHITECTS AND PROFESSIONAL ENGINEERS 443.11**

other information pertaining to its proceedings as may be deemed necessary by the board. The records of the examining board shall be prima facie evidence of the proceedings of the examining board set forth in the records, and a transcript thereof, duly certified by the secretary of the examining board under seal, shall be admissible in evidence with the same effect as if the original were produced.

(5) FEES; RENEWALS. (a) The land surveyor's section shall grant a certificate of registration as a land surveyor to any applicant who has met the applicable requirements of this chapter. The certificate shall expire on January 31 of the even-numbered year after the date of its issuance unless renewed. A certificate may be renewed for a period of 2 years during the month of January in which it expires by the payment of the fee specified in s. 440.05 (3).

(b) The department shall notify every registered land surveyor of the date of the expiration of his or her certificate and the fee required for its renewal, by mail at least one month in advance of the expiration.

(6) ROSTER. A roster showing the names and mailing addresses of all registered surveyors shall be prepared annually by the secretary and made available for purchase at cost, and a copy shall be placed on file with the secretary of state.

History: 1979 c. 167 ss. 9, 10, 23, 24, 41, 42, 53; 1979 c. 221 s. 780; 1979 c. 355.

Examining board of architects, professional engineers, designers and land surveyors lacks power to adopt rule prohibiting competitive bidding on projects by architects, professional engineers, etc. 61 Atty. Gen. 369.

443.11 Disciplinary proceedings against architects and engineers. (1) The examining board may reprimand an architect or professional engineer or limit, suspend or revoke the certificate of registration of any registrant, and the certificate of record of any engineer-in-training, who is found guilty of:

(a) Fraud or deceit in obtaining a certificate of registration or a certificate of record.

(b) Signing or impressing his or her seal or stamp upon documents not prepared by him or her or under his or her control or knowingly permitting his or her seal or stamp to be used by any other person.

(c) Knowingly aiding or abetting the unauthorized practice of architecture or professional engineering by persons not registered under this chapter.

(d) Any gross negligence, incompetency or misconduct in the practice of architecture as a registered architect or of professional engineering as a registered professional engineer, or in the professional activity of a holder of a certificate of record as engineer-in-training.

(e) Any violation of the rules of professional conduct adopted and promulgated by the examining board.

(f) Conviction of a felony, subject to s. 111.32 (5) (a) and (h), or adjudication of mental incompetency by a court of competent jurisdiction, a certified copy of the record of conviction or adjudication of incompetency to be conclusive evidence of such conviction or incompetency.

(2) The examining board may reprimand or may limit, suspend or revoke the certificate of authorization of a corporation if any of its agents, employees or officers has committed any act or has been guilty of any conduct which would authorize a reprimand or a limitation, suspension or revocation of the certificate of registration of a registrant or the certificate of record of an engineer-in-training under this chapter, unless the corporation submits evidence satisfactory to the examining board that the agent, employee or officer is not now practicing or offering to practice architecture or professional engineering in its behalf.

(3) Any person may prefer charges that any registrant, holder of a certificate of record as engineer-in-training or corporate holder of a certificate of authorization has committed an act for which a reprimand or limitation, suspension or revocation of registration is authorized under sub. (1). Such charges shall be in writing, and shall be sworn to by the person making them and shall be submitted to the examining board. The examining board may, on its own motion, make such charges. All charges, unless dismissed by the examining board as unfounded or trivial, shall be heard by the section of the examining board interested, subject to the rules promulgated under s. 440.03 (1).

(4) If, after hearing 3 members of the section of the examining board holding the hearing vote in favor of sustaining the charges, the examining board shall reprimand or limit, suspend or revoke the certificate of registration of the registered architect or registered professional engineer, the certificate of record of the holder of a certificate as engineer-in-training, or the certificate of a corporate holder of a certificate of authorization.

(5) The action of the examining board shall be subject to review in the manner provided in ch. 227.

(6) The examining board, for reasons the interested section deems sufficient, may reissue a certificate of registration or a certificate of record to any person, or a certificate of authorization to any corporation, whose certificate has been revoked, providing 3 members of the architect section or 3 members of the professional

443.11 EXAMINING BOARD OF ARCHITECTS AND PROFESSIONAL ENGINEERS 4078

engineering section of the examining board vote in favor of such reissuance. A new certificate of registration, certificate of record or certificate of authorization, to replace any certificate revoked, lost, destroyed or mutilated may be issued, subject to the rules of the examining board and the payment of the required fee.

History: 1979 c. 167

Gross negligence, incompetency or misconduct as used in (13) (a) 4 [(1)] discussed. Failure of an engineer to properly design a roof truss would not show incompetence, but the board might find gross negligence. *Vivian v. Examining Board of Architects*, 61 W (2d) 627, 213 NW (2d) 359

443.12 Disciplinary proceedings against land surveyors. (1) The section may reprimand or limit, suspend or revoke the certificate of registration of any land surveyor for the practice of any fraud or deceit in obtaining the certificate, or any gross negligence, incompetence or misconduct in the practice of land surveying.

(2) Charges of fraud, deceit, gross negligence, incompetence or misconduct may be made against any surveyor by the section or any person. Such charges may be made on information and belief, but shall be in writing, stating the specific acts, be signed by the complainant and be submitted to the examining board. All charges shall be heard according to the rules promulgated under s. 440.03 (1).

(3) If after a hearing 3 members vote in favor of reprimand or limiting, suspending or revoking the certificate of registration of a land surveyor, the section shall notify the surveyor to that effect. The surveyor shall return the certificate to the examining board immediately on receipt of notice of a revocation. The action of the section may be reviewed under ch. 227.

(4) The section, for reasons it deems sufficient, may reinstate a certificate of registration that has been revoked, if 3 members vote in favor of such reinstatement.

History: 1979 c. 167, 357

443.13 Disciplinary proceedings against designers of engineering systems. The examining board may limit, suspend or revoke a permit or reprimand the permittee if the permittee is guilty of fraud or deceit in obtaining the permit, gross negligence, incompetency or misconduct in practice, signing documents not prepared by the permittee or under the permittee's control, knowingly aiding or abetting unauthorized designing of engineering systems as stated in s. 443.07 (3) by persons not granted permits under this chapter or conviction of a felony, subject to s. 111.32 (5) (a) and (h), or adjudication of mental incompetency by a court of competent jurisdiction. If, after a hearing conducted under the rules promulgated under s.

440.03 (1) before the designers' section of the examining board, two-thirds of the members of the section vote in favor of sustaining the charges, the examining board shall reprimand the permittee or limit, suspend or revoke the permit. The action of the examining board is subject to review under ch. 227.

History: 1979 c. 167.

443.14 Exempt persons. The following persons, while practicing within the scope of their respective exemptions, shall be exempt from this chapter:

(1) An employe of a person holding a certificate of registration in this state who is engaged in the practice of architecture or professional engineering and an employe of a person temporarily exempted from registration, if the practice does not include responsible charge of architecture or professional engineering practice as defined in s. 443.01 (2) and (4).

(2) Officers and employes of the federal government while engaged within this state in the practice of architecture or professional engineering for the federal government.

(3) A public service company and its regular employes acting in its behalf where the professional engineering services rendered are in connection with its facilities which are subject to regulation, supervision and control by a commission of this state or of the federal government.

(4) Any person who practices architecture or professional engineering, exclusively as a regular employe of a private company or corporation, by rendering to the company or corporation architectural or professional engineering services in connection with its operations, so long as the person is thus actually and exclusively employed and no longer, if the company or corporation has at least one architect or professional engineer, registered under this chapter, in responsible charge of the company's or corporation's architectural or professional engineering work in this state.

(5) A person engaged in the manufacture of a product or unit, including laboratory research affiliates of the person, where the services performed are the design, assembly, manufacture, sale or installation of that product or unit. "Product or unit" does not include any building.

(6) Notwithstanding any other provision of this chapter, contractors, subcontractors or construction material or equipment suppliers are not required to register under this chapter to perform or undertake those activities which historically and customarily have been performed by them in their respective trades and specialties, including, but not limited to, the preparation and use of drawings, specifications

4079 EXAMINING BOARD OF ARCHITECTS AND PROFESSIONAL ENGINEERS 443.18

or layouts within a construction firm or in construction operations, superintending of construction, installation and alteration of equipment, cost estimating, consultation with architects, professional engineers or owners concerning materials, equipment, methods and techniques, and investigations or consultation with respect to construction sites, provided all such activities are performed solely with respect to the performance of their work on buildings or with respect to supplies or materials furnished by them for buildings or structures or their appurtenances which are, or which are to be, erected, enlarged or materially altered in accordance with plans and specifications prepared by architects or professional engineers, or by persons exempt under subs. (1) to (5) while practicing within the scope of their exemption.

(7) This chapter does not require manufacturers or their material or equipment suppliers to register under this chapter in order to enable them to perform engineering in the design, assembly, manufacture, sale or installation of their respective products.

(8) The following persons doing surveying work are exempt from the provisions of this chapter:

(a) An employe of a land surveyor registered in this state or authorized to practice under a permit, while working under the supervision of the employer. Such exempt employe shall not be in responsible charge of land surveying.

(b) Officers and employes of the federal government while engaged in land surveying for the federal government.

(c) Employes of this state while engaged in land surveying for the state.

(d) Employes of public utilities regulated by the public service commission in land surveying for such utilities.

(9) A license shall not be required for an owner to survey his or her own land for purposes other than for sale.

History: 1979 c. 167 ss. 5, 21, 40, 48; 1979 c. 355

443.15 Exempt buildings. (1) Nothing in this chapter prevents any person from advertising and performing services, including consultation, investigation, evaluation, in connection with and making plans and specifications for, or supervising the erection, enlargement or alterations of any of the following buildings:

(a) Dwellings for single families, and out-buildings in connection with single-family dwellings, including, but not limited to, barns and private garages.

(b) Apartment buildings used exclusively as the residence of not more than 2 families.

(c) Buildings used exclusively for agricultural purposes.

(d) Temporary buildings or sheds used exclusively for construction purposes, not exceeding 2 stories in height, and not used for living quarters.

(2) Nothing in this chapter prevents any person, firm or corporation from making plans and specifications for or supervising the erection, enlargement or alteration of any new building containing less than 50,000 cubic feet total volume or addition to a building which by reason of such addition results in a building containing less than 50,000 cubic feet total volume or structural alteration to a building containing less than 50,000 cubic feet total volume. Nothing in this chapter prevents any person, firm or corporation from making repairs or interior alterations to buildings which do not affect health or safety.

(3) Any multiple family building having a common roof and party walls shall be deemed a single building for purposes of this section.

(4) This section does not apply to inspection and service work done by employes of insurance rating bureaus, insurance service bureaus, insurance companies or insurance agents.

History: 1979 c. 167.

443.16 Change of name. No person may practice architecture or professional engineering in this state under any other given name or any other surname than that under which the person was originally licensed or registered to practice in this or any other state, in any instance in which the examining board, after a hearing, finds that practicing under the changed name operates to unfairly compete with another practitioner or to mislead the public as to identity or to otherwise result in detriment to the profession or the public. This section does not apply to a change of name resulting from marriage or divorce.

History: 1979 c. 98 s. 1; 1979 c. 167 s. 20; 1979 c. 337 s. 15; 1979 c. 355.

443.17 Seal or stamp; aiding unauthorized practice. No person who is registered to practice architecture or professional engineering may impress his or her seal or stamp upon documents which have not been prepared by the person or under his or her direction and control, knowingly permit his or her seal or stamp to be used by any other person or in any other manner knowingly aid or abet the unauthorized practice of either profession by persons not authorized under this chapter.

History: 1979 c. 167.

443.18 Penalties; law enforcement. (1)

(a) Any person who practices or offers to practice architecture or professional engineering in

443.18 EXAMINING BOARD OF ARCHITECTS AND PROFESSIONAL ENGINEERS 4080

this state, or who uses the word "architect" or the term "professional engineer" as part of the person's business name or title, except as provided in s. 443.08 (6), or in any way represents himself or herself as an architect or a professional engineer unless the person is registered or exempted in accordance with this chapter, or unless the person is the holder of an unexpired permit issued under s. 443.10 (1) (d), or any person presenting or attempting to use as his or her own the certificate of registration of another, or any person who gives any false or forged evidence of any kind to the examining board or to any member thereof in obtaining a certificate of registration, or any person who falsely impersonates any other registrant of like or different name, or any person who attempts to use an expired or revoked certificate of registration, or violates any of the provisions of this section, may be fined not less than \$100 nor more than \$500 or imprisoned for not more than 3 months or both.

(b) All duly constituted officers of the law of this state or any political subdivision shall enforce this chapter and prosecute any persons violating this chapter. A representative of the department of justice designated by the attorney general shall provide a legal advisor to the examining board and render such legal assistance as may be necessary in carrying out this chapter.

(2) (a) *Injunction.* If it appears upon complaint to the examining board by any person, or is known to the examining board that any person who is neither registered nor exempt under this chapter nor the holder of an unexpired permit under s. 443.10 (1) (d) is practicing or offering to practice, or is about to practice or to offer to practice, architecture or professional engineering in this state the examining board or the attorney general or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring action in the name and on behalf of this state against any such person to enjoin the person from practicing or offering to practice architecture or professional engineering.

(b) *Injunction.* If it appears upon complaint or is known to the section that any person who is not authorized is practicing or offering to practice land surveying in this state, the section, the department of justice or the district attorney of the proper county may, in addition to other remedies, bring action in the name and on behalf of the state to enjoin the person from practicing or offering to practice land surveying.

(3) **PENALTIES; LAW ENFORCEMENT.** Any person who violates this chapter shall be fined not more than \$500 or imprisoned not more than 3 months or both.

History: 1979 c. 167 ss. 27, 28, 45, 46.