

2007 BILL

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

Analysis by the Legislative Reference Bureau

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

Under this bill, no person may practice landscape architecture unless he or she is registered as a landscape architect by the board. The registration requirements remain the same under the bill. The bill clarifies that landscape architecture does

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not include professional services provided by a person who is an architect, engineer, or land surveyor, if the person holds the credential required to engage in that practice. The bill also contains exemptions from the registration requirements for a number of persons, including: 1) a person doing work on property owned by the person; 2) biologists, professional geologists, and professional soil scientists; and 3) a person making plans or drawings for the selection, placement, or use of plants or other site features, if the project scope does not adversely affect the public health, safety, or welfare.

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

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

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

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

10 443.01 **(3r)** (intro.) “Landscape architecture” means the performance of a
11 professional service involving conceptual land planning and conceptual design for
12 integrated land development based on the analysis of environmental characteristics,
13 operational requirements, land use or commensurate land values. “Landscape
14 architecture” includes the investigation, selection or allocation of land or water
15 resources for appropriate uses; the formulation of graphic or written criteria for a
16 land planning or land construction program; the preparation, review or analysis of
17 a master plan for land use or development; the production of a graphic land area,
18 grading, drainage, irrigation, planting or land construction plan; and the planning

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1 of a road, bridge or other structure with respect to the aesthetic requirements of the
2 area on which it will be constructed, except that “landscape architecture” does not
3 include any of the following:

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

5 443.01 **(3r)** (a) Professional services performed by a registered architect or by
6 a person who has in effect a permit under s. 443.10 (1) (d).

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

9 (c) Land surveying performed by a registered land surveyor or by a person who
10 has in effect a permit under s. 443.06 (3).

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

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

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

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

24 (h) Making plans or drawings for the selection, placement, or use of plants or
25 other site features, if the project scope does not adversely affect the public health,

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1 safety, or welfare, unless the plans or drawings are intended to provide construction
2 details and specifications not otherwise exempted.

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

4 443.02 (2) No person may practice architecture, landscape architecture, or
5 professional engineering in this state unless the person has been duly registered, is
6 exempt under s. 443.14 or has in effect a permit under s. 443.10 (1) (d).

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

8 443.02 (3) No person may offer to practice architecture, landscape architecture,
9 or professional engineering or use in connection with the person's name or otherwise
10 assume, use or advertise any title or description tending to convey the impression
11 that he or she is an architect or professional engineer or advertise to furnish
12 architectural, landscape architectural, or professional engineering services unless
13 the person has been duly registered or has in effect a permit under s. 443.10 (1) (d).

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

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

16 443.10 (1) (d) The examining board may, upon application and payment of the
17 required fee, grant a permit to practice or to offer to practice architecture, landscape
18 architecture, or professional engineering ~~or to use the title "landscape architect"~~ to
19 a person who is not a resident of and has no established place of business in this state,
20 or who has recently become a resident of this state, if the person holds an unexpired
21 certificate of similar registration issued to the person by the proper authority in any
22 state or territory or possession of the United States or in any country in which the
23 requirements for the registration of architects, landscape architects or professional
24 engineers are of a standard not lower than specified in this chapter.

25 **SECTION 8.** 443.10 (2) (c) of the statutes is amended to read:

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1 443.10 (2) (c) The examining board shall grant a certificate of registration upon
2 payment of the registration fee to any applicant who, in the opinion of the examining
3 board, has satisfactorily met all the applicable requirements of this chapter. The
4 certificate shall authorize the practice of architecture, landscape architecture, or
5 professional engineering ~~or the use of the title “landscape architect”~~, as appropriate.

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

7 443.11 (1) (intro.) The examining board may reprimand an architect,
8 registered landscape architect, or professional engineer or limit, suspend, or revoke
9 the certificate of registration of any registrant, and the certificate of record of any
10 engineer-in-training, who is found guilty of:

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

12 443.14 (15) A person employed by the federal government who is engaged in
13 this state in the practice of landscape architecture for the federal government.

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

15 **443.16 Change of name.** No person may practice architecture, landscape
16 architecture, or professional engineering in this state, ~~and no person who is~~
17 ~~registered as a landscape architect under this chapter may practice landscape~~
18 ~~architecture in this state~~, under any other given name or any other surname than
19 that under which the person was originally licensed or registered to practice in this
20 or any other state, in any instance in which the examining board, after a hearing,
21 finds that practicing under the changed name operates to unfairly compete with
22 another practitioner or to mislead the public as to identity or to otherwise result in
23 detriment to the profession or the public. This section does not apply to a change of
24 name resulting from marriage or divorce.

25 **SECTION 12.** 443.18 (1) (a) of the statutes is amended to read:

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1 **443.18 (1) UNAUTHORIZED PRACTICE; PENALTY.** (a) Any person who practices or
2 offers to practice architecture, landscape architecture, or professional engineering
3 in this state, or who uses the term “architect,” “landscape architect,” or “professional
4 engineer” as part of the person’s business name or title, except as provided in s.
5 443.08 (6), or in any way represents himself or herself as an architect, landscape
6 architect, or a professional engineer unless the person is registered or exempted in
7 accordance with this chapter, or unless the person is the holder of an unexpired
8 permit issued under s. 443.10 (1) (d), ~~or any individual who uses the title “landscape~~
9 ~~architect” in this state unless the person is registered or exempted in accordance with~~
10 ~~this chapter~~, or any person presenting or attempting to use as his or her own the
11 certificate of registration of another, or any person who gives any false or forged
12 evidence of any kind to the examining board or to any member of the examining board
13 in obtaining a certificate of registration, or any person who falsely impersonates any
14 other registrant of like or different name, or any person who attempts to use an
15 expired or revoked certificate of registration, or violates any of the provisions of this
16 section, may be fined not less than \$100 nor more than \$500 or imprisoned for not
17 more than 3 months or both.

18 **SECTION 13.** 443.18 (2) (a) of the statutes is amended to read:

19 **443.18 (2) INJUNCTION.** (a) If it appears upon complaint to the examining board
20 by any person, or is known to the examining board that any person who is neither
21 registered nor exempt under this chapter nor the holder of an unexpired permit
22 under s. 443.10 (1) (d) is practicing or offering to practice, or is about to practice or
23 to offer to practice, architecture, landscape architecture, or professional engineering
24 in this state, ~~or is using the title “landscape architect” in this state~~, the examining
25 board or the attorney general or the district attorney of the proper county may

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1 investigate and may, in addition to any other remedies, bring action in the name and
2 on behalf of this state against any such person to enjoin the person from practicing
3 or offering to practice architecture, landscape architecture, or professional
4 engineering ~~or from using the title “landscape architect”~~.

5

(END)