

1999 SENATE BILL 328

January 19, 2000 – Introduced by Senators SHIBILSKI, WELCH, GEORGE, SCHULTZ and A. LASEE, cosponsored by Representatives JESKEWITZ, GOETSCH, SYKORA, HANDRICK and GROTHMAN. Referred to Economic Development, Housing and Government Operations.

1 **AN ACT** *to repeal* 443.06 (2) (c); *to renumber and amend* 443.01 (4) and 443.02
2 (4) (a); *to amend* 15.405 (2) (intro.), (a) and (b), 30.11 (3), 30.13 (3) (a), 59.20 (2),
3 59.43 (8), 59.45 (1) (a) 2., 59.45 (1) (b), 59.45 (3), 59.46, 59.74 (2) (b) 1., 59.74 (2)
4 (c), 59.74 (2) (g), 59.74 (2) (h), 59.74 (2) (j), 59.75, 60.84 (1), 157.07 (1), 236.15
5 (2), 236.34 (1) (a), 440.08 (2) (a) 39., chapter 443 (title), 443.01 (3), 443.06 (title),
6 443.06 (1) (title), 443.06 (1) (a), 443.06 (1) (b), 443.06 (2) (intro.), 443.06 (2) (a),
7 443.06 (2) (am), 443.06 (2) (b), 443.06 (2) (bm), 443.06 (2) (cm), 443.06 (2) (d),
8 443.06 (2) (e), 443.06 (2) (em), 443.06 (3), 443.10 (title), 443.10 (2) (b), 443.10 (5),
9 443.12 (title), 443.12 (1), 443.12 (3), 443.14 (8) (a), 443.14 (8) (b), 443.14 (8) (c),
10 443.14 (8) (d), 443.14 (9), 443.14 (11), 443.18 (2) (b), 703.11 (2) (b), 703.11 (4),
11 703.13 (6) (e), 703.13 (7) (c), 707.215 (5) (intro.), 709.02 and 709.07; and *to*
12 **create** 443.01 (1g), 443.01 (1r), 443.01 (3b), 443.01 (6s) (a) and (b), 443.01 (6s)
13 (d) 3. and 4., 443.01 (6s) (f) to (h), 443.01 (7m) and 443.135 of the statutes;

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- 1 **relating to:** professional land surveyors and the practice of professional land
2 surveying and granting rule-making authority.
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Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, a person may not practice land surveying or represent that he or she is a land surveyor unless the land surveyor section (section) of the examining board of architects, landscape architects, professional engineers, designers and land surveyors (board) has issued a certificate of registration or permit to the person. “Land surveying” is defined as determining the location of land boundaries and boundary corners; preparing maps that show the shape and area of tracts of land or subdivisions or the layout of roads, streets or rights-of-way; or preparing official plats or maps of land in this state.

This bill replaces “land surveying” with the term “practice of professional land surveying” and defines the term as any of the following:

1. Establishing, restoring or perpetuating private or public land boundaries and boundary corners.
2. Preparing maps that show any of the following: a) the shape and area of tracts of land or the subdivision or consolidation of tracts; b) the layout and rights-of-way of roads or streets; c) air, water or property rights; or d) public or private easements.
3. Preparing assessors’ or official plats or maps of lands in this state.
4. Measuring and analyzing a tract of land to determine its boundaries or to describe it for conveyance.
5. Designing or coordinating designs for platting or subdividing tracts of land.
6. Applying knowledge or experience about land surveying to assist in the development, use or management of geographic or land information systems.
7. Performing cartographic, construction or geodetic surveying in connection with any of the practices described in the above items.
8. Providing consultation services related to any of the practices described in the above items.

The bill also prohibits, with certain exceptions, a person from engaging in the practice of professional land surveying or representing that he or she is a professional land surveyor unless the person is issued a license or permit by the section. In addition, the bill changes the name of the section to the professional land surveyor section and changes the name of the board to the examining board of architects, landscape architects, professional engineers, designers and professional land surveyors. Finally, the bill replaces various references under current law to “registered land surveyor” with “licensed professional land surveyor”.

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

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

1 **SECTION 1.** 15.405 (2) (intro.), (a) and (b) of the statutes are amended to read:
2 15.405 (2) EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
3 PROFESSIONAL ENGINEERS, DESIGNERS AND PROFESSIONAL LAND SURVEYORS. (intro.) There
4 is created an examining board of architects, landscape architects, professional
5 engineers, designers and professional land surveyors in the department of
6 regulation and licensing. Any professional member appointed to the examining
7 board shall be registered or licensed to practice architecture, landscape architecture,
8 professional engineering, the design of engineering systems or professional land
9 surveying under ch. 443. The examining board shall consist of the following
10 members appointed for 4-year terms: 3 architects, 3 landscape architects, 3
11 professional engineers, 3 designers, 3 professional land surveyors and 10 public
12 members.

13 (a) In operation, the examining board shall be divided into an architect section,
14 a landscape architect section, an engineer section, a designer section and a
15 professional land surveyor section. Each section shall consist of the 3 members of
16 the named profession appointed to the examining board and 2 public members
17 appointed to the section. The examining board shall elect its own officers, and shall
18 meet at least twice annually.

19 (b) All matters pertaining to passing upon the qualifications of applicants for
20 and the granting or revocation of registration or licensure, and all other matters of
21 interest to either the architect, landscape architect, engineer, designer or

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1 professional land surveyor section shall be acted upon solely by the interested
2 section.

3 **SECTION 2.** 30.11 (3) of the statutes is amended to read:

4 30.11 (3) HOW ESTABLISHED. Whenever any municipality proposes to establish
5 a bulkhead line or to reestablish an existing bulkhead line, the municipality shall
6 indicate both the existing shore and the proposed bulkhead line upon a map and shall
7 file with the department for its approval 6 copies of the map and 6 copies of the
8 ordinance establishing the bulkhead line. The map shall use a scale of not less than
9 100 feet to an inch or any other scale required by the department. The map and a
10 metes and bounds description of the bulkhead line shall be prepared by a licensed
11 professional land surveyor ~~registered~~ licensed in this state. The department may
12 require the installation of permanent reference markers to the bulkhead line. Upon
13 approval by the department, the municipality shall deliver the map, description and
14 ordinance to the office of the register of deeds of the county in which the bulkhead
15 line lies, to be recorded by the register of deeds.

16 **SECTION 3.** 30.13 (3) (a) of the statutes is amended to read:

17 30.13 (3) (a) Any municipality authorized by s. 30.11 to establish a bulkhead
18 line may also establish a pierhead line in the same manner as it is authorized to
19 establish a bulkhead line, except that a metes and bounds legal description is not
20 required nor is the map required to be prepared by a ~~registered~~ licensed professional
21 land surveyor and except that if the municipality has created a board of harbor
22 commissioners the municipality must obtain the approval of the board concerning
23 the establishment of the pierhead line in addition to obtaining the approval of the
24 department.

25 **SECTION 4.** 59.20 (2) of the statutes is amended to read:

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1 **59.20 (2) COUNTY OFFICERS; TERMS.** A county clerk, treasurer, sheriff, coroner,
2 clerk of circuit court, register of deeds and surveyor, who shall be a registered
3 licensed professional land surveyor, shall be elected in each county for full terms at
4 the general election held in each even-numbered year. The regular term of office of
5 each such officer shall commence on the first Monday of January next succeeding his
6 or her election and shall continue 2 years and until his or her successor qualifies.
7 In lieu of electing a surveyor in any county, the board may, by resolution, designate
8 that the duties under ss. 59.45 (1) and 59.74 (2) be performed by any registered
9 licensed professional land surveyor employed by the county. In any county
10 containing one town only, the county board may, by resolution, designate any county
11 office a part-time position, combine 2 or more county offices, and, if concurred in by
12 the town board, combine the offices of county clerk and town clerk and any other
13 county and town offices, provided that the offices combined are not incompatible and
14 the combination is not expressly forbidden by law. If the town board so concurs, the
15 election may be for the combined office and no separate election for the town office
16 shall be held until after the county board has by resolution decided to abandon the
17 combination and the town board has concurred by resolution. In counties having a
18 population of 500,000 or more, no county coroner or county surveyor may be elected.
19 In any county in which a medical examiner system is instituted, no coroner may be
20 elected.

21 **SECTION 5.** 59.43 (8) of the statutes is amended to read:

22 **59.43 (8) REQUIRED SIGNATURE AND SEAL ON SURVEY DOCUMENT FOR FILING OR**
23 **RECORDING.** It is unlawful for the register of deeds of any county or any proper public
24 authority to file or record a map, plat, survey or other document within the definition
25 of the practice of professional land surveying under s. 443.01 (6s), which does not

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1 have impressed thereon, and affixed thereto, the personal signature and seal of a
2 registered licensed professional land surveyor under whose responsible charge the
3 map, plat, survey or other document was prepared. This subsection does not apply
4 to any deed, contract or other recordable document prepared by an attorney, or to a
5 transportation project plat that conforms to s. 84.095 and that is prepared by a state
6 agency.

7 **SECTION 6.** 59.45 (1) (a) 2. of the statutes is amended to read:

8 59.45 **(1)** (a) 2. Make, personally or by a deputy, a record, in books or on
9 drawings and plats that are kept for that purpose, of all corners that are set and the
10 manner of fixing the corners and of all bearings and the distances of all courses run,
11 of each survey made personally, by deputies or by other licensed professional land
12 surveyors and arrange or index the record so it is an easy to use reference and file
13 and preserve in the office the original field notes and calculation thereof. Within 60
14 days after completing any survey, the county surveyor shall make a true and correct
15 copy of the foregoing record, in record books or on reproducible papers to be furnished
16 by the county and kept in files in the office of the county surveyor to be provided by
17 the county. In a county with a population of 500,000 or more where there is no county
18 surveyor, a copy of the record shall also be filed in the office of the regional planning
19 commission which acts in the capacity of county surveyor for the county.

20 **SECTION 7.** 59.45 (1) (b) of the statutes is amended to read:

21 59.45 **(1)** (b) Surveys for individuals or corporations may be performed by any
22 licensed professional land surveyor who is employed by the parties requiring the
23 services, providing that within 60 days after completing any survey the land
24 surveyor files a true and correct copy of the survey in the office of the county surveyor.
25 In counties with a population of 500,000 or more the copy shall be filed in the office

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1 of the register of deeds and in the office of the regional planning commission which
2 acts in the capacity of county surveyor for the county.

3 **SECTION 8.** 59.45 (3) of the statutes is amended to read:

4 59.45 (3) SURVEYOR; FEES. In addition to the regular fees of licensed professional
5 land surveyors that are received from the parties employing the county surveyor, the
6 county surveyor may receive a salary from the county.

7 **SECTION 9.** 59.46 of the statutes is amended to read:

8 **59.46 Penalty for nonfeasance.** Any county surveyor, any city, village or
9 town engineer, or any licensed professional land surveyor who fails or refuses to
10 perform any duty required of that person by law shall forfeit not less than \$25 nor
11 more than \$50 for each such failure or refusal.

12 **SECTION 10.** 59.74 (2) (b) 1. of the statutes is amended to read:

13 59.74 (2) (b) 1. Whenever it becomes necessary to destroy, remove or cover up
14 in such a way that will make it inaccessible for use, any landmark, monument of
15 survey, or corner post within the meaning of this subsection, the person including
16 employes of governmental agencies who intend to commit such act shall serve
17 written notice at least 30 days prior to the act upon the county surveyor of the county
18 within which the landmark is located. Notice shall also be served upon the
19 municipality's engineer if the landmark is located within the corporate limits of a
20 municipality. The notice shall include a description of the landmark, monument of
21 survey or corner post and the reason for removing or covering it. In this paragraph,
22 removal of a landmark includes the removal of railroad track by the owner of the
23 track. In a county having a population of less than 500,000 where there is no county
24 surveyor, notice shall be served upon the clerk. In a county with a population of
25 500,000 or more where there is no county surveyor, notice shall be served upon the

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1 executive director of the regional planning commission which acts in the capacity of
2 county surveyor for the county. Notwithstanding par. (c), upon receipt of the notice
3 the clerk shall appoint a registered licensed professional land surveyor to perform
4 the duties of a county surveyor under subd. 2.

5 **SECTION 11.** 59.74 (2) (c) of the statutes is amended to read:

6 59.74 (2) (c) In those counties where there are no county surveyors a petition
7 can be made to the board by any resident of this state requesting the board to appoint
8 a licensed professional land surveyor to act in the capacity of the county surveyor.
9 The board, upon receipt of this petition, shall appoint a licensed professional land
10 surveyor to act in the capacity of the county surveyor. In counties with a population
11 of 500,000 or more, the board may appoint a governmental agency to act in the
12 capacity of county surveyor.

13 **SECTION 12.** 59.74 (2) (g) of the statutes is amended to read:

14 59.74 (2) (g) Every licensed professional land surveyor and every officer of the
15 department of natural resources and the district attorney shall enforce this
16 subsection.

17 **SECTION 13.** 59.74 (2) (h) of the statutes is amended to read:

18 59.74 (2) (h) Any registered licensed professional land surveyor employed by
19 the department of transportation or by a county highway department, may, incident
20 to employment as such, assume and perform the duties and act in the capacity of the
21 county surveyor under this subsection with respect to preservation and perpetuation
22 of landmarks, witness monuments and corner posts upon and along state trunk,
23 county trunk and town highways. Upon completing a survey and perpetuating
24 landmarks and witness monuments under par. (b) 2., a licensed professional land
25 surveyor employed by the state shall file the field notes and records in the district

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1 office or main office of the department of transportation, and a licensed professional
2 land surveyor employed by a county shall file the field notes and records in the office
3 of the county highway commissioner, open to inspection by the public, and in either
4 case a true and correct copy of the field notes and records shall be filed with the
5 county surveyor. In a county with a population of 500,000 or more where there is no
6 county surveyor, a copy of the field notes and records shall also be filed in the office
7 of the regional planning commission which acts in the capacity of county surveyor
8 for the county.

9 **SECTION 14.** 59.74 (2) (j) of the statutes is amended to read:

10 59.74 (2) (j) The county surveyor may employ other licensed professional land
11 surveyors to assist in this work and may accept reference checks for these corners
12 from any licensed professional land surveyor.

13 **SECTION 15.** 59.75 of the statutes is amended to read:

14 **59.75 Certificates and records as evidence.** The certificate and also the
15 official record of the county surveyor when produced by the legal custodian thereof,
16 or any of the county surveyor's deputies, when duly signed by the county surveyor
17 in his or her official capacity, shall be admitted as evidence in any court within the
18 state, but the same may be explained or rebutted by other evidence. If any county
19 surveyor or any of his or her deputies are interested in any tract of land a survey of
20 which becomes necessary, such survey may be executed by any licensed professional
21 land surveyor appointed by the board.

22 **SECTION 16.** 60.84 (1) of the statutes is amended to read:

23 60.84 (1) SURVEY, CONTRACT FOR. The town board may contract with the county
24 surveyor or any registered licensed professional land surveyor to survey all or some

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1 of the sections in the town and to erect monuments under this section as directed by
2 the board.

3 **SECTION 17.** 157.07 (1) of the statutes is amended to read:

4 157.07 (1) A cemetery authority shall cause to be surveyed and platted by a
5 professional land surveyor ~~registered~~ licensed in this state those portions of the
6 lands that are from time to time required for burial, into cemetery lots, drives and
7 walks, and record a plat or map of the land in the office of the register of deeds. The
8 plat or map may not be recorded unless laid out and platted to the satisfaction of the
9 county board of the county, and the town board of the town in which the land is
10 situated, or, if the land is situated within a 1st class city, then only by the common
11 council of that city.

12 **SECTION 18.** 236.15 (2) of the statutes is amended to read:

13 236.15 (2) ACCURACY OF SURVEY. The survey shall be performed by a
14 professional land surveyor ~~registered~~ licensed in this state and if the error in the
15 latitude and departure closure of the survey or any part thereof is greater than the
16 ratio of one in 3,000, the plat may be rejected.

17 **SECTION 19.** 236.34 (1) (a) of the statutes is amended to read:

18 236.34 (1) (a) The survey shall be performed and the map prepared by a
19 professional land surveyor ~~registered~~ licensed in this state. The error in the latitude
20 and departure closure of the survey may not exceed the ratio of one in 3,000.

21 **SECTION 20.** 440.08 (2) (a) 39. of the statutes is amended to read:

22 440.08 (2) (a) 39. Land surveyor, professional: February 1 of each
23 even-numbered year; \$69.

24 **SECTION 21.** Chapter 443 (title) of the statutes is amended to read:

25

CHAPTER 443

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1 **EXAMINING BOARD OF ARCHITECTS,**
2 **LANDSCAPE ARCHITECTS,**
3 **PROFESSIONAL ENGINEERS,**
4 **DESIGNERS AND PROFESSIONAL**
5 **LAND SURVEYORS**

6 **SECTION 22.** 443.01 (1g) of the statutes is created to read:

7 443.01 **(1g)** “Cartographic surveying” means collecting topographic,
8 hydrographic, aerial, anthropologic, forensic, architectural or mining data that
9 depicts areas and physical features on, below or above the surface of the earth and
10 compiling maps.

11 **SECTION 23.** 443.01 (1r) of the statutes is created to read:

12 443.01 **(1r)** “Construction surveying” means surveying or mapping in support
13 of infrastructure design, improvements related to private and public boundary lines,
14 construction layout or historic preservation, and establishing any postconstruction
15 documentation related to such surveying or mapping.

16 **SECTION 24.** 443.01 (3) of the statutes is amended to read:

17 443.01 **(3)** “Examining board” means the examining board of architects,
18 landscape architects, professional engineers, designers and professional land
19 surveyors.

20 **SECTION 25.** 443.01 (3b) of the statutes is created to read:

21 443.01 **(3b)** “Geodetic surveying” means surveying to determine the size and
22 shape of the earth or the precise positions of points on the surface of the earth.

23 **SECTION 26.** 443.01 (4) of the statutes is renumbered 443.01 (6s) (intro.) and
24 amended to read:

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1 443.01 (6s) (intro.) “Land Practice of professional land surveying” means any
2 service comprising the determination of the location of the following:

3 (c) Establishing, restoring or perpetuating private or public land boundaries
4 and land boundary corners; the preparation of.

5 (d) Preparing maps showing the that depict any of the following:

6 1. The shape and area of tracts of land and their subdivisions into smaller
7 tracts; the preparation of maps showing the or the subdivision or consolidation of
8 tracts of land.

9 2. The layout and rights-of-way of roads, or streets and rights-of-way of same
10 to give access to smaller tracts; and the preparation of.

11 (e) Preparing assessors’ or official plats, or maps, of land in this state.

12 **SECTION 27.** 443.01 (6s) (a) and (b) of the statutes are created to read:

13 443.01 (6s) (a) Measuring and analyzing a tract of land to determine its
14 boundaries or to describe the tract for the purpose of conveyance.

15 (b) Designing or coordinating designs for the purpose of platting or subdividing
16 land into smaller tracts.

17 **SECTION 28.** 443.01 (6s) (d) 3. and 4. of the statutes are created to read:

18 443.01 (6s) (d) 3. Air, water or property rights.

19 4. Public or private easements.

20 **SECTION 29.** 443.01 (6s) (f) to (h) of the statutes are created to read:

21 443.01 (6s) (f) Applying knowledge or experience about land surveying to assist
22 in the development, use or management of geographic or land information systems
23 that collect, organize or disseminate data regarding land ownership or land
24 resources.

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1 (g) Performing cartographic, construction or geodetic surveying in connection
2 with any of the practices specified in pars. (a) to (e).

3 (h) Providing consultation services related to any of the practices specified in
4 this subsection.

5 **SECTION 30.** 443.01 (7m) of the statutes is created to read:

6 443.01 (7m) “Professional land surveyor” means a person who, by reason of his
7 or her knowledge of law, mathematics, physical sciences and measurement
8 techniques, acquired by education and practical experience, is granted a license or
9 permit to engage in the practice of professional land surveying under this chapter.

10 **SECTION 31.** 443.02 (4) (a) of the statutes is renumbered 443.02 (4) and
11 amended to read:

12 443.02 (4) No person may engage or offer to engage in the practice of
13 professional land surveying in this state or use or advertise any title or description
14 tending to convey the impression that the person is a professional land surveyor
15 unless the person has been issued a certificate of registration or granted a license or
16 permit to practice under this chapter.

17 **SECTION 32.** 443.06 (title) of the statutes is amended to read:

18 **443.06** (title) **Registration Licensure requirements for professional**
19 **land surveyors.**

20 **SECTION 33.** 443.06 (1) (title) of the statutes is amended to read:

21 443.06 (1) (title) ~~REGISTRATION~~ LICENSURE, APPLICATION, QUALIFYING EXPERIENCE.

22 **SECTION 34.** 443.06 (1) (a) of the statutes is amended to read:

23 443.06 (1) (a) Application for ~~registration~~ licensure as a professional land
24 surveyor or a permit to practice shall be made to the section under oath, on forms
25 provided by the department, which shall require the applicant to submit such

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1 information as the section deems necessary. The section may require applicants to
2 pass written or oral examinations or both. Applicants who do not have an arrest or
3 conviction record, subject to ss. 111.321, 111.322 and 111.335, shall be entitled to be
4 ~~registered or issued a~~ granted a license or permit to practice as professional land
5 surveyors when satisfactory evidence is submitted that the applicant has met one or
6 more of the requirements of sub. (2).

7 **SECTION 35.** 443.06 (1) (b) of the statutes is amended to read:

8 443.06 (1) (b) Each year, but not more than 4 years, of work or training
9 completed in a curriculum in land surveying approved by the professional land
10 surveyor section, or responsible charge of land surveying teaching may be considered
11 as equivalent to one year of qualifying experience in land surveying work, and each
12 year, but not more than 4 years completed in a curriculum other than land surveying
13 approved by the ~~land surveyor~~ section, may be considered as equivalent to one-half
14 year of qualifying experience.

15 **SECTION 36.** 443.06 (2) (intro.) of the statutes is amended to read:

16 443.06 (2) ~~REQUIREMENTS; CERTIFICATE OF REGISTRATION LICENSE.~~ (intro.) The
17 section may grant a ~~certificate of registration as a~~ professional land surveyor license
18 to any person who has submitted to it an application, the required fees and one or
19 more of the following:

20 **SECTION 37.** 443.06 (2) (a) of the statutes is amended to read:

21 443.06 (2) (a) A record of completion of a course in land surveying of not less
22 than 2 years' duration approved by the professional land surveyor section together
23 with 2 years of practice in land surveying work of satisfactory character which
24 indicates that the applicant is competent to be placed in responsible charge of such
25 work, if the applicant has passed an oral and written or written examination

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1 administered by the ~~land surveyor~~ section. This paragraph applies to actions of the
2 ~~land surveyor~~ section on applications for professional land surveyors' certificates
3 licenses that are submitted to the ~~land surveyor~~ section before July 1, 2000.

4 **SECTION 38.** 443.06 (2) (am) of the statutes is amended to read:

5 443.06 (2) (am) Evidence satisfactory to the professional land surveyor section
6 that he or she has received a bachelor's degree in a course in land surveying or a
7 related field that has a duration of not less than 4 years and is approved by the ~~land~~
8 ~~surveyor~~ section, and that he or she has engaged in at least 2 years of land surveying
9 practice of satisfactory character that indicates that the applicant is competent to
10 engage in the practice of professional land surveying, if the applicant has passed an
11 oral and written or written examination administered by the ~~land surveyor~~ section.
12 This paragraph applies to actions of the ~~land surveyor~~ section on applications for
13 professional land surveyors' certificates licenses that are submitted to the ~~land~~
14 ~~surveyor~~ section after June 30, 2000.

15 **SECTION 39.** 443.06 (2) (b) of the statutes is amended to read:

16 443.06 (2) (b) A record of 6 years of practice in land surveying of satisfactory
17 character, which indicates that the applicant is competent to be placed in responsible
18 charge of such work, if the applicant has passed an oral and written or written
19 examination administered by the professional land surveyor section. This
20 paragraph applies to actions of the ~~land surveyor~~ section on applications for
21 professional land surveyors' certificates licenses that are submitted to the ~~land~~
22 ~~surveyor~~ section before July 1, 2000.

23 **SECTION 40.** 443.06 (2) (bm) of the statutes is amended to read:

24 443.06 (2) (bm) Evidence satisfactory to the professional land surveyor section
25 that he or she has received an associate degree in a course in land surveying or a

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1 related field that has a duration of not less than 2 years and is approved by the ~~land~~
2 ~~surveyor~~ section, and that he or she has engaged in at least 4 years of land surveying
3 practice of satisfactory character that indicates that the applicant is competent to
4 engage in the practice of professional land surveying, if the applicant has passed an
5 oral and written or written examination administered by the ~~land surveyor~~ section.
6 This paragraph applies to actions of the ~~land surveyor~~ section on applications for
7 professional land surveyors' ~~certificates~~ licenses that are submitted to the ~~land~~
8 ~~surveyor~~ section after June 30, 2000.

9 **SECTION 41.** 443.06 (2) (c) of the statutes is repealed.

10 **SECTION 42.** 443.06 (2) (cm) of the statutes is amended to read:

11 443.06 (2) (cm) Evidence satisfactory to the professional land surveyor section
12 that he or she has engaged in at least 10 years of land surveying practice of
13 satisfactory character that indicates that the applicant is competent to engage in the
14 practice of professional land surveying, if the applicant has passed an oral and
15 written or written examination administered by the ~~land surveyor~~ section. This
16 paragraph applies to actions of the ~~land surveyor~~ section on applications for
17 professional land surveyors' ~~certificates~~ licenses that are submitted to the ~~land~~
18 ~~surveyor~~ section after June 30, 2000.

19 **SECTION 43.** 443.06 (2) (d) of the statutes is amended to read:

20 443.06 (2) (d) An unexpired certificate of registration, certification or license
21 as a land surveyor or professional land surveyor issued to the applicant by the proper
22 authority in any state or territory or possession of the United States or in any other
23 country whose requirements meet or exceed the requirement for ~~registration~~
24 licensure in this subsection, if the applicant has passed an oral and written or written
25 examination administered by the professional land surveyor section.

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1 **SECTION 44.** 443.06 (2) (e) of the statutes is amended to read:

2 443.06 **(2)** (e) A record of satisfactory completion of an apprenticeship training
3 course in land surveying prescribed by the department of workforce development, of
4 satisfactory character which indicates that the applicant is competent to be placed
5 in responsible charge of such work, if the applicant has passed an oral and written
6 or written examination administered by the professional land surveyor section. This
7 paragraph applies to actions of the ~~land surveyor~~ section on applications for
8 professional land surveyors' ~~certificates~~ licenses that are submitted to the ~~land~~
9 ~~surveyor~~ section before July 1, 2000.

10 **SECTION 45.** 443.06 (2) (em) of the statutes is amended to read:

11 443.06 **(2)** (em) Evidence satisfactory to the professional land surveyor section
12 that he or she has completed an apprenticeship training course in land surveying
13 prescribed by the department of workforce development, and has engaged in a period
14 of additional land surveying practice of satisfactory character that indicates that the
15 applicant is competent to engage in the practice of professional land surveying and
16 that, when added to the period of the apprenticeship, totals at least 8 years of land
17 surveying practice, if the applicant has passed an oral and written or written
18 examination administered by the ~~land surveyor~~ section. This paragraph applies to
19 actions of the ~~land surveyor~~ section on applications for professional land surveyors'
20 ~~certificates~~ licenses that are submitted to the ~~land surveyor~~ section after June 30,
21 2000.

22 **SECTION 46.** 443.06 (3) of the statutes is amended to read:

23 443.06 **(3)** PERMIT TO PRACTICE. The examining board may grant a permit to
24 engage in the practice of professional land surveying during the time an application
25 is pending to a person who is not ~~registered~~ licensed in this state, if the person has

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1 submitted an application for ~~registration as a~~ professional land surveyor license and
2 paid the required fee and holds an unexpired certificate of registration, certification
3 or license which in the opinion of the examining board meets the requirements of sub.
4 (2). The permit shall be revocable by the section at its pleasure.

5 **SECTION 47.** 443.10 (title) of the statutes is amended to read:

6 **443.10 (title) Applications, certificates, licenses, rules and roster.**

7 **SECTION 48.** 443.10 (2) (b) of the statutes is amended to read:

8 443.10 (2) (b) The fees for examinations and ~~licenses~~ credentials, as defined in
9 s. 440.01 (2) (a), granted or renewed under this chapter are specified in ss. 440.05 and
10 440.08.

11 **SECTION 49.** 443.10 (5) of the statutes is amended to read:

12 443.10 (5) FEES; RENEWALS. The professional land surveyor's surveyor section
13 shall grant a ~~certificate of registration as a~~ professional land surveyor license to any
14 applicant who has met the applicable requirements of this chapter. The renewal date
15 and renewal fee for the certificate license are specified under s. 440.08 (2) (a).

16 **SECTION 50.** 443.12 (title) of the statutes is amended to read:

17 **443.12 (title) Disciplinary proceedings against professional land**
18 **surveyors.**

19 **SECTION 51.** 443.12 (1) of the statutes is amended to read:

20 443.12 (1) The section may reprimand a licensed professional land surveyor,
21 or limit, suspend or revoke the ~~certificate of registration of any~~ professional land
22 surveyor license, for the practice of any fraud or deceit in obtaining the ~~certificate~~
23 license, or any gross negligence, incompetence or misconduct in the practice of
24 professional land surveying.

25 **SECTION 52.** 443.12 (3) of the statutes is amended to read:

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1 443.12 (3) If after a hearing 3 members vote in favor of reprimand or limiting,
2 suspending or revoking the ~~certificate of registration~~ license of a professional land
3 surveyor, the section shall notify the surveyor to that effect. The surveyor shall
4 return the ~~certificate~~ license to the examining board immediately on receipt of notice
5 of a revocation. The action of the section may be reviewed under ch. 227.

6 **SECTION 53.** 443.135 of the statutes is created to read:

7 **443.135 Cartographic, construction and geodetic surveying.** Nothing
8 in this chapter shall be construed to prohibit a person who has not been granted a
9 license or permit to practice professional land surveying under this chapter from
10 performing cartographic, construction or geodetic surveying, unless the performance
11 of cartographic, construction or geodetic surveying also involves a practice specified
12 in s. 443.01 (6s) (a) to (e).

13 **SECTION 54.** 443.14 (8) (a) of the statutes is amended to read:

14 443.14 (8) (a) An employe of a professional land surveyor registered licensed
15 in this state or authorized to practice under a permit, while working under the
16 supervision of the employer. Such exempt employe shall not be in responsible charge
17 of the practice of professional land surveying.

18 **SECTION 55.** 443.14 (8) (b) of the statutes is amended to read:

19 443.14 (8) (b) Officers and employes of the federal government while engaged
20 in the practice of professional land surveying for the federal government.

21 **SECTION 56.** 443.14 (8) (c) of the statutes is amended to read:

22 443.14 (8) (c) Employes of this state while engaged in the practice of
23 professional land surveying for the state.

24 **SECTION 57.** 443.14 (8) (d) of the statutes is amended to read:

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1 443.14 **(8)** (d) Employes of public utilities regulated by the public service
2 commission ~~in~~ while engaged in the practice of professional land surveying for such
3 utilities.

4 **SECTION 58.** 443.14 (9) of the statutes is amended to read:

5 443.14 **(9)** A license or permit shall not be required for an owner to survey his
6 or her own land for purposes other than for sale.

7 **SECTION 59.** 443.14 (11) of the statutes is amended to read:

8 443.14 **(11)** Any professional land surveyor ~~registered~~ licensed under s. 443.06
9 who is engaged in the planning, design, installation or regulation of land and water
10 conservation activities under ch. 92 or s. 281.65.

11 **SECTION 60.** 443.18 (2) (b) of the statutes is amended to read:

12 443.18 **(2)** (b) *Injunction.* If it appears upon complaint or is known to the
13 section that any person who is not authorized is ~~practicing~~ engaged or offering to
14 engage in the practice of professional land surveying in this state, the section, the
15 department of justice or the district attorney of the proper county may, in addition
16 to other remedies, bring an action in the name and on behalf of the state to enjoin
17 the person from ~~practicing~~ engaging or offering to engage in the practice of
18 professional land surveying.

19 **SECTION 61.** 703.11 (2) (b) of the statutes is amended to read:

20 703.11 **(2)** (b) A survey of the property described in the declaration complying
21 with minimum standards for property surveys adopted by the examining board of
22 architects, landscape architects, professional engineers, designers and professional
23 land surveyors and showing the location of any unit or building located or to be
24 located on the property.

25 **SECTION 62.** 703.11 (4) of the statutes is amended to read:

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1 703.11 **(4)** SURVEYOR'S CERTIFICATE. A condominium plat is sufficient for the
2 purposes of this chapter if there is attached to or included in it a certificate of a
3 licensed professional land surveyor authorized to practice that profession in this
4 state that the plat is a correct representation of the condominium described and the
5 identification and location of each unit and the common elements can be determined
6 from the plat.

7 **SECTION 63.** 703.13 (6) (e) of the statutes is amended to read:

8 703.13 **(6)** (e) Plats and plans showing the altered boundaries and the
9 dimensions thereof between adjoining units, and their identifying numbers or
10 letters, shall be prepared. The plats and plans shall be certified as to their accuracy
11 in compliance with this subsection by a civil engineer, architect or licensed
12 professional land surveyor authorized to practice his or her profession in the state.

13 **SECTION 64.** 703.13 (7) (c) of the statutes is amended to read:

14 703.13 **(7)** (c) Plats and plans showing the boundaries and dimensions
15 separating the new units together with their other boundaries and their new
16 identifying numbers or letters shall be prepared. The plats and plans shall be
17 certified as to their accuracy and compliance with this subsection by a civil engineer,
18 architect or licensed professional land surveyor authorized to practice his or her
19 profession in the state.

20 **SECTION 65.** 707.215 (5) (intro.) of the statutes is amended to read:

21 707.215 **(5)** SURVEYOR'S CERTIFICATE. (intro.) A plat is sufficient for the purposes
22 of this chapter if attached to or included in the plat is a certificate of a professional
23 land surveyor licensed to practice in this state, and the certificate provides all of the
24 following:

25 **SECTION 66.** 709.02 of the statutes is amended to read:

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1 **709.02 Disclosure.** In regard to transfers described in s. 709.01, the owner
2 of the property shall furnish, not later than 10 days after acceptance of a contract of
3 sale or option contract, to the prospective buyer of the property a completed copy of
4 the report under s. 709.03, subject to s. 709.035, except that the owner may substitute
5 for any entry information supplied by a licensed engineer, licensed professional land
6 surveyor or structural pest control operator or by an individual who is a qualified 3rd
7 party, as defined in s. 452.23 (2) (b), or by a contractor about matters within the scope
8 of the contractor's occupation if the information is in writing and is furnished on time
9 and if the entry to which it relates is identified and except that the owner may
10 substitute for any entry information supplied by a public agency, as defined in s.
11 66.073 (3) (h). Information that substitutes for an entry on the report under s. 709.03
12 and that is supplied by a person specified in this section may be submitted and
13 certified on a supplemental report prepared by the person, as long as the information
14 otherwise satisfies the requirements under this section. A prospective buyer who
15 does not receive a report within the 10 days may, within 2 business days after the end
16 of that 10-day period, rescind the contract of sale or option contract by delivering a
17 written notice of rescission to the owner or to the owner's agent.

18 **SECTION 67.** 709.07 of the statutes is amended to read:

19 **709.07 Liability precluded.** An owner is not liable for an error or omission
20 in a report under s. 709.03 if the owner had no knowledge of that error or omission,
21 if the error or omission was based on information provided by a public agency, as
22 defined in s. 66.073 (3) (h), or by a licensed engineer, licensed professional land
23 surveyor, structural pest control operator or qualified 3rd party, as defined in s.
24 452.23 (2) (b), or by a contractor about matters within the scope of the contractor's
25 occupation.

SENATE BILL 328**SECTION 68. Nonstatutory provisions.**

(1) Notwithstanding section 443.02 (4) of the statutes, as affected by this act, on the effective date of this subsection, a person who has been granted a certificate of registration as a land surveyor under section 443.06 (2) of the statutes or a permit to practice land surveying under section 443.06 (3) of the statutes is considered to be granted a professional land surveyor license under section 443.06 (2) of the statutes, as affected by this act, or a permit to engage in the practice of professional land surveying under section 443.06 (3) of the statutes, as affected by this act, and the professional land surveyor section of the examining board of architects, landscape architects, professional engineers, designers and professional land surveyors shall issue to the person, as appropriate, a professional land surveyor license under section 443.06 (2) of the statutes, as affected by this act, or a permit to practice professional land surveying under section 443.06 (3) of the statutes, as affected by this act.

SECTION 69. Initial applicability.

(1) The treatment of sections 709.02 and 709.07 of the statutes first applies to reports furnished on the effective date of this subsection.

SECTION 70. Effective date.

(1) This act takes effect on the first day of the 4th month beginning after publication.

(END)