

1969 Assembly Bill 1073

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CHAPTER 446, LAWS OF 1969

AN ACT to repeal 101.31 (3) and (4) (a) to (c); to amend 15.405 (2), 101.31 (2) (e), (4) (d) and (e) and (6) (b) 2 and 3, (i) and (j) and (13); and to create 101.31 (16) and (17) of the statutes, relating to the organization and authority of the examining board of architects and professional engineers.

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

SECTION 1. 15.405 (2) of the statutes is amended to read:

15.405 (2) EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS. There is created an examining board of

architects ~~and~~, professional engineers, *designers and land surveyors* in the department of regulation and licensing. Any member appointed to the examining board shall have engaged in the practice of the profession of architecture ~~or~~, professional engineering, *the design of engineering systems or land surveying*, for at least 10 years and shall have been in responsible charge of architectural ~~or~~, professional engineering, *designing of engineering systems or land surveying* work for at least 5 years. The examining board shall consist of ~~8~~ 14 members: the dean of the college of engineering of the university of Wisconsin ~~at Madison~~; the dean of the college of architecture of the university of Wisconsin or, if there is no such dean, the highest ranking professor in the field of architecture in the university, designated by the president of the university; 3 architects; ~~and~~ 3 professional engineers, *3 designers and 3 land surveyors*. The 3 architects ~~and~~, the 3 professional engineers, *3 designers and the 3 land surveyors* shall be appointed by the industry, labor and human relations commission for staggered 3-year terms from lists, consisting of 2 or more names for each position to be filled, submitted by the architectural ~~and~~, engineering, *construction and land surveying* societies or associations of the state. ~~One professional engineer member of the examining board shall be a registered land surveyor.~~ No appointed member may serve more than 2 consecutive terms.

(a) In operation, the examining board shall be divided into ~~2~~ 4 sections which shall each elect their own officers and meet at least twice annually. ~~One~~ *The architect* section shall consist of the dean of the college of architecture of the university of Wisconsin or, if there is no such dean, the highest ranking professor in the field of architecture in the university, designated by the president of the university, and the architect members. ~~The other~~ *engineer* section shall consist of the dean of the college of engineering of the university of Wisconsin, and the engineering members. *The designer section shall consist of 3 licensed designers, and the land surveyor section shall consist of 3 surveyor members.*

(b) All matters pertaining to passing upon the qualifications of applicants for and the granting or revocation of registration, and all other matters of interest to either the architectural ~~or~~, engineering, *designing or surveying* section shall be acted upon solely by the interested section.

(c) All matters of joint interest shall be considered by joint meetings of ~~both~~ all sections of the examining board or of those sections to which the problem is of interest. *The dean of the college of engineering shall be entitled to only one vote in any such joint meeting. At such joint meeting the dean of the college of engineering or the dean of the college of architecture, shall preside as chairman.*

SECTION 2. 101.31 (2) (e) of the statutes is amended to read:

101.31 (2) (e) The term "examining board" as used in this section ~~shall mean~~ means the state registration ~~examining~~ board of architects ~~and~~, professional engineers, *designers and land surveyors*, as provided ~~for~~ by ~~this section~~ created by s. 15.405 (2).

SECTION 3. 101.31 (3) and (4) (a) to (c) of the statutes are repealed.

SECTION 4. 101.31 (4) (d) and (e) and (6) (b) 2 and 3, (i) and (j) of the statutes are amended to read:

101.31 (4) RULES; SEAL; JUDICIAL REVIEW. (d) The *examining* board may make all bylaws and rules, not inconsistent with the constitution and laws of this state, which may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. *The examining board shall cause to have prepared and shall adopt rules of professional conduct which rules shall be made known in writing to every registrant, holder of a certificate or permit and applicant for registration, certification or permit, which rules shall be published in the roster provided for in sub. (5).* Such publication shall constitute due notice to all

registrants, holders of certificates or permits. The examining board may revise and amend these rules and shall notify each registrant in writing of such revisions or amendments. The examining board shall adopt an official seal. In carrying into effect ~~the provisions of~~ this section, the examining board or its ~~divisions~~ sections may take testimony in any case involving the revocation of registration, certification or permit or practicing or offering to practice without registration, certification or permit. Any member of the examining board may administer oaths to witnesses.

(e) The action of the examining board in revoking a registration ~~or~~, certification or permit or the action of a ~~division~~ section thereof in denying a registration ~~or~~, certification or permit or making any rule thereto shall be subject to review under ch. 227.

(6) (b) 2. A specific record of § 12 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 such work; or

3. A specific record by an applicant not less than 35 years of age 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.

(i) Written or written and oral examinations will be required of every applicant for registration as an architect or a professional engineer except an applicant who meets the requirements of par. (b) 3. Failure to pass an examination under this section or under any order of the examining board shall not be a bar to registration under par. (b) 3.

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

SECTION 5. 101.31 (13) of the statutes is amended to read:

101.31 (13) The examining board has the power to revoke the certificate of registration of any registrant, and the certificate of record of any engineer-in-training, who is found guilty of:

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

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

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

~~(b)~~ 4. Any gross negligence, incompetency or misconduct in the practice of architecture as a registered 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.

5. Any violation of the rules of professional conduct adopted and promulgated by the examining board.

6. Conviction of a felony 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.

(b) The examining board may revoke the certificate of authorization of a corporation if any of its agents, employes or officers has committed any act or has been guilty of any conduct which would authorize a revocation of the certificate of registration of a registrant or the certificate of record of an engineer-in-training under this section, unless the corporation submits evidence satisfactory to the examining board that such agent, employe or officer is not now practicing or offering to practice architecture or professional engineering in its behalf.

(c) Any person may prefer charges of ~~fraud, deceit, gross negligence, incompetency or misconduct against~~ that any registrant or holder of a certificate of record as engineer-in-training, or corporate holder of a certificate of authorization has committed any act for which revocation of registration is authorized under par. (a). Such charges shall be in writing, and shall be sworn to by the person making them and shall be filed with the secretary of the examining board. Also, 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 ~~division~~ section of the board interested, within 3 months after the date on which they shall have been preferred.

(d) The time and place for said hearing shall be fixed by the examining board, and a copy of the charges, together with a notice of the time and place of hearing shall be personally served on or mailed to the last known address of such registrant ~~or~~, holder of a certificate of record or holder of a certificate of authorization, at least 30 days before the date fixed for the hearing. At any hearing, the accused registrant ~~or~~, holder of a certificate of record or holder of a certificate of authorization shall have the right to appear personally and by counsel, to cross examine witnesses appearing against him, and to produce evidence and witnesses in his own defense.

(e) If, after such hearing 4 3 members of the ~~division~~ section of the examining board holding the hearing vote in favor of finding the accused ~~guilty~~ sustaining the charges, the examining board shall revoke the certificate of registration of such registered architect or registered professional engineer ~~or~~, the certificate of record of such holder of a certificate as engineer-in-training, or the certificate of a corporate holder of a certificate of authorization.

(f) The action of the examining board shall be subject to review in the manner provided in ch. 227.

(g) The examining board, for reasons the interested ~~division~~ section may deem sufficient, may reissue a certificate of registration or a certificate of record to any person, or a certificate of authorization to any corporation, whose certificate has been revoked, providing 4 3 members of the ~~architectural division~~ architect section or 4 3 members of the professional engineering ~~division~~ section of the examining board vote in favor of such reissuance. A new certificate of registration ~~or~~, certificate of record or certificate of authorization, to replace any certificate revoked, lost, destroyed or mutilated may be issued, subject to the rules of the examining board and the payment of the required fee.

SECTION 6. 101.31 (16) and (17) of the statutes are created to read:

101.31 (16) DESIGN OF ENGINEERING SYSTEMS. (a) An applicant for a permit as a designer shall submit evidence satisfactory to the board indicating that he is competent to be in charge of such work as follows:

1. A specific record of 8 years or more of experience in specialized engineering design work and the satisfactory completion of a written ex-

amination in the field or branch, as determined by the board, in which certification is sought; or

2. 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 par. (b). Such a person may be granted a permit to offer and perform services in the designated field or branch.

3. 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 subdivision.

(b) 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 section.

(c) 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.

(d) The permit shall, on its face, restrict the holder thereof to the specific field and subfields of designing in which such permittee acquired his 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.

(e) The permit fee shall be \$20, one-half of which shall be a non-refundable application fee and the other half of which shall be paid upon granting of the permit. Permits shall expire on the last day of the month of January of the 2nd year following their issuance or renewal and shall become invalid on that date unless renewed. Renewal may be effected during the month of January by payment of a fee of \$20, but the fee for renewal after the month of January shall be increased 5% for each month, or fraction of a month that renewal is delayed to a maximum fee for renewal of \$30.

(f) The examining board shall be authorized to revoke said permit in the event the permittee is guilty of fraud or deceit in obtaining such permit, gross negligence, incompetency or misconduct in his practice, signing documents not prepared by him or under his control, knowingly aiding or abetting unauthorized designing of engineering systems as stated under par. (b) by persons not granted permits under this section or conviction of a felony or adjudication of mental incompetency by a court of competent jurisdiction. The hearing procedures in sub. (13) shall apply to a revocation proceeding. If, after a hearing before the designers' section of the examining board, two-thirds of the members of said section vote in favor of sustaining the charges, the examining board shall revoke such permit. The action of the examining board in revoking such permit shall be subject to review under ch. 227.

(17) EXEMPT PERSONS. The following persons shall be exempt from the permit requirements as a designer:

(a) A person holding a certificate of registration in this state who is engaged in the practice of the profession of architecture or of professional engineering or a direct employe of such a registered person.

(b) Officers and employes of the U.S. government while engaged within this state in the practice of the profession of architecture or of professional engineering for such government.

(c) A person who practices the profession of professional engineering as a regular employe of a public service company by rendering to such company professional engineering services in connection with its facilities which are subject to regulation, supervision and control by an agency of this state.

(d) Any person who practices the profession of architecture or professional engineering, exclusively as a regular employe of a private company by rendering architectural or professional engineering services in connection with the company's operations, for such time as such person is actually and exclusively employed; provided, that such company shall have at least one architect or professional engineer, registered under the provisions of this section, in charge of such company's architectural or professional engineering work in this state.

(e) A person engaged in the manufacture of a product or unit, including research affiliates of the person, where the services performed are the design, assembly, manufacture, sale or installation of that product or unit. "Product or unit" does not include buildings or design of engineering systems as defined in sub. (16) (b).

SECTION 7. Wherever the term "board" appears in sections 101.31 (2) (f), (5), (6) (a) (intro.) and 2 to 4, (b) (intro.), 1 and 4, (c) and (k), (7) (c) 1, (11), (12) (a) to (f), (h) to (k) and (m), (14) (b) and (15) of the statutes, the term "examining board" is substituted.

SECTION 8. Wherever the term "registration" appears in section 101.31 (8) of the statutes, the term "examining" is substituted.

Approved February 13, 1970.
