

CHAPTER 443

EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS

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Cross–reference: See definitions in s. 440.01.

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

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

(2) “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.

(3) “Examining board” means the examining board of architects, landscape architects, professional engineers, designers and land surveyors.

(3g) “Landscape architect” means a person who practices landscape architecture.

(3r) “Landscape architecture” means the performance of a professional service involving conceptual land planning and conceptual design for integrated land development based on the analysis of environmental characteristics, operational requirements, land use or commensurate land values. “Landscape architecture” includes the investigation, selection or allocation of land or water resources for appropriate uses; the formulation of graphic or written criteria for a land planning or land construction program; the preparation, review or analysis of a master plan for land use or development; the production of a graphic land area, grading, drainage, irrigation, planting or land construction plan; and the planning of a road, bridge or other structure with respect to the aesthetic requirements of the area on which it will be constructed.

(4) “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 preparation of official plats, or maps, of land in this state.

(5) “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.

(6) “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.

(7) “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. (6).

(8) “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.

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; 1983 a. 189 ss. 274, 329 (18); 1993 a. 463, 465, 491; 1997 a. 300.

The duties of county surveyors and other land surveyors and minimum standards for property surveys are discussed. 69 Atty. Gen. 160.

443.015 Examining board to establish continuing education requirements. The examining board may establish continuing education requirements for renewal of a credential issued under this chapter.

History: 2007 a. 47.

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) 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.

(5) No person may use the title “landscape architect” unless the person is registered as a landscape architect under this chapter, has in effect a permit under s. 443.10 (1) (d) or is exempt under s. 443.14.

History: 1971 c. 164 s. 88; 1971 c. 215; 1975 c. 39; 1977 c. 29, 418; 1979 c. 34, 167, 355; 1993 a. 463, 465; 1997 a. 300; 1999 a. 85.

Cross Reference: See also A–E, Wis. adm. code.

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.

Cross Reference: See also ch. A–E 3, Wis. adm. code.

443.035 Registration requirements for landscape architects. The examining board shall register as a landscape architect an individual who does all of the following:

(1) Submits to the department evidence satisfactory to the examining board of any of the following:

(a) That he or she has a bachelor’s degree in landscape architecture, or a master’s degree in landscape architecture, from a curriculum approved by the examining board and has at least 2 years of practical experience in landscape architecture of a character satisfactory to the examining board.

(b) That he or she has a specific record of at least 7 years of training and experience in the practice of landscape architecture including at least 2 years of courses in landscape architecture approved by the examining board, and 4 years of practical experience in landscape architecture of a character satisfactory to the examining board.

(2) Satisfies the applicable requirements under s. 443.09.

History: 1993 a. 465.

Cross Reference: See also ch. A–E 9, Wis. adm. code.

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 engineering work.

(b) A specific record of 8 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 engineering work.

(c) A specific record by an applicant 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.

(d) 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 8 years 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; 1983 a. 328; 1999 a. 85.

Cross Reference: See also ch. A–E 4, Wis. adm. code.

The authority of the examining board is discussed. 70 Atty. Gen. 156.

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

(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.

Cross Reference: See also ch. A–E 4, Wis. adm. code.

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 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 do not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, 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 4 years, of work or training completed in a curriculum in land surveying approved by the land surveyor 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 land surveyor 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 land surveyor 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 an oral and written or written examination administered by the land surveyor section. This paragraph applies to actions of the land surveyor section on applications for land surveyors' certificates that are submitted to the land surveyor section before July 1, 2000.

(am) Evidence satisfactory to the land surveyor section that he or she has received a bachelor's degree in a course in land surveying or a related field that has a duration of not less than 4 years and is approved by the land surveyor section, and that he or she has engaged in at least 2 years of land surveying practice of satisfactory character that indicates that the applicant is competent to practice land surveying, if the applicant has passed an oral and written or written examination administered by the land surveyor section. This paragraph applies to actions of the land surveyor section on applications for land surveyors' certificates that are submitted to the land surveyor section after June 30, 2000.

(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 an oral and written or written examination administered by the land surveyor section. This paragraph applies to actions of the land surveyor section on applications for land surveyors' certificates that are submitted to the land surveyor section before July 1, 2000.

(bm) Evidence satisfactory to the land surveyor section that he or she has received an associate degree in a course in land surveying or a related field that has a duration of not less than 2 years and is approved by the land surveyor section, and that he or she has engaged in at least 4 years of land surveying practice of satisfactory character that indicates that the applicant is competent to practice land surveying, if the applicant has passed an oral and written or written examination administered by the land surveyor section. This paragraph applies to actions of the land surveyor section on applications for land surveyors' certificates that are submitted to the land surveyor section after June 30, 2000.

(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 and has passed an oral and written or written examination administered by the land surveyor section. This paragraph applies to actions of the land surveyor section on applications for land surveyors' certificates that are submitted to the land surveyor section before January 1, 1995.

(cm) Evidence satisfactory to the land surveyor section that he or she has engaged in at least 10 years of land surveying practice of satisfactory character that indicates that the applicant is competent to practice land surveying, if the applicant has passed an oral and written or written examination administered by the land surveyor section. This paragraph applies to actions of the land surveyor section on applications for land surveyors' certificates that are submitted to the land surveyor section after June 30, 2000.

(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, if the applicant has passed an oral and writ-

ten or written examination administered by the land surveyor section.

(e) A record of satisfactory completion of an apprenticeship training course in land surveying prescribed by the department of workforce development, of satisfactory character which indicates that the applicant is competent to be placed in responsible charge of such work, if the applicant has passed an oral and written or written examination administered by the land surveyor section. This paragraph applies to actions of the land surveyor section on applications for land surveyors' certificates that are submitted to the land surveyor section before July 1, 2000.

(em) Evidence satisfactory to the land surveyor section that he or she has completed an apprenticeship training course in land surveying prescribed by the department of workforce development, and has engaged in a period of additional land surveying practice of satisfactory character that indicates that the applicant is competent to practice land surveying and that, when added to the period of the apprenticeship, totals at least 8 years of land surveying practice, if the applicant has passed an oral and written or written examination administered by the land surveyor section. This paragraph applies to actions of the land surveyor section on applications for land surveyors' certificates that are submitted to the land surveyor section after June 30, 2000.

(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; 1981 c. 380; 1981 c. 391 s. 211; 1987 a. 27; 1993 a. 462; 1995 a. 27 s. 9130 (4); 1997 a. 3, 27.

Cross Reference: See also ch. A-E 6, Wis. adm. code.

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 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) The renewal date and renewal fee for permits under this section are specified under s. 440.08 (2) (a).

NOTE: Sub. (6) is amended eff. 7–1–09 by 2007 Wis. Act 20 to read:

(6) The renewal date for permits under this section is specified under s. 440.08 (2) (a), and the fee for renewal of such permits is determined by the department under s. 440.03 (9) (a).

History: 1979 c. 167; 1991 a. 39; 2007 a. 20.

Cross Reference: See also ch. A–E 5, Wis. adm. code.

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 or professional engineering pertaining to the internal operations of a firm, partnership or corporation may be performed by employees 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 employees 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, professional engineering or designing by individual architects, professional engineers or designers registered or granted a permit under this chapter, through a firm, partnership or corporation as principals, officers, employees or agents, is permitted subject to this chapter, if all personnel who practice or offer to practice in its behalf as architects, professional engineers or designers are registered or granted a permit under this chapter and if the firm, partnership or corporation has been issued a certificate of authorization under sub. (3).

(3) (a) A firm, partnership or corporation desiring a certificate of authorization shall submit an application to the department on forms provided by the department, listing the names and addresses of all officers and directors, and all individuals in its employment registered or granted a permit to practice architecture, professional engineering or designing in this state who will be in responsible charge of architecture, professional engineering or designing being practiced in this state through the firm, partnership or corporation and other relevant information required by the examining board. A similar type of form shall also accompany the renewal fee. If there is a change in any of these persons, the change shall be reported on the same type of form, and filed with the department within 30 days after the effective date of the change. The examining board shall grant a certificate of authorization to a firm, partnership or corporation complying with this subsection upon payment of the fee specified in s. 440.05 (1). This subsection does not apply to firms, partnerships or corporations exempt under s. 443.14 (3) or (5).

NOTE: Par. (a) is amended eff. 7–1–09 by 2007 Wis. Act 20 to read:

(a) A firm, partnership or corporation desiring a certificate of authorization shall submit an application to the department on forms provided by the department, listing the names and addresses of all officers and directors, and all individuals in its employment registered or granted a permit to practice architecture, professional engineering or designing in this state who will be in responsible charge of architecture, professional engineering or designing being practiced in this state through the firm, partnership or corporation and other relevant information required by the examining board. A similar type of form shall also accompany the renewal fee. If there is a change in any of these persons, the change shall be reported on the same type of form, and filed with the department within 30 days after the effective date of the change. The examining board shall

grant a certificate of authorization to a firm, partnership or corporation complying with this subsection upon payment of the initial credential fee determined by the department under s. 440.03 (9) (a). This subsection does not apply to firms, partnerships or corporations exempt under s. 443.14 (3) or (5).

(b) The renewal date and renewal fee for certificates of authorization under this section are specified under s. 440.08 (2) (a).

NOTE: Par. (b) is amended eff. 7–1–09 by 2007 Wis. Act 20 to read:

(b) The renewal date for certificates of authorization under this section is specified under s. 440.08 (2) (a), and the fee for renewal of such certificates is determined by the department under s. 440.03 (9) (a).

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

(b) All final drawings, specifications, plans, reports or other architectural, engineering or designing papers or documents involving the practice of architecture, professional engineering or designing, or landscape architectural papers or documents prepared by a landscape architect registered under this chapter, prepared for the use of a firm, partnership or 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, landscape architect, professional engineer or designer 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, professional engineering or designing 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, professional engineering or designing, nor may it advertise or offer to furnish an architectural, professional engineering or designing 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, professional engineering or designing unless it complies with all other applicable provisions of this chapter.

History: 1979 c. 167; 1983 a. 129; 1987 a. 27; 1991 a. 39; 1993 a. 463, 465, 491; 1997 a. 300; 2007 a. 20.

Whether the use of “engineer” or “engineering” in a business title violates this chapter requires a case-by-case analysis. 70 Atty. Gen. 131.

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

(2) Subject to ss. 111.321, 111.322 and 111.335, no person who has an arrest or conviction record is eligible for registration as an architect, a landscape architect or a professional engineer, or certification as an engineer-in-training.

(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) (d). Except as provided in sub. (5), 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 the examining board shall not be a bar to registration under s. 443.04 (1) (d).

(4m) No person may be registered as a landscape architect under this chapter unless he or she passes a written examination or written and oral examinations conducted or approved by the examining board under sub. (5).

(5) Written or written and oral examinations shall be held at such time and place as the examining board determines. 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, landscape architectural or engineering work, which shall promote the public welfare and ensure the safety of life, health and property. The architect and professional engineering 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 commerce. The examination for candidates under s. 443.04 (1) (c) shall be the principles and practice examination which requires the applicant to demonstrate the ability to apply engineering principles and judgment to problems in general engineering disciplines and to demonstrate knowledge of the design needs of people with physical disabilities and the relevant statutes, rules and regulations. 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; 1981 c. 380; 1981 c. 391 s. 211; 1983 a. 328; 1993 a. 463, 465, 491; 1995 a. 27 ss. 6606, 9116 (5); 1997 a. 300.

Cross Reference: See also chs. A–E 3, 4, and 9, Wis. adm. code.

443.10 Applications, certificates, rules and roster.

(1) **CERTIFICATE OF REGISTRATION OR RECORD; PERMIT; RECIPROCITY PROVISIONS.** (a) The examining board may, upon application and the payment of the required fee, grant a certificate of registration as an architect, as a landscape 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 architects, landscape architects or professional engineers are of a standard not lower than specified in this chapter.

(b) The examining board may, upon application and payment of the required fee, grant a certificate of registration as an architect, as a landscape architect or as a professional engineer to any person who holds an unrevoked card or certificate of national reciprocal registration, issued by any state, territory or possession of the United States or by any country, which is in conformity with the regulations of the national council of state board of architectural, or engineering examiners, or council of landscape architectural registration boards, 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 and payment of the required fee, grant a permit to practice or to offer to practice architecture or professional engineering or to use the title "landscape architect" 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 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, landscape 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 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, landscape 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 ss. 440.05 and 440.08.

NOTE: Par. (b) is amended eff. 7-1-09 by 2007 Wis. Act 20 to read:

(b) The fees for examinations and licenses granted under this chapter are specified in s. 440.05, and the fee for renewal of such licenses is determined by the department under s. 440.03 (9) (a).

(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 professional engineering or the use of the title "landscape architect", as appropriate.

(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, a registered landscape architect or a registered professional engineer under the classification stated on the certificate, while the certificate remains unrevoked or unexpired.

(e) The renewal date and renewal fee for certificates of registration for architects, landscape architects and professional engineers are specified under s. 440.08 (2) (a).

NOTE: Par. (e) is amended eff. 7-1-09 by 2007 Wis. Act 20 to read:

(e) The renewal date for certificates of registration for architects, landscape architects, and professional engineers is specified under s. 440.08 (2) (a), and the fee for renewal of such certificates is determined by the department under s. 440.03 (9) (a).

(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.

(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.

(3) **EMERGENCY RULES; LIMITATION.** The examining board may not adopt or change, by emergency rule, any requirement for the

registration of or issuance of a permit to any applicant under this chapter.

(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 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.** 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 renewal date and renewal fee for the certificate are specified under s. 440.08 (2) (a).

NOTE: Sub. (5) is amended eff. 7–1–09 by 2007 Wis. Act 20 to read:

(5) **FEES; RENEWALS.** 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 renewal date for the certificate is specified under s. 440.08 (2) (a), and the renewal fee for the certificate is determined by the department under s. 440.03 (9) (a).

(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 department of financial institutions.

History: 1979 c. 167 ss. 9, 10, 23, 24, 41, 42, 53; 1979 c. 221 s. 780; 1979 c. 355; 1981 c. 3; 1987 a. 27; 1991 a. 39; 1993 a. 463, 465, 491; 1995 a. 27; 1997 a. 27, 300; 2007 a. 20.

Cross Reference: See also chs. A–E 3, 4, and 9, Wis. adm. code.

The examining board of architects, professional engineers, designers and land surveyors lacks the power to adopt a rule prohibiting competitive bidding on projects by architects, engineers, designers, or surveyors. 61 Atty. Gen. 369.

443.11 Disciplinary proceedings against architects, landscape architects and engineers.

(1) The examining board may reprimand an architect, registered landscape 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, of landscape architecture as a registered landscape 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 ss. 111.321, 111.322 and 111.335, 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 a firm, partnership or corporation holding a certificate of authorization issued under this chapter or may limit, suspend or revoke such a certificate if any of the agents, employees or officers of the firm, partnership or corporation 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 firm, partnership or 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 make 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, 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 appropriate section of the examining board, subject to the rules promulgated under s. 440.03 (1).

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

(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 appropriate section of the examining board considers sufficient, may reissue a certificate of registration or a certificate of record to any person, or a certificate of authorization to any firm, partnership or corporation, whose certificate has been revoked, except for a certificate revoked under s. 440.12, if 3 members of the section vote in favor of such reissuance. Subject to the rules of the examining board, the examining board may, upon payment of the required fee, issue a new certificate of registration, certificate of record or certificate of authorization, to replace any certificate that is revoked, lost, destroyed or mutilated.

History: 1979 c. 167; 1981 c. 334 s. 25 (1); 1993 a. 463, 465, 491; 1997 a. 237, 300; 1999 a. 32, 186.

Gross negligence, incompetency, or misconduct is discussed. The 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 Wis. 2d 627, 213 N.W.2d 359 (1974).

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. This subsection does not apply to a certificate of registration that is revoked under s. 440.12.

History: 1979 c. 167, 357; 1997 a. 237.

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 ss. 111.321, 111.322 and 111.335, 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; 1981 c. 334 s. 25 (1).

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

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

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

(3) A public service company and its regular employees 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 employee 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 who is 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 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 pre-

pared 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 employee 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 employee shall not be in responsible charge of land surveying.

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

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

(d) Employees 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.

(10) Any person employed by a county or this state who is engaged in the planning, design, installation or regulation of land and water conservation activities under ch. 92 or s. 281.65 and who is certified under s. 92.18.

(11) Any land surveyor registered under s. 443.06 who is engaged in the planning, design, installation or regulation of land and water conservation activities under ch. 92 or s. 281.65.

(12m) A well driller who is licensed under s. 280.15 (2m), or an employee of a well drilling business that is registered under s. 280.15 (1), who is engaged in well drilling, as defined in s. 280.01 (8).

(13) A professional engineer who, while engaged in the practice of professional engineering in accordance with this chapter, collects, investigates, interprets or evaluates data relating to soil, rock, groundwater, surface water, gases or other earth conditions, or uses that data for analysis, consultation, planning, design or construction.

(14) A person who, while engaged in the practice of professional geology, hydrology or soil science as defined in s. 470.01 (2), (3) or (4), practices professional engineering, if the acts that involve the practice of professional engineering are also part of the practice of professional geology, hydrology or soil science.

History: 1979 c. 167 ss. 5, 21, 40, 48; 1979 c. 355; 1983 a. 189 s. 329 (18); 1991 a. 309; 1993 a. 463, 465, 491; 1995 a. 227; 1997 a. 27, 300; 2005 a. 360.

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 outbuildings 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 employees 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, and no person who is registered as a landscape architect under this chapter may practice landscape architecture 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; 1993 a. 463, 465, 491; 1997 a. 300.

443.17 Seal or stamp; aiding unauthorized practice.

No person who is registered under this chapter to practice architecture, landscape 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 architecture or professional engineering or the unauthorized use of the title "landscape architect" by persons not authorized under this chapter.

History: 1979 c. 167; 1993 a. 463, 465, 491; 1997 a. 300.

443.18 Penalties; law enforcement. (1) UNAUTHORIZED PRACTICE; PENALTY. (a) Any person who practices or offers to practice architecture or professional engineering in this state, or who uses the term "architect" or "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 archi-

tect 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 individual who uses the title "landscape architect" in this state unless the person is registered or exempted in accordance with this chapter, 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 of the examining board 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.

(2) INJUNCTION. (a) 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, or is using the title "landscape architect" 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 or from using the title "landscape architect".

(b) 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; 1981 c. 20; 1993 a. 463, 465, 491; 1997 a. 300; 1995 a. 85.