

CHAPTER 443

EXAMINING BOARD OF ARCHITECTS AND PROFESSIONAL ENGINEERS

443.01 Architects and professional engineers.

443.02 Land surveyors

443.01 Architects and professional engineers. (1) PRACTICE REQUIREMENTS, REGISTRATION. (a) Any person practicing or offering to practice the profession of architecture or the profession of professional engineering in this state shall comply with this section.

(b) It is unlawful for any person to practice the profession of architecture or the profession of professional engineering in this state unless such person has been duly registered, is exempt under sub. (9) or has in effect a permit under sub. (11) (d).

(c) It is unlawful for any person to offer to practice the profession of architecture or the profession of professional engineering or to use in connection with his name or otherwise assume, use or advertise any title or description tending to convey the impression that he is an architect or professional engineer or to advertise to furnish architectural or professional engineering services unless such person has been duly registered or has in effect a permit under sub. (11) (d).

(d) Notwithstanding any other provision of this section, contractors, subcontractors or construction material or equipment suppliers are not required to register under this section to perform or undertake those activities which historically and customarily have been performed by them in their respective trades and specialties, including, but not limited to, the preparation and use of drawings, specifications or layouts within a construction firm or in construction operations, superintending of construction, installation and alteration of equipment, cost estimating, consultation with architects, professional engineers or owners concerning materials, equipment, methods and techniques, and investigations or consultation with respect to construction sites, provided all such activities are performed solely with respect to the performance of their work on buildings or with respect to supplies or materials furnished by them for buildings or structures or their appurtenances which are, or which are to be, erected, enlarged or materially altered in accordance with plans and specifications prepared by architects or professional engineers,

or by persons exempt under sub. (9) while practicing within the scope of their exemption.

(e) This section shall not require manufacturers or their material or equipment suppliers to register under this section in order to enable them to perform engineering in the design, assembly, manufacture, sale or installation of their products.

(f) It is unlawful for any person who is registered to practice the profession of architecture or profession of professional engineering to impress his seal or stamp upon documents which have not been prepared by him or under his direction and control, to knowingly permit his seal or stamp to be used by any other person or in any other manner to knowingly aid or abet the unauthorized practice of either profession by persons not authorized under this section.

(2) DEFINITIONS. (a) The term "architect" as used in this section means a person who is legally qualified to practice the profession of architecture.

(b) The practice of architecture within the meaning and intent of this section includes any professional service, such as consultation, investigation, evaluation, planning, architectural and structural design, or responsible supervision of construction, in connection with the construction of any private or public buildings, structures, projects, or the equipment thereof, or addition to or alterations thereof, wherein the public welfare or the safeguarding of life, health or property is concerned or involved.

(c) The term "professional engineer" as used in this section means a person who by reason of his knowledge of mathematics, the physical sciences and the principles of engineering, acquired by professional education and practical experience, is qualified to engage in engineering practice as hereinafter defined.

(d) The practice of professional engineering within the meaning and intent of this section includes any professional service, requiring the application of engineering principles and data, wherein the public welfare or the safeguarding of life, health or property is concerned and involved, such as consultation, investigation, evaluation, planning, design, or responsible

supervision of construction, alteration, or operation, in connection with any public or private utilities, structures, projects, bridges, plants and buildings, machines, equipment, processes and works. A person shall be deemed to offer to practice professional engineering, within the meaning and intent of this section, who by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer; or who through the use of some other title implies that he is a professional engineer; or who holds himself out as able to practice professional engineering.

(e) The term "examining board" as used in this section means the examining board of architects, professional engineers, designers and land surveyors, as created by s. 15.405 (2).

(f) "Engineer-in-training" means a person who is a graduate in an engineering curriculum of 4 years or more from a school or college approved by the examining board as of satisfactory standing, or a person who has had 4 years or more of experience in engineering work of a character satisfactory to the examining board; and who, in addition, has successfully passed the examination in the fundamental engineering subjects prior to the completion of the requisite years in engineering work, as provided in sub. (6), and who has been granted a certificate of record by the examining board stating that he has successfully passed this portion of the professional examinations.

(g) In this section "responsible supervision of construction" is a professional service as distinguished from superintending of construction and means the performance, or the supervision thereof, of reasonable and ordinary on the site observations to determine that the construction is in substantial compliance with the approved drawings, plans and specifications.

(4) RULES; SEAL; JUDICIAL REVIEW. (a) 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 this section, the examining board or its 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.

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

(5) RECORDS, REPORTS, ROSTER. (b) The examining board shall keep a record of its proceedings together with a record of all other information pertaining thereto as may be deemed necessary by the board. The records of the examining board shall be prima facie evidence of the proceedings of the examining board set forth therein, and a transcript thereof, duly certified by the secretary of the examining board under seal, shall be admissible in evidence with the same effect as if the original were produced.

(c) The examining board shall annually submit to the department of industry, labor and human relations a copy of the report of its transactions of the preceding year required under s. 15.08 (9), and shall also transmit to the department of industry, labor and human relations a complete statement of the receipts and expenditures of the examining board, attested by affidavits of its chairman and its secretary.

(e) A list showing the names and addresses of all engineers-in-training certified by the examining board during the period from July 1 to June 30 shall be prepared each year by the secretary of the examining board. A copy of such list shall be obtainable by each person whose name appears upon it and by each person registered as a professional engineer. A copy of such list shall be placed on file with the department.

(6) REGISTRATION REQUIREMENTS. (a) An applicant for registration as an "architect" shall submit satisfactory evidence to the examining board as follows:

1. That he or she has acquired a thorough knowledge of sound construction, building hygiene, architectural design and mathematics.
2. A diploma of graduation, or a certificate, from an architectural school or college approved by the examining board as of satisfactory standing, together with at least 3 years' practical experience of a character satisfactory to the examining board in the design and construction of buildings; or
3. A specific record of 7 or more years of experience in architectural work of a character

satisfactory to the examining board in the design and construction of buildings;

4. Graduation in architecture from a school or college approved by the examining board as of satisfactory standing shall be considered as equivalent to 4 years of experience, and the completion satisfactory to the examining board of each year of work in architecture in such school or college without graduation shall be considered equivalent to one year of experience. Graduation in a course other than architecture from a school or college approved by the examining board as of satisfactory standing shall be considered as equivalent to 2 years of experience. No applicant shall receive credit for more than 4 years of experience under this subdivision.

(b) An applicant for registration as a "professional engineer" shall submit satisfactory evidence to the examining board as follows:

1. A diploma of graduation, or a certificate, from an engineering school or college approved by the examining board as of satisfactory standing in an engineering course of not less than 4 years, together with an additional 4 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

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.

4. Graduation in engineering from a school or college approved by the examining board as of satisfactory standing shall be considered as equivalent to 4 years of experience, and the completion satisfactory to the examining board of each year of work in engineering in such school or college without graduation shall be considered as equivalent to one year of experience. Graduation in a course other than engineering from a school or college approved by the examining board as of satisfactory standing shall be considered as equivalent to 2 years of experience. No applicant shall receive credit for more than 4 years of experience under this subdivision.

(c) An applicant for certification as an engineer-in-training shall submit satisfactory evidence to the examining board as follows:

1. A diploma of graduation in engineering or a certificate in engineering from a school or

college approved by the examining board as of satisfactory standing, or

2. A specific record of 4 years or more of experience in engineering work of a character satisfactory to the examining board.

3. Graduation in engineering from a school or college approved by the examining board as of satisfactory standing shall be considered as equivalent to 4 years of experience and the completion satisfactory to the examining board of each year of work in engineering in such school or college without graduation shall be considered as equivalent to one year of experience. Graduation in a course other than engineering from a school or college approved by the examining board as of satisfactory standing shall be considered as equivalent to 2 years of experience. No applicant shall receive credit for more than 4 years of experience under this subdivision.

(d) In considering the qualifications of applicants, responsible charge of architectural or engineering teaching may be construed as experience.

(e) No person shall be eligible for registration as an architect or a professional engineer, or certification as engineer-in-training who is not of good character and repute.

(g) Written examinations will be required of every applicant for certification as engineer-in-training.

(i) Written or written and oral examinations shall 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. Only one form of examination may be required for all applicants. The examination must be reasonably related to the skills likely to be needed by an applicant practicing the profession at the time of examination and seek to determine the applicant's preparedness to exercise such skills. 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 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. A candidate failing an examination may, upon application and payment of the required reexamination fee, be examined again by the examining board. No restrictions shall 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.

(k) The examination papers of each applicant shall be retained by the executive secretary and shall be available to the applicant for review for a one-year period from the date of the examination. The applicant may make a written request, within the one-year period, for a review by the section, of all or of any part of the examination failed. The section shall review the examination, or any part thereof within 90 days, following receipt of such written request, and shall furnish the applicant a written reply of the results of such review, including a statement of the reasons for a failing grade.

(7) PARTNERSHIP OR CORPORATION. (a) The practice of architecture and professional engineering pertaining to the internal operations of a firm, partnership or corporation may be performed by employes if the architectural or professional engineering services are performed by or under the direct supervision of architects or professional engineers registered under this section, or persons exempt from registration under sub. (9). Registered or exempt architectural or professional engineering employes may provide architectural or professional engineering data with respect to the manufacture, sale and utilization of the products of the firm, partnership or corporation to other registered or exempt architects or professional engineers.

(b) The practice of or the offer to practice architecture or professional engineering by individual architects or professional engineers registered under this section, through a firm, partnership or corporation as principals, officers, employes or agents, is permitted subject to this section, if all personnel who practice or offer to practice in its behalf as architects or professional engineers are registered under this section and if the corporation has been issued a certificate of authorization under par. (c).

(c) 1. A corporation desiring a certificate of authorization shall submit an application with the examining board on forms prescribed by the examining board and provided by the department, listing the names and addresses of all officers and directors, and all individuals in its employment registered to practice architecture or professional engineering in this state who will be in responsible charge of architecture or

professional engineering being practiced in this state through said corporation and other relevant information required by the examining board. A similar type of form shall also accompany the biennial renewal fee. If there is a change in any of these persons during the biennium, the change shall be reported on the same type of form, and filed with the examining board within 30 days after the effective date of the change. The examining board shall grant a certificate of authorization to a corporation complying with this paragraph upon payment of a certification fee specified by the examining board, but not exceeding \$50. This paragraph does not apply to corporations exempt under sub. (9) (c) and (e).

2. All certificates of authorization shall expire on January 31 of the 2nd year following their issuance or renewal and shall be invalid on such dates unless renewed. The department shall notify every corporation certified under this section of the date of the expiration of its certificate and the fee required for its renewal; such notice shall be mailed at least one month in advance of such expiration. Such certificate may be renewed for a period of 2 years during the month of January in which it expires by the payment of a renewal fee specified by the examining board, but not exceeding \$50.

3. An expired certificate of authorization may be renewed after the month of January, effective to January 31 of the 2nd year following renewal, on payment of a renewal fee specified by the examining board, but not exceeding \$50 plus a penalty fee of 10% of the renewal fee for each month or fraction of a month after expiration, but the maximum penalty fee for delayed renewal is 50% of the renewal fee.

(d) 1. No firm, partnership or corporation shall be relieved of responsibility for the conduct or acts of its agents, employes or officers by reason of its compliance with this section, nor shall any individual practicing architecture or professional engineering be relieved of responsibility for architectural or professional engineering services performed by reason of his employment or relationship with the firm, partnership or corporation.

2. All final drawings, specifications, plans, reports or other architectural or engineering papers or documents involving the practice of architecture or professional engineering 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 or professional engineer who was in responsible charge of their preparation. This subdivision does not apply to persons exempt under sub. (9) (c), (d) and (e).

(e) No firm, partnership or corporation may engage in the practice of or offer to practice

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architecture or professional engineering in this state, or use in connection with its name or otherwise assume, use or advertise any title or description tending to convey the impression that it is engaged in the practice of the profession of architecture or professional engineering, nor shall it advertise or offer to furnish an architectural or professional engineering service, unless the firm, partnership or corporation has complied with this section.

(f) Any firm, partnership or corporation using the word "engineering" or any of its derivatives in its name prior to April 24, 1964, shall be permitted to continue to do so and shall be permitted to use such word in any new firm, partnership or corporation formed as a result of a reorganization of such firm, partnership or corporation, provided it does not practice or offer to practice architecture or professional engineering unless it complies with all other provisions of this section.

(8) CHANGE OF NAME. No person shall practice the profession of architecture or the profession of professional engineering in this state under any other Christian or given name or any other surname than that under which he 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 such 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 subsection does not apply to a change of name resulting from marriage or divorce.

(9) EXEMPT PERSONS. The following persons, while practicing within the scope of their exemption, shall be exempt from this section:

(a) An employe of 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 and an employe of a person temporarily exempted from registration; provided, such practice does not include responsible charge of architecture or professional engineering practice as defined in this section.

(b) Officers and employes of the government of the United States while engaged within this state in the practice of the profession of architecture or of professional engineering for said government.

(c) A public service company and its regular employes acting in its behalf where the professional engineering services rendered are in connection with its facilities which are subject to regulation, supervision and control by a commission of this state or of the federal government.

(d) Any person who practices the profession of architecture or professional engineering, exclusively as a regular employe of a private company or corporation, by rendering to such company architectural or professional engineering services in connection with its operations, so long as such person is thus actually and exclusively employed and no longer; provided, that such company shall have at least one architect or professional engineer, registered under the provisions of this section, in responsible 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 laboratory 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.

(10) EXEMPT BUILDINGS. (a) Nothing contained in this section shall prevent persons from advertising and performing services such as consultation, investigation, evaluation, in connection with and making plans and specifications for, or supervising the erection, enlargement or alterations of any of the following buildings:

1. Dwellings for single families, and outbuildings in connection therewith, such as barns and private garages.

2. Apartment buildings used exclusively as the residence of not more than 2 families.

3. Buildings used exclusively for agricultural purposes.

4. Temporary buildings or sheds used exclusively for construction purposes, not exceeding 2 stories in height, and not used for living quarters.

(b) Nothing contained in this section shall prevent persons, firms or corporations from making plans and specifications for or supervising the erection, enlargement or alteration of any new building containing less than 50,000 cubic feet total volume or addition to a building which by reason of such addition results in a building containing less than 50,000 cubic feet total volume or structural alteration to a building containing less than 50,000 cubic feet total volume. Nor shall anything contained in this section prevent persons, firms or corporations from making repairs or interior alterations to buildings which do not affect health or safety.

(c) Any multiple family building having a common roof and party walls shall be deemed a single building for purposes of this section.

(d) This section shall not apply to inspection and service work done by employes of insurance rating bureaus, insurance service bureaus, insurance companies or insurance agents.

(11) CERTIFICATE OF REGISTRATION OR RECORD; PERMIT; RECIPROCIITY PROVISIONS. (a)

The examining board may, upon application therefor, and the payment of the required fee, grant a certificate of registration as an architect, or as a professional engineer to any person who holds an unexpired certificate of similar registration issued to him 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 professional engineers are of a standard not lower than specified in this section.

(b) The examining board may, upon application therefor and payment of the required fee, grant a certificate of registration as an 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, and who complies with the regulations of the examining board, except as to qualifications and registration fee.

(c) The examining board may, upon application therefor, and the payment of the required fee, grant a certificate-of-record as engineer-in-training to any person who holds an unexpired certificate of similar certification issued to him 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 certification of engineers-in-training are of a standard not lower than specified in this section.

(d) The examining board may, upon application therefor, grant a permit to practice or to offer to practice the profession of architecture or professional engineering 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 thereof, if he has submitted to the examining board an application for a certificate of registration and has paid the required fee, provided, that such person holds an unexpired certificate of similar registration issued to him 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 professional engineers are of a standard not lower than specified in this section.

(12) APPLICATIONS FOR REGISTRATION, FEES, CONTENTS OF CERTIFICATION, EXPIRATION: (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 his technical work and not less than 5 references; of whom 3 or more shall have personal knowledge of his architectural or

engineering experience in the case of an application for registration or of his technical education or engineering work in the case of an application for a certificate of record.

(b) The registration fee for architects or professional engineers who do not hold a certificate of record as engineer-in-training shall be specified by the examining board, but not exceed \$50, one-half of which shall accompany the application and the other half of which shall be paid upon issuance of the certificate of registration. If the examining board denies the application, the amount deposited with the application shall be retained by the examining board as an examination fee.

(c) The certificate of record fee for engineers-in-training shall be specified by the examining board, but not exceed \$50, and said fee shall accompany the application. If the examining board denies the application, said amount shall be retained by the examining board as an examination fee.

(d) The registration fee for applicants for registration as professional engineer who hold a certificate of record as engineer-in-training shall be specified by the examining board, but not exceed \$50, one-half of which shall accompany the application and the other half of which shall be paid upon issuance of the certificate of registration. If the examining board denies the application, the amount deposited with the application shall be retained by the examining board as an examination fee.

(e) For architects and for professional engineers who hold an unexpired certificate of registration, or similar authority, issued by the proper authority in any country, state or territory outside of this state, the application fee shall be \$50 and shall accompany the application, and the certificate fee shall be \$25 and shall be paid upon issuance of the certificate of registration. If the examining board denies the application, the amount deposited with the application shall be retained by the examining board as an examination fee.

(f) The certificate of record fee for engineers-in-training who hold an unexpired certificate of record, or similar certification issued by the proper authority in any country, state or territory outside of this state shall be specified by the examining board, but not exceed \$50, and said fee shall accompany the application. If the examining board denies the application, said amount shall be retained by the examining board as an examination fee.

(g) The fee for the issuance of a new certificate to replace any certificate revoked, lost, destroyed or mutilated shall be \$3.

(h) The examining board shall grant a certificate of registration upon payment of

registration fee to any applicant who, in the opinion of the examining board, has satisfactorily met all the requirements of this section. The certificate shall authorize the practice of "architecture" or of "professional engineering". Certificates of registration shall show the full name of the registrant, shall have a serial number, and shall be signed by the chairman and the secretary of the examining board under seal of the examining board.

(i) The granting of a certificate of registration by the examining board shall be evidence that the person named therein is entitled to all the rights and privileges of a registered architect or a registered professional engineer under the classification stated on his certificate, while said certificate remains unrevoked or unexpired.

(j) Certificates of registration shall expire on the last day of the month of July of the 2nd year following their issuance or renewal and shall become invalid on that date unless renewed. The department shall notify every person registered under this section of the date of the expiration of his certificate and the amount of the fee required for its renewal for 2 years; such notice shall be mailed at least one month in advance of the date of expiration of said certificate. Renewal may be effected at any time during the month of July by the payment of a fee specified by the examining board, but not exceeding \$50. The failure on the part of any registrant to renew his certificate every 2nd year in the month of July as required above, shall not deprive such person of the right of renewal, but the penalty fee to be paid for the renewal of a certificate after the month of July shall be 10% of the renewal fee for each month or fraction of a month that payment of renewal is delayed, but the maximum penalty fee, in addition to the renewal fee, for delayed renewal shall not exceed 50% of the renewal fee.

(k) The examining board shall grant a certificate of record as engineer-in-training to any applicant who, in the opinion of the examining board has satisfactorily met all the requirements of this section pertaining to engineers-in-training. The certificate of record shall show the full name of the engineer-in-training, shall have a serial number, and shall be signed by the chairman and secretary of the examining board under the seal of the examining board.

(l) A certificate of record as engineer-in-training is evidence that the engineer-in-training to whom it is issued has successfully passed the portion of the examinations in the fundamental engineering subjects required of an applicant for registration as a professional engineer.

(m) Certificates of record as engineers-in-training shall expire on July 31st of the 10th year after their issuance unless extended by the

examining board. An application for extension shall contain evidence satisfactory to the examining board that the applicant's professional experience has been delayed.

(n) The reexamination fee for an applicant for registration as an architect or professional engineer, and for an applicant for a certificate of record as an engineer-in-training, shall be specified by the examining board but shall not exceed \$50.

(13) REVOCATION OF REGISTRATION. 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. Fraud or deceit in obtaining a certificate of registration or a certificate of record.

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

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

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 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 submitted to 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 section of the examining board interested, within 3 months after the date on which they 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, 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, 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 3 members of the section of the examining board holding the hearing vote in favor of sustaining the charges, the examining board shall revoke the certificate of registration of such registered architect or registered professional engineer, 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 section deems 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 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.

(14) PENALTIES, LAW ENFORCEMENT. (a) Any person who practices or offers to practice architecture or professional engineering in this state, or who uses the word "architect" or the term "professional engineer" as part of his business name or title, except as provided in par. (7) (f), or in any way represents himself as an architect or a professional engineer unless he is registered or exempted in accordance with this section, or unless he is the holder of an unexpired

permit issued under sub. (11) (d), or any person presenting or attempting to use as his 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 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.

(b) All duly constituted officers of the law of this state or any political subdivision shall enforce this section and prosecute any persons violating this section. A representative of the department of justice designated by the attorney general shall provide a legal advisor to the examining board and render such legal assistance as may be necessary in carrying out this section.

(15) 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 section nor the holder of an unexpired permit under subsection (11) (d) is practicing or offering to practice, or is about to practice or to offer to practice, the profession of architecture or the profession of professional engineering 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 the state of Wisconsin against any such person to enjoin such person from practicing or offering to practice architecture or professional engineering.

(16) DESIGNER 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 examination 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

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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 specified by the examining board, but not to exceed \$50, one-half of which shall be a nonrefundable application fee and the other half of which shall be paid upon granting of the permit. Permits shall expire on January 31 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 specified by the examining board, but not exceeding \$50, but the penalty fee for renewal after the month of January shall be, in addition to the renewal fee, 10% of the renewal fee for each month, or fraction of a month that renewal is delayed to a maximum penalty fee of 50% of the renewal fee. The fee for reexamination of an applicant for a permit shall be specified by the examining board but shall not exceed \$50.

(f) The examining board may 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 laboratory 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).

History: 1971 c. 42, 215, 307; 1975 c. 9, 39, 199, 200, 334, 421.

Gross negligence, incompetency or misconduct as used in (13) (a) 4 discussed. Failure of an engineer to properly design a roof truss would not show incompetence, but the board might find gross negligence. *Vivian v. Examining Board of Architects*, 61 W (2d) 627, 213 NW (2d) 359.

Although designer of plumbing systems permits must be issued to applicants who are licensed master plumbers, the examining board has wide discretion to establish design of engineering systems classifications in fields and subfields of

technology recognized in engineering design practice and to determine the competence of applicants who hold restricted or temporary master plumber's licenses. 60 Atty. Gen. 37

Examining board of architects, professional engineers, designers and land surveyors lacks power to adopt rule prohibiting competitive bidding on projects by architects, professional engineers, etc. 61 Atty. Gen. 369

443.02 Land surveyors. (1) PRACTICE REQUIREMENTS, REGISTRATION, DEFINITIONS. (a) No person shall, after January 31, 1956, practice land surveying in this state or use or advertise any title or description tending to convey the impression that he is a land surveyor unless he has been issued a certificate of registration or granted a permit to practice as provided by this section.

(b) The term "land surveying" within the meaning and intent of this section means any service comprising the determination of the location of land boundaries and land boundary corners; the preparation of maps showing the shape and area of tracts of land and their subdivisions into smaller tracts; the preparation of maps showing the layout of roads, streets and rights of way of same to give access to smaller tracts; and the preparation of official plats, or maps, of said land in this state.

(c) Authorizations to practice land surveying by registration or permit to practice shall be granted by the engineering section of the examining board of architects and professional engineers, referred to in this section as the section and examining board, respectively. The secretary of the examining board shall be the secretary of the section and the laws relating to his duties as secretary of the examining board shall apply to his duties under this section.

(2) REGISTRATION, APPLICATION, QUALIFYING EXPERIENCE. (a) Application for registration as a land surveyor or a permit to practice shall be made to the section under oath, on forms prescribed by the examining board and provided by the department, which shall require the applicant to submit such information as the section deems necessary. The section may require applicants to pass written or oral examinations or both. Applicants who are of good character and repute shall be entitled to be registered or issued permit to practice as land surveyors when satisfactory evidence is submitted that the applicant has met one or more of the requirements of sub. (3).

(b) Each year, but not more than 2 years, of work or training completed in a curriculum in land surveying approved by the section, or responsible charge of land surveying teaching may be considered as equivalent to one year of qualifying experience in land surveying work, and each year, but not more than 4 years completed in a curriculum other than land surveying approved by the section, may be

considered as equivalent to one-half year of qualifying experience.

(3) REQUIREMENTS; CERTIFICATE OF REGISTRATION. (a) The section may grant a certificate of registration as a land surveyor to any person who has submitted to it an application and the required fees, and:

1. A record of completion of a course in land surveying of not less than 2 years' duration approved by the section together with 2 years of practice in land surveying work of satisfactory character which indicates that the applicant is competent to be placed in responsible charge of such work, if he has passed a satisfactory oral and written or written examination; or

2. A record of 6 years of practice in land surveying of satisfactory character, which indicates that the applicant is competent to be placed in responsible charge of such work, if he has passed a satisfactory oral and written or written examination; or

3. A record of 20 years of practice in land surveying of satisfactory character, which indicates that the applicant is competent to be placed in responsible charge of such work, if the applicant is not less than 45 years of age; or

4. An unexpired certificate of registration as a land surveyor issued to him by the proper authority in any state or territory or possession of the United States or in any other country whose requirements meet or exceed the requirement for registration in this paragraph.

5. A record of satisfactory completion of an apprenticeship training course in land surveying prescribed by the department of industry, labor and human relations, of satisfactory character which indicates that the applicant is competent to be placed in responsible charge of such work, if he has passed a satisfactory oral and written or written examination.

(4) PERMIT TO PRACTICE. The secretary of the examining board may grant a permit to practice land surveying during the time his application is pending to a person who is not registered in this state, if he has submitted an application for registration as a land surveyor and paid the required fee, if such person holds an unexpired certificate which in the opinion of the secretary of the examining board meets the requirements of sub. (3) (a). Such permit shall be revocable by the section at its pleasure.

(5) EXEMPTIONS. The following persons doing surveying work are exempt from the provisions of this section:

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

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(b) Officers and employes of the United States while engaged in land surveying for the United States.

(c) Employes of the state of Wisconsin while engaged in land surveying for the state.

(d) Employes of public utilities regulated by the public service commission in land surveying for such utilities.

(6) FEES; RENEWALS. (a) Application for registration as a land surveyor shall be accompanied by a fee specified by the examining board, but not exceeding \$50, which shall be retained by the section. Such application shall entitle the applicant to undergo the oral or written examinations for land surveyors the first time such examinations are held after such application is made, or subsequent examinations, and to a certificate of registration if the requirements of this section are met.

(b) The section shall grant a certificate of registration as a land surveyor to any applicant who has met the requirements of this section. Such certificate shall expire on the 2nd January 31 after the date of its issuance unless renewed. Such certificate may be renewed for a period of 2 years during the month of January in which it expires by the payment of a fee specified by the examining board, but not exceeding \$50.

(c) An expired certificate of registration may be renewed within 10 months, effective to the 2nd January 31 after renewal, on payment of a fee specified by the examining board, but not exceeding \$50 plus 10% of the renewal fee for each month or fraction of a month after its expiration. If the certificate has expired for longer than 10 months, it may be renewed to the 2nd January 31 after renewal, by payment of the renewal fee plus 50% of the renewal fee.

(d) The department shall notify every registered land surveyor of the date of the expiration of his certificate and the fee required for its renewal, by mail at least one month in advance of such expiration.

(e) The fee for reexamination of an applicant for registration as a land surveyor shall be specified by the examining board but shall not exceed \$50.

(f) The fee for the issuance of a new certificate to replace any certificate lost, destroyed, mutilated or reinstated, shall be \$3.

(g) For land surveyors who hold an unexpired certificate of registration or similar authorization issued by the proper authority in any country, state or territory outside this state, the application fee shall be \$50 and shall accompany the application, and the certificate fee shall be \$25 and shall be paid upon issuance of the certificate of registration. If the examining board denies the application, the amount

deposited with the application shall be retained by the examining board as an examination fee.

(7) ROSTER. A roster showing the names and mailing addresses of all registered surveyors shall be prepared annually by the secretary and made available to each registrant or permittee at request, and a copy shall be placed on file with the secretary of state.

(8) REVOCATION OF CERTIFICATE. (a) The section may revoke the certificate of registration of any land surveyor for the practice of any fraud or deceit in obtaining the certificate, or any gross negligence, incompetence or misconduct in the practice of land surveying.

(b) Charges of fraud, deceit, gross negligence, incompetence or misconduct may be made against any surveyor by the section or any person. Such charges may be made on information and belief but shall be in writing, stating the specific acts, be signed by the complainant, and submitted to the secretary of the examining board. All charges, unless dismissed by the section as trivial, shall be heard by it within 3 months after their filing.

(c) The time and place for such hearing shall be fixed by the section, and a copy of the charges, together with a notice of the time and place of hearing shall be given by personal service or by registered letter with return receipt requested, mailed to the last known address of such land surveyor, at least 30 days before the hearing. The land surveyor so charged 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.

(d) If, after such hearing, 3 members vote in favor of revocation, the section shall revoke the certificate of registration of such land surveyor and notify him to that effect. The surveyor shall return his certificate to the examining board immediately on receipt of such notice. The action of the section may be reviewed under ch. 227.

(e) The section, for reasons it deems sufficient, may reinstate a certificate of registration that has been revoked, if 3 members vote in favor of such reinstatement.

(9) PENALTIES; LAW ENFORCEMENT. Any person who violates this section shall be fined not more than \$500, or imprisoned not more than 3 months, or both.

(10) INJUNCTION. If it appears upon complaint or is known to the section that any person who is not authorized is practicing or offering to practice land surveying in this state, the section, the department of justice or the district attorney of the proper county may, in addition to other remedies, bring action in the name and on behalf of the state to enjoin such person from practicing or offering to practice land surveying.

(11) INTENT. It is the intent of this section that registration of land surveyors shall be a duty of the section and its secretary to the same extent as their duties under s. 443.01; and that the moneys derived from fees collected under this section shall be merged with those collected under s. 443.01.

(12) EXCEPTION. A license shall not be required for an owner to survey his own land for purposes other than for sale.

History: 1971 c. 164 s. 88; 1971 c. 215; 1975 c. 39