

1993 Assembly Bill 100

Date of enactment: April 28, 1994
Date of publication*: May 12, 1994

1993 WISCONSIN ACT 465

AN ACT *to amend* 15.105 (5), 15.405 (2) (intro.), (a) and (b), ch. 443 (title), 443.01 (3), 443.08 (4), 443.09 (title), (1) and (2), 443.09 (5), 443.10 (1) (a), (b) and (d), 443.10 (2) (a), 443.10 (2) (c), 443.10 (2) (d), 443.10 (2) (e), 443.11 (title), 443.11 (1) (intro.) and (d), 443.11 (4) and (6), 443.14 (2), 443.16, 443.17, 443.18 (1) (a) and (2) (a) and 703.11 (2) (b); and *to create* 440.08 (2) (a) 38m, 443.01 (3g) and (3r), 443.02 (5), 443.035 and 443.09 (4m) of the statutes, **relating to:** the regulation of landscape architects, creating a landscape architect section in the examining board of architects, professional engineers, designers and land surveyors, making an appropriation and providing a penalty.

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

SECTION 1. 15.105 (5) of the statutes is amended to read:

15.105 (5) STATE CAPITOL AND EXECUTIVE RESIDENCE BOARD. There is created a state capitol and executive residence board, attached to the department of administration under s. 15.03, consisting of the secretary of administration or the secretary's designee, the director of the historical society or the director's designee, an architect or engineer employed by the department of administration appointed by the secretary of administration, 3 senators and 3 representatives to the assembly appointed as are the members of standing committees in their respective houses, and 7 citizen members appointed for staggered 6-year terms of whom at least 2 shall be architects licensed in this state registered under ch. 443, one shall be a landscape architect registered under ch. 443 and 3 shall be interior designers.

SECTION 2. 15.405 (2) (intro.), (a) and (b) of the statutes are amended to read:

15.405 (2) (title) EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS. (intro.) There is created an examining board of architects, landscape architects, professional engineers, designers and land surveyors in the department of regulation and licensing.

Any professional member appointed to the examining board shall be registered to practice ~~the profession of~~ architecture, landscape architecture, professional engineering, the design of engineering systems or land surveying in this state under ch. 443. The examining board shall consist of ~~20~~ the following members appointed for staggered 4-year terms: 3 architects, 3 landscape architects, 3 professional engineers, 3 designers, 3 land surveyors and ~~8~~ 10 public members.

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

(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, landscape architectural, engineering, designing or surveying section shall be acted upon solely by the interested section.

SECTION 3. 440.08 (2) (a) 38m of the statutes is created to read:

440.08 (2) (a) 38m. Landscape architect: August 1 of each even-numbered year; \$36.

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SECTION 4. Chapter 443 (title) of the statutes is amended to read:

CHAPTER 443
EXAMINING BOARD OF ARCHITECTS,
LANDSCAPE ARCHITECTS, PROFESSIONAL
ENGINEERS, DESIGNERS AND LAND SUR-
VEYORS

SECTION 5. 443.01 (3) of the statutes is amended to read:

443.01 (3) “Examining board” means the examining board of architects, landscape architects, professional engineers, designers and land surveyors, ~~as created by s. 15.405 (2).~~

SECTION 6. 443.01 (3g) and (3r) of the statutes are created to read:

443.01 (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.

SECTION 7. 443.02 (5) of the statutes is created to read:

443.02 (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.

SECTION 8. 443.035 of the statutes is created to read:

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.

SECTION 9. 443.08 (4) of the statutes is amended to read:

443.08 (4) (a) No firm, partnership or corporation may be relieved of responsibility for the conduct or acts of its agents, employes 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 the 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).

SECTION 10. 443.09 (title), (1) and (2) of the statutes are amended to read:

443.09 (title) 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 who has an arrest or conviction record.

SECTION 11. 443.09 (4m) of the statutes is created to read:

443.09 (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).

SECTION 12. 443.09 (5) of the statutes is amended to read:

443.09 (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

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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 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 industry, labor and human relations. 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.

SECTION 13. 443.10 (1) (a), (b) and (d) of the statutes are amended to read:

443.10 (1) (a) The examining board may, upon application ~~therefor~~, 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, ~~or of landscape architects or~~ professional engineers are of a standard not lower than specified in this chapter.

(b) The examining board may, upon application ~~therefor~~ 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, province or country 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.

(d) The examining board may, upon application ~~therefor 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 submits to the examining board an application for a certificate of registration and pays the required fee~~, 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 14. 443.10 (2) (a) of the statutes is amended to read:

443.10 (2) (a) Applications for registration or for a certificate of record shall be on forms prescribed by the examining board and 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.

SECTION 15. 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 or of professional engineering or the use of the title "landscape architect", as appropriate.

SECTION 16. 443.10 (2) (d) of the statutes is amended to read:

443.10 (2) (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.

SECTION 17. 443.10 (2) (e) of the statutes is amended to read:

443.10 (2) (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).

SECTION 18. 443.11 (title) of the statutes is amended to read:

443.11 (title) Disciplinary proceedings against architects, landscape architects and engineers.

SECTION 19. 443.11 (1) (intro.) and (d) of the statutes are 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:

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(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.

SECTION 20. 443.11 (4) and (6) of the statutes are amended to read:

443.11 (4) If, after holding a hearing 3 members of the section of the examining board holding the hearing vote in favor of sustaining the charges, 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 a corporate holder of a certificate of authorization.

(6) The examining board, for reasons the interested section ~~deems~~ considers 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 3 members of the architect section, 3 members of the landscape architect section or 3 members of the professional engineering section of the examining board vote in favor of such reissuance. A new certificate of registration, 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 21. 443.14 (2) of the statutes is amended to read:

443.14 (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.

SECTION 22. 443.16 of the statutes is amended to read:

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.

SECTION 23. 443.17 of the statutes is amended to read:

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 either ~~profession~~ architecture or professional engineering or the unauthorized use of the title "landscape architect" by persons not authorized under this chapter.

SECTION 24. 443.18 (1) (a) and (2) (a) of the statutes are amended to read:

443.18 (1) (a) Any person who practices or offers to practice architecture or professional engineering in this state, or who uses the ~~word term~~ "architect" or ~~the term~~ "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 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 ~~thereof~~ 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.

(2) (a) *Injunction.* 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".

SECTION 25. 703.11 (2) (b) of the statutes is amended to read:

703.11 (2) (b) A survey of the property described in the declaration complying with minimum standards for property surveys adopted by the examining board as defined in s. 443.01 (5) of architects, landscape archi-

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ts, professional engineers, designers and land surveyors and showing the location of any unit or building located or to be located on the property.

SECTION 26. Nonstatutory provisions. (1) EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS; INITIAL APPOINTMENTS OF ADDITIONAL MEMBERS. (a) Notwithstanding section 15.405 (2) (intro.) of the statutes, as affected by this act, the initial landscape architect members of the examining board of architects, landscape architects, professional engineers, designers and land surveyors need not be registered as landscape architects under chapter 443 of the statutes, as affected by this act, to be appointed to and serve as members of the examining board until the first day of the 10th month beginning after the effective date of this paragraph.

(b) Notwithstanding section 15.405 (2) (intro.) of the statutes, as affected by this act, the additional members of the examining board of architects, landscape architects, professional engineers, designers and land surveyors shall be initially appointed by the first day of the 4th month beginning after the effective date of this paragraph for the following terms:

1. One landscape architect member and one public member, for terms expiring on July 1, 1996.
2. One landscape architect member, for a term expiring on July 1, 1997.
3. One public member, for a term expiring on July 1, 1998.
4. One landscape architect member, for a term expiring on July 1, 1999.

(2) **WAIVER OF EDUCATIONAL AND EXAMINATION REQUIREMENTS.** Notwithstanding sections 443.035 and

443.09 (4m) of the statutes, as created by this act, the examining board of architects, landscape architects, professional engineers, designers and land surveyors shall register as a landscape architect any individual who, not later than the last day of the 12th month beginning after the effective date of this subsection, submits an application for registration as a landscape architect, pays the fee under section 440.05 (1) of the statutes, satisfies section 443.09 (2) of the statutes, as affected by this act, and submits satisfactory evidence to the examining board that he or she has completed at least 7 years of training and experience in the practice of landscape architecture that is approved by the examining board.

SECTION 26m. Appropriation changes; regulation and licensing. (1) **GENERAL PROGRAM OPERATIONS.** In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of regulation and licensing under section 20.165 (1) (g) of the statutes, as affected by the acts of 1993, the dollar amount is increased by \$34,300 for fiscal year 1993-94 and the dollar amount is increased by \$27,500 for fiscal year 1994-95 to increase the authorized FTE positions for the department by 0.5 PR position for the performance of services for the landscape architects section of the examining board of architects, professional engineers, designers and land surveyors, and to fund the initial expenses of the landscape architects section.

SECTION 27. Effective dates. This act takes effect on the first day of the 7th month beginning after publication, except as follows:

- (1) The treatment of section 15.405 (2) (intro.), (a) and (b) of the statutes and SECTION 26 (1) of this act take effect on the day after publication.