January 3, 2008 – Introduced by Representatives LOTHIAN, SHILLING, DAVIS, VRUWINK, BERCEAU, TOWNSEND, MONTGOMERY, TURNER and MASON, cosponsored by Senator RISSER. Referred to Committee on Labor and Industry.

AN ACT to repeal 443.02 (5); to renumber and amend 443.01 (3r); to amend 66.1027 (2) (a), 443.02 (2), 443.02 (3), 443.10 (1) (d), 443.10 (2) (c), 443.11 (1) (intro.), 443.16, 443.18 (1) (a) and 443.18 (2) (a); and to create 443.01 (3r) (a) to (h) and 443.14 (15) of the statutes; relating to: requiring a license to engage in the practice of landscape architecture.

Analysis by the Legislative Reference Bureau

Under current law, no person may use the title “landscape architect” unless he or she holds a certificate of registration as a landscape architect issued by the examining board of architects, landscape architects, professional engineers, designers, and land surveyors (the board). In order to be granted a certificate of registration as a landscape architect, a person must hold a bachelor’s or a master’s degree in landscape architecture from a curriculum approved by the board and have at least two years of practical experience in landscape architecture, or have a specific record of at least seven years of training and experience in the practice of landscape architecture including at least two years of courses in landscape architecture approved by the board, and four years of practical experience in landscape architecture. Further, the person must successfully complete an examination by the board.

Under this bill, no person may practice landscape architecture unless he or she is registered as a landscape architect by the board. The registration requirements remain the same under the bill. The bill clarifies that landscape architecture does
not include professional services provided by a person who is an architect, engineer, or land surveyor, if the person holds the credential required to engage in that practice. The bill also contains exemptions from the registration requirements for a number of persons, including: 1) a person doing work on property owned by the person; 2) biologists, professional geologists, and professional soil scientists; and 3) a person making plans or drawings for the selection, placement, or use of plants or other site features, if the project scope does not adversely affect the public health, safety, or welfare.

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

SECTION 1. 66.1027 (2) (a) of the statutes is amended to read:

66.1027 (2) (a) Not later than January 1, 2001, the extension, in consultation with any other University of Wisconsin System institution or with a landscape architect, as that term is used in s. 443.02 (5), or with independent planners or any other consultant with expertise in traditional neighborhood planning and development, shall develop a model ordinance for a traditional neighborhood development and an ordinance for a conservation subdivision.

SECTION 2. 443.01 (3r) of the statutes is renumbered 443.01 (3r) (intro.) and amended to read:

443.01 (3r) (intro.) “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. except that “landscape architecture” does not
include any of the following:

SECTION 3. 443.01 (3r) (a) to (h) of the statutes are created to read:

443.01 (3r) (a) Professional services performed by a registered architect or by
a person who has in effect a permit under s. 443.10 (1) (d).

(b) Professional services performed by a professional engineer or by a person
who has in effect a permit under s. 443.10 (1) (d).

(c) Professional services performed by a registered land surveyor or by a person
who has in effect a permit under s. 443.06 (3).

(d) The practice of planning as is customarily done by a regional, park, or urban
planner, or by a person participating on a planning board or commission, within the
scope of that practice.

(e) The practice of a natural resource professional, including a biologist,
professional geologist, as defined in s. 470.01 (5), or professional soil scientist, as
defined in s. 470.01 (7).

(f) The actions of a person who is under the supervision of a licensed landscape
architect or an employee of a licensed landscape architect, unless the person assumes
responsible charge, design, or supervision.

(g) Work performed on property by a person who owns or has exclusive control
over the property, or work performed by a person hired by a person who owns or has
exclusive control of the property. This paragraph does not apply to property owned
or controlled by the state or by a political subdivision.

(h) Making plans or drawings for the selection, placement, or use of plants or
other site features, if the project scope does not adversely affect the public health,
safety, or welfare, unless the plans or drawings are intended to provide construction
details and specifications not otherwise exempted.

**SECTION 4.** 443.02 (2) of the statutes is amended to read:

443.02 (2) No person may practice architecture, landscape 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).

**SECTION 5.** 443.02 (3) of the statutes is amended to read:

443.02 (3) No person may offer to practice architecture, landscape 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, landscape architectural, or professional engineering services unless
the person has been duly registered or has in effect a permit under s. 443.10 (1) (d).

**SECTION 6.** 443.02 (5) of the statutes is repealed.

**SECTION 7.** 443.10 (1) (d) of the statutes is amended to read:

443.10 (1) (d) The examining board may, upon application and payment of the
required fee, grant a permit to practice or to offer to practice architecture, landscape
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.

**SECTION 8.** 443.10 (2) (c) of the statutes is amended to read:
443.10 (2) (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, landscape architecture, or professional engineering or the use of the title “landscape architect”, as appropriate.

SECTION 9. 443.11 (1) (intro.) of the statutes is amended to read:

443.11 (1) (intro.) 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:

SECTION 10. 443.14 (15) of the statutes is created to read:

443.14 (15) A person employed by the federal government who is engaged in this state in the practice of landscape architecture for the federal government.

SECTION 11. 443.16 of the statutes is amended to read:

443.16 Change of name. No person may practice architecture, landscape 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.

SECTION 12. 443.18 (1) (a) of the statutes is amended to read:
443.18 (1) Unauthorized practice; penalty. (a) Any person who practices or offers to practice architecture, landscape architecture, or professional engineering in this state, or who uses the term “architect,” “landscape 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 architect, landscape architect, or a professional engineer unless the person is registered or exempted in accordance with this chapter, or unless the person is the holder of an unexpired permit issued under s. 443.10 (1) (d), or any 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.

Section 13. 443.18 (2) (a) of the statutes is amended to read:

443.18 (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, landscape 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, landscape architecture, or professional
engineering or from using the title “landscape architect”.

(END)