

State of Wisconsin



2009 Assembly Bill 142

Date of enactment: **February 11, 2010**
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2009 WISCONSIN ACT 123

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.

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) ~~443.02 (2)~~, 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).

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

(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 an individual who owns or has control over the property, or work performed by a person hired by an individual who owns or has control of the property.

(h) Making plans or drawings for the selection, placement, or use of plants or site features.

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, landscape 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) (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) (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 profes-

sional 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”~~.
