

Assembly Bill 451

Published
June 30, 1966.

Chapter 570

AN ACT to amend 101.31 (9) (intro. par.); to repeal and recreate 101.31 (2) (b), (6) (j), (7), (13) (a) and (14) (a); and to create 101.31 (1) (d), (e) and (f), (2) (g) and (9) (e) of the statutes, relating to the practice of architecture and professional engineering.

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

SECTION 1. 101.31 (1) (d), (e) and (f) of the statutes are created to read:

101.31 (1) (d) Notwithstanding any other provision of this section, contractors, subcontractors or construction material or equipment suppliers are not required to register under this section 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 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 sub. (9) while practicing within the scope of their exemption.

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

(f) It is unlawful for any person who is registered to practice the profession of architecture or profession of professional engineering to impress his seal or stamp upon documents which have not been prepared by him or under his direction and control, to knowingly permit his seal or stamp to be used by any other person or in any other manner to knowingly aid or abet the unauthorized practice of either profession by persons not authorized under this section.

SECTION 2. 101.31 (2) (b) of the statutes is repealed and recreated to read:

101.31 (2) (b) The practice of architecture within the meaning and intent of this section 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, wherein the public welfare or the safeguarding of life, health or property is concerned or involved.

SECTION 3. 101.31 (2) (g) of the statutes is created to read:

101.31 (2) (g) In this section "responsible supervision of construction" is a professional service as distinguished from superintending of construction and means the performance of such on the site observations as may be necessary to determine that the construction is in substantial compliance with the approved drawings, plans and specifications.

SECTION 4. 101.31 (6) (j) of the statutes is repealed and recreated to read:

101.31 (6) (j) Written or written and oral examinations shall be held at such time and place as the board determines except as is provided in par. (b) 3. The scope of the examinations and the methods of procedure shall be prescribed by the board with special reference to the applicant's ability to design and supervise architectural or engineering work, which shall promote the public welfare and insure the safety of life, health and property. A candidate failing an examination may, upon application and payment of the required re-examination fee, be examined again by the board. No restriction shall be placed on the number of times an unsuccessful candidate may present himself for re-examination, except that after failure of 3 re-examinations, the board may require a one-year waiting period before further re-examination.

SECTION 5. 101.31 (7) of the statutes is repealed and recreated to read:

101.31 (7) PARTNERSHIP OR CORPORATION. (a) 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 section, or persons exempt from registration under sub. (9). 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.

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

(c) A corporation desiring a certificate of authorization shall file an application with the board on forms provided by the board, listing the names and addresses of all officers and directors, and all individuals registered to practice architecture or professional engineering in this state who will practice architecture or professional engineering in this state for the corporation and other relevant information required by the board. This form shall also accompany the annual renewal fee. If there is a change in any of these persons during the year, the change shall be reported on the same type of form, and filed with the board within 30 days after the effective date of the change. The board shall issue a certificate of authorization effective for 2 years from the date of issuance to a corporation complying with this paragraph upon payment of a certification fee of \$50. The biennial renewal fee is \$25. This paragraph does not apply to corporations exempt under sub. (9) (e).

(d) 1. No firm, partnership or corporation shall be relieved of responsibility for the conduct or acts of its agents, employes or officers by reason of its compliance with this section, nor shall any individual practicing architecture or professional engineering be relieved of responsibility for architectural or professional engineering services performed by reason of his employment or relationship with the firm, partnership or corporation.

2. 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 subdivision does not apply to persons exempt under sub. (9) (c), (d) and (e).

(e) 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 the profession of architecture or professional engineering, nor shall it advertise or offer to furnish an architectural or professional engineering service, unless the firm, partnership or corporation has complied with this section.

(f) Any firm, partnership or corporation using the word "engineering" or any of its derivatives in its firm, partnership or corporation name prior to April 24, 1964, shall be permitted to continue to do so, provided such firm, partnership or corporation does not practice or offer to practice architecture or professional engineering unless they comply with all other provisions of this section.

SECTION 6. 101.31 (9) (intro. par.) of the statutes is amended to read:

101.31 (9) (intro. par.) The following persons, while practicing within the scope of their exemption, shall be exempt from registration under the provisions of this section, to wit:

SECTION 7. 101.31 (9) (e) of the statutes is created to read:

101.31 (9) (e) 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 buildings.

SECTION 8. 101.31 (13) (a) of the statutes is repealed and recreated to read:

101.31 (13) (a) 1. The practice of any fraud or deceit in obtaining a certificate of registration or a certificate of record.

2. Signing or impressing his seal or stamp upon documents not prepared by him or under his direction and control or knowingly permitting his seal or stamp to be used by any other person.

3. Knowingly aiding or abetting the unauthorized practice of the professions of architecture or professional engineering by persons not registered under this section.

SECTION 9. 101.31 (14) (a) of the statutes is repealed and recreated to read:

101.31 (14) (a) Any person who practices or offers to practice architecture or professional engineering in this state, or who uses the word "architect" or the term "professional engineer" as part of his business name or title, except as provided in par. (7) (f), or in any way represents himself as an architect or a professional engineer unless he is registered or exempted in accordance with this section, or unless he is the holder of an unexpired permit issued under sub. (11) (d), or any person presenting or attempting to use as his own the certificate of registration of another, or any person who gives any false or forged evidence of any kind to the 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.

Approved June 17, 1966.
