Workplace Ethics & Standards of Professional Conduct for Wisconsin Engineers

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The Basis of Ethical Behavior and Professional Conduct

Ethics is not a set of rules that a person learns once and never revisits, and it is not the application of an analytical framework to solve a problem, although either of these strategies (use of an ethical code or framework) may be helpful in resolving ethical questions. Confronting ethical questions and choosing to make ethical decisions is an ongoing, often challenging, process that requires self-awareness, sound reasoning, and the ability to evaluate others' opinions without bias.

Ethical considerations are integral to engineering decision-making and are closely linked to the engineer's ethical responsibilities to the public and the profession. Ethical concerns should be handled with the same high standards of accuracy, use of evidence, and practical purpose that characterize other aspects of engineering projects. Many of the elements of good professional judgment that contribute to an engineer's professional competency and technical skills are also useful in:

- Identifying and weighing competing ethical concerns.
- Understanding the issues that underlie those concerns.
- Responding effectively to those concerns.

Engineering is a broad discipline with a potential multitude of ethical challenges, but most benefit by thoughtful consideration and discussion of the disputed facts. Ethical frameworks can help people navigate ethical dilemmas by setting out the main points and clarifying each stakeholder's concerns. Companies can use many different types of analytical frameworks to begin an ethical analysis, but some can more appropriately deconstruct a specific scenario than others. An analysis might begin with the following questions:

1. What are the undisputed facts related to the case?
2. What are the competing ethical concerns or values?
3. How do the competing concerns or values impinge or depend on one another?
4. Can the reasons for taking a particular course of action be explained and defended?
5. Is the proposed course of action consistent with any relevant rules of conduct or official Statements of Ethical Principles associated with a pertinent professional organization or company?

Professional Ethical Codes

Rules of ethics set by professional bodies aim to guide members of the profession through difficult situations, particularly when conflicting pressures or considerations need to be reconciled. The main guiding code of ethics for professional engineers in the United States is the National Society of Professional Engineering's (NSPE) Code of Ethics, which can be found at http://www.nspe.org/resources/ethics/code-ethics.

The NSPE Code of Ethics has multiple sections that outline fundamental professional duties required of an engineer, rules of practice, professional obligations, and the "Engineers' Creed," which is a pledge to act honestly and lawfully in the interest of human welfare, putting service and professional reputation

before profit. As stated by the NSPE, engineering services require “honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare.” [And] “Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.”

The Importance of Ethical Conduct and Business Reputation

Accountability and transparency have become key issues for companies of all sizes, with risk control increasingly including strategies related to ethos, culture, and behaviors within an organization. A good ethical culture is critical to maintaining company and brand reputation, as well as forging relationships with banks, institutional investors, and suppliers, and increasing a company’s attractiveness as an employer.

The culture of an organization is probably the most important aspect of its system of internal control, and it is the foundation for other internal controls. Management may set out the policies and procedures that it wants followed, but the corporate culture ultimately determines whether they are followed, amended, or ignored. Many companies with impressive ethical codes have been revealed to be astonishingly corrupt.

Engineers must take potential risks very seriously, and ensure a crisis does not become a catastrophe, especially as unsafe conditions or lack of rigor in engineering projects can be particularly devastating. The risks of negative consequences in the form of declining share prices or loss of customers can be substantial, but pale in comparison to the type of emotional and financial repercussions associated with project-related injuries or deaths. Engineers who put economic considerations and competition before health and safety not only put their own and their company’s professional reputation at risk, they undermine the discipline as a whole.

Managers often struggle to balance the needs of ethical practice with company culture, especially when markets face increasing competition and growth, and at the same time, demand greater regulatory scrutiny and a degree of transparency. Employees and companies may feel torn trying to implement best practices given these dual, sometimes conflicting, messages. This issue crops up most often in engineering in the form of managing a balance between safety and financial cost. How much should a company spend in order to avoid death or injury to a member of the public?

Even the most ethically aware companies can find their standards challenged on a daily basis. For many, the greatest hurdles to establishing or enforcing strict ethical standards are the time and effort involved

to implement and monitor them. Companies in the US have seen a proliferation of new policies and procedures. Grievances about the cost of compliance – in terms of staff numbers, time, and focus – are widely documented. There is too much red tape, executives say, and too many distractions from other business imperatives. Employees who feel overwhelmed or frustrated about the number or complexity of new rules may feel more inclined to ignore the ones they see as unhelpful to getting the job done.

Laws and policies enacted and implemented in the past decades reflect an increased awareness of the potentially damaging effects of engineering projects on the local landscape and the global environment. The engineering profession has a responsibility to protect natural resources and ensure their safe and appropriate use. Now more than ever, engineers have a duty to mitigate the negative effects of human wear and tear on the planet's ecosystem.

Ethical Qualities

Professional engineers have a duty to adopt the highest standards of professional conduct, openness, fairness, and honesty in their work, performing tasks to appropriate standards of accuracy and precision. They are responsible for performing their tasks with honesty and integrity, protecting public health and safety, obeying the law, respecting and protecting the natural environment, and upholding the reputation and dignity of the engineering profession.

Not everyone is able to maintain a moral "compass," unmoved by a workplace culture that encourages going along with the crowd. The set of skills, abilities, and character traits that help engineers identify and resolve conflicts ethically comes more naturally to some than others, but can, and should, be learned by everyone. The following qualities form the foundation of ethical behavior in professional engineering.

Honesty and Integrity

Honesty and integrity are two separate but closely related concepts. While they have different meanings, they are so closely linked that it is hard to imagine a person exhibiting one without the other.

Honesty is not simply a matter of not lying: The public trusts professionals to provide information that is as complete and accurate as possible. Engineers are likely to work for the benefit of a number of different groups of people, and in many cases, will have a duty to keep these people informed of relevant facts. In other cases, such as where there is a duty to maintain confidentiality, for example to a client, it may be unethical to disclose information that would jeopardize that confidentiality. In these cases, failure to disclose would not necessarily be dishonest.

Integrity is a more difficult concept to define. It has to do with acting ethically, even when there is no personal advantage to doing so. A person of integrity will resist pressure to compromise their ethical values and principles, whether that pressure comes from employers, clients, or anywhere else. They will take steps to avoid conflicts of interest, or, where this is not possible, declare these conflicts clearly, and do their utmost to avoid improper influence. People with integrity are consistent and reliable, and their actions match up to their words.

For some, integrity may also mean 'standing for something,' trying to change practices and attitudes that seem less than ethical; it might mean trying to influence for the better the practices of an employer, the engineering profession, or even society at large. Ethical obligations require engineers not just to avoid dishonest or unethical practices individually, but also to take steps against corrupt practices or professional misconduct in others.

Truthful Representation

Truthful representation is an important aspect of honesty and integrity regarding public presentation of one's level of ability and areas of competence or expertise. Truthful representation means that engineers agree to work only in areas of the field in which they have received professional certification from an appropriate educational institution.

There is often temptation to misrepresent an individual or company's abilities. For example, a young company might "stretch the truth" about its capabilities when bidding against a more established or well-known company to improve its competitive edge. This seemingly benign act is potentially quite risky. Even the most experienced engineers can make mistakes, and mistakes in engineering projects have the potential to be catastrophic. Engineers who lack the requisite level of skill or technical knowledge required by a position not only risk their careers, but they also risk facing serious legal penalties—even if nothing goes wrong.

Truthful representation also applies to honest communication about project details even if they might be unflattering to the company. An engineer may need to disclose information that has not been requested directly, and which people may not be anxious to hear. In cases of engineering projects with novel designs that require previously untested skills and methods, it is an engineer's duty to ensure that they manage potential risks.. This includes providing a non-punitive environment to reveal skill gaps, and take the steps and time for teams to acquire the appropriate skills.

In some cases, people communicate misinformation intentionally, as a way to deceive others. Engineers should be self-monitoring and vigilant of others to ensure no professional engineer knowingly misleads or allows others to be misled about their work. A qualified professional engineer that unwittingly uses inaccurate information or provides a mistaken opinion may be responsible for any negative consequences that result from actions based on the information.

Engineers have a professional duty to learn and incorporate new information and methods into their ideologies by remaining students in their fields of expertise. They must consider if a decision is correct in light of the engineering field's most up-to-date understanding of the issue, and based on the all the available evidence. Engineers should understand the value that their professional opinion holds, and never offer it lightly or on the basis of insufficient evidence.

The influence of conflicting interests on decision makers is often subtle and not discovered until the project is already underway or complete. Engineers should consider whether a given opinion is objective, or if other considerations (such as fear of losing a client or loyalty to an employer) might be swaying their judgement. Poor decision-making, errors in technical skill or judgment, or preferential treatment toward one party or another not only fail clients and the larger public, it damages the reputation of engineers and engineering, as a whole.

Safety and Welfare

While all members of civil societies have general responsibilities to maintain law and the public good, professional engineering is closely associated with the ethical principles of protecting public safety and welfare. Many discussions of engineering ethics focus on major accidents that involved injury and death, and particularly, cases in which some level of negligence was involved.

Professional engineers have a duty to obtain and use their knowledge and engineering skills judiciously and for the welfare of others. Ensuring public safety is integral to the role of an engineer and a significant part of professional training. To fulfill this ethical obligation, engineers have a responsibility to address projects and problems with accuracy and attention to detail. Inaccuracies and carelessness increase the potential risk of project failure; the possibility of accidents, injuries, and deaths; and the chance of financial ruin for a company or individual.

The extent to which an engineer is required to protect public safety and welfare, like many ethical standards, constantly evolves to reflect changing social and political standards and expectations. The steps engineers are expected to take to protect others have changed over time, and vary across the world. Engineering activities are rarely 100 percent safe. Often, individuals, society, politicians, scientists, or lawyers must determine whether an activity is “safe enough.”

Engineering decisions can affect the health and safety of very large numbers of people. This means that the public expects engineers to consider the ways in which their activities might put people in danger, and to remove or mitigate those dangers. It is easy to say that the health and safety of employees and the public should take priority, but issues arise in identifying an appropriate level of safety.

Holding health and safety paramount does not just mean ensuring that one is not directly responsible for harm to the public, but that they also have some responsibility to help others improve their health and safety, for example, by warning them of dangers of which they may not yet be aware. Even in situations where no injury to life, property, or the environment has yet occurred, an engineer who perceives that a significant risk is not being addressed has a responsibility to inform others. Those who “blow the whistle,” however, can face significant repercussions, including loss of the job.

Workplace Corruption and the Culture of Silence

Professional engineers not only have a duty to act without deception and declare conflicts of interest, they also must actively work to reduce the possibility that corrupt practices or professional misconduct might occur in their work environment. Discussing ethics in a theoretical environment, it is easy to imagine one will know right from wrong at a crucial time and take a stand or action against unsound ethical decisions. However, this is only a small part of what is required to act ethically.

Dishonesty can be tied to corporate or team culture, particularly if incentives are high and potential for punishment or discovery is minimal. A “conspiracy (or code) of silence” refers to a characteristic of groups of individuals with a common bond who do not mention, discuss, or acknowledge a particular

subject, usually to reap a shared benefit, such as higher profits, or avoid a common loss, such as damage to the company's reputation.

Engineers rarely work in entirely isolated environments. Generally, honest individuals who become aware of dishonest activities stay silent to protect their coworkers, employers, and their own jobs. Concern for self-preservation and one's family members are strong incentives for potential whistle blowers to stay quiet about unethical behavior in the workplace. However, in doing so, these individuals become complicit in the deed.

Case Study: Volkswagen emissions control software

In September 2015, it was revealed that Volkswagen had inserted coding into its vehicle software to automatically activate emission pollution controls only when the automobile was undergoing nitrogen oxide emissions testing; the emission control remained off at all other times. The gadgets were placed in millions of "clean diesel" vehicles sold in the US, meaning these cars were responsible for spewing excessive and illegal amounts of hazardous, smog-forming compounds into the atmosphere while appearing to get better mileage than other "clean" cars in their class.

Regulators tested the cars for years without discovering the cover-up. It was only revealed after an independent group investigated a discrepancy found between laboratory tests and real-road performance. It is difficult to assess how many employees knew the truth of the matter. The following points suggest that many people at many different levels of the company were likely to be aware of the fraudulent activity:

i. Illegal software was installed in 11 million cars and sold worldwide, with various parts of the software-controlled devices engineered by multiple departments. Not only would this widen the number of people who would have known, they would have had to confront this fact due to their regimen of testing the equipment while in development.

ii. According to recent evidence, the duration of software manipulation lasted for seven or eight years. Over the years, engineers and department heads would have moved on, with new employees taking those jobs, again, widening the circle of those who knew or suspected something was amiss.

iii. In May 2014, both California's air pollution regulator and the Environmental Protection Agency, or EPA, ordered Volkswagen to investigate the discrepancies discovered by the independent agency and fix what was causing the problem. The company claimed it had investigated and solved the problem. Eventually, after some delay and more pressure, VW admitted the existence of the "defeat" devices hidden in software code.

Those involved in the cover-up blatantly violated more than a few ethical guidelines; disseminating inaccurate information and working against the public good, transgressing legal standards of health and safety, and doing injury to those inhaling the extra emissions, and the environment absorbing them. Those in the company who chose to take this enormous risk are beginning to face the repercussions—as, unfortunately, are those who bear no responsibility for the debacle.

Because of strong, often unspoken pressure to remain silent, many employees at many different levels of a company may be aware or involved with a cover-up years before it is discovered by monitors, testers, financial auditors, or the public. The Volkswagen case illustrates this point on a grand scale. In 1989, a federal whistleblower protection program was established to encourage and support employees speaking out about unethical practices in their places of work.

Whistleblower Protection

A Whistleblower Protection Program under the administration of the Occupational Safety and Health Administration (OSHA) is responsible for enforcing numerous whistleblower statutes that protect employees in many different types of work environments. Complaints must be reported to OSHA within set timeframes following the discriminatory action, as prescribed by each law. The OSHA website outlines the number of days employees have to file a complaint under the following sections: http:// www.whistleblowers.gov/index.html.

Rights afforded by these whistleblower protection laws include, but are not limited to, worker participation in safety and health activities; reporting a work-related injury, illness, or fatality; or reporting a violation of the statutes. Section 11(c) of the OSH Act prohibits employers from discriminating against their employees for exercising their rights under the OSH Act. These rights include filing an OSHA complaint, participating in an inspection or talking to an inspector, seeking access to employer exposure and injury records, reporting an injury, and raising a safety or health complaint with the employer.

Encouraging Ethical Behavior in the Workplace: Conclusions and recommendations

Embedding ethics into the corporate culture requires strong leadership in ethical values, behaviors, and practices throughout the company. Companies should ensure that sufficient interaction and communication is initiated between the management and employees regarding the best ethical practices, the safeguards to be put in place, and the consequences of ethical malpractice. Management should encourage all employees to speak up on ethical issues faced in the workplace, and they should ease this process by providing grievance platforms or helplines for employees.

Companies should reflect ethics in their day-to-day dealings with suppliers and stakeholders, and set standards for ethical responsibilities for third parties acting for them. This builds a positive reputation and sets a good example as a company practical ethical business practices. Companies that join or form networks of companies with the same ethical values can support one another to ensure growth and sustainability, while at the same time championing ethical business practices. Companies should share information on safeguards and current best practices to stay up to date with current ethical issues.

Globally, the conduct of businesses and the markets in which they operate are increasingly under the spotlight. Therefore, organizations everywhere, of any size, are advised to put in place good structures and processes that can help drive behaviors and embed an ethical culture into their operations and in the wider business environment. Ultimately, this is not only good for business, but good for wider society.

Engineers Recommendations: Teaching responsibility for ethical conduct

- Top management needs to set a consistent tone for ethical conduct.
- Staff must be responsible and ethical in their conduct.
- Management should use two-way communication and discussion rather than one-way directives.
- Employees need support and training to gain the confidence and assurance to embrace ethics in their day-to-day work processes.
- Companies should provide whistleblowing/speak-up platforms for employees and create an environment where employees feel comfortable speaking up.
- Companies should offer information on internal and external help lines to encourage employees to voice their concerns and address the problems at hand promptly.
- Recommendations: Influencing the workplace environment Engineers should:
- Stay strong and say 'no' to unethical practices. Stand firm on their values and act according to best practices.
- Gain reputations as clean operators. Maintain and build their reputation in an organization that champions ethical business practices. Actively engage and work with organizations with similar values and practices.
- Undertake safeguards and company checks before engaging with companies that they intend to deal with.
- Establish processes to assess adherence to their ethics policy or code.

Recommendations: Cooperating against workplace corruption Managers should:

- Work closely with other companies and sectors that practice the best ethical business practices.
- Share and discuss challenges faced between companies to get the best outcome and solutions.
- Keep abreast with current trends and information on ethical procedures and guides by connecting with these networks.
- Seek active support from regulatory authorities and the law.
- Set up focus group training for staff to help them understand and respond to ethical issues, as well as highlight pressures they may face. Role-play can be valuable.
- Document ethical issues, provide the appropriate responses, and disseminate this information to the staff.
- Set up a grievance mechanism for staff and customers that provides an avenue for regular monitoring of ethical issues in the workplace. This helps management to collect information on and address any ethical issues that arises.
- Always act on information and increase trust with key stakeholders.
- Implement a qualitative audit (internal and/or external) to monitor ethical issues faced by staff and draw information from other datasets collected: e.g. HR surveys, compliance, sales agreements, third-party and supply contracts. [A qualitative audit is a task undertaken annually in which staff is required to sign a form indicating whether they have faced an ethical issue in

the workplace. Staff can discuss issues with management, who can offer appropriate steps to resolve the issue and provide support, thus mitigating risk.]

Recommendations: Ethical obligations financial and monitoring personnel

Businesses should recognize the potentially broad role of a qualified and experienced finance professional in assessing risk, safeguarding the company's reputation, and guiding it over the long term.

- Compliance officers can play a key role in maintaining ethical conduct in the workplace, particularly those with a strong financial background, who advise management regarding risk. The leadership team should promote and support this role.
- The independence and objectivity of finance personnel should be protected so they are better able to protect the wider interests of the business for long-term success. Finance personnel must maintain some autonomy from company structures. The more independent they are, the more likely they are to contribute to the long-term health of the company, through sound advice to management and honest risk assessments unclouded by conflicts of interest.
- Finance personnel and departments should also regularly undergo audits to ensure integrity, as well as to ensure they meet both company and regulatory standards. Audit committee members should identify discrepancies related to finance staff compromising standards, and then act quickly to find a solution.

References

Baum, Robert J. 1994. Engineers and the public: sharing responsibilities. In D.E. Wuest, ed. Professional Ethics and Social Responsibility. Lanham, MD: Rowman & Littlefield, 1994. 121 -1 36.

Corporate Governance, Business Ethics and the CFO, A research report prepared CFO Asia in collaboration with ACCA, June 2006 Copyright 2006 CFO Publishing Corp.

Davis, Michael. 1997. Better communication between engineers and managers : Some ways to prevent many ethically hard choices. Science and Engineering Ethics 3(2) 171 -212.

Embedding Ethical Values Into the Corporate Culture¬, Discussion Paper – March 2013, Malaysian Institute Of Integrity and Chartered Institute Of Management Accountants, Copyright 2013 by the Malaysian Institute of Integrity (IIM).

Harris, Charles S., Michael Pritchard, and Michael J. Rabins. Engineering Ethics: Concepts and Cases. Belmont, CA: Wadsworth, 2009.

Hollander, Rachelle. 1994. Is Engineering Safety just Business Safety? International Journal of Applied Philosophy. 8(2): 15-18.

Hummels, Harry. 1999. Ethical challenges in a technological environment: The perspectives of engineers versus managers. Science and Engineering Ethics 5(1):55-72.

Krishner, Tom and Michael Biesecker, Auto experts: Top managers probably knew of VW cheating, Oct. 7, 2015 5:19 PM EDT, Big Story, Associated Press. http://bigstory.ap.org/article/10131ca15aa74010ac6ab520603c8eee/vw-ceo-recall-cars-hit-scandal-begin-january

Lipman, Victor; VW Scandal Again Shows That Management Without A Moral Compass Is Like Driving On A Crash Course, Forbes, Sept 23 2015. http://www.forbes.com/sites/ victorlipman/2015/09/23/vw-scandal-again-shows-that-management-without-a-moral-compass-is-like-driving-on-a-crash-course/

Lynch, William and Kline, Ronald. 2000. Engineering practice and engineering ethics. Science, Technology and Human Values. 25(2): 195-225.

Macpherson, James A. E. 2008. Safety, risk acceptability, and morality. Science and Engineering Ethics. 14(3): 377-390.

Mcfarland, Michael C. 1986. The public health, safety, and welfare: an analysis of the social responsibility of engineers. IEEE Technology and Society Magazine. 5(4): 18-26.

Pfatteicher, Sarah K. A. 2000. Walkways: tragedy and transformation in Kansas City. Forensic Engineering, Proceedings of the Second Forensic Congress. P.6.

Royal Academy of Engineering - Engineering Ethics; A Guide for Engineers, August 2011, London. http://www.raeng.org.uk/policy/engineering-ethics/ethics#sthash.FBoIhHh2.dpuf

Engineers Toole, Michael. 2007. Design engineers' responses to safety situations. Journal of Professional Issues in Engineering Education & Practice. 133(2): 126-131.

Chapter A−E 13

CONTINUING EDUCATION FOR PROFESSIONAL ENGINEERS

A−E 13.01 Authority and purpose. The rules in this chapter are adopted under the authority in ss. 15.08 (5) (b), 227.11 (2), and 443.015, Stats., and govern biennial continuing education for professional engineer registrants.

History: CR 11−014: cr. Register December 2011 No. 672, eff. 1−1−12.

A−E 13.02 Definitions. As used in this chapter:

(1) "Biennium" means a 2−year period beginning August 1 of each even−numbered year.

(2) "College semester hour" means receiving credit for completing a regularly offered course in a school or college of engineering accredited by the EAC/ABET that has testing with a passing grade required and has provisions for additional out−of−class study requirements. Credit for college approved courses will be based upon course credit established by the college. One "college semester hour" equals 45 PDHs. Monitoring or auditing courses that do not require regular testing with a passing grade will only count the actual class contact hours.

(3) "College quarter hour" means receiving credit for completing a regularly offered course in a school or college of engineering accredited by the EAC/ABET that has testing with a passing grade required and has provisions for additional out−of−class study requirements. Credit for college approved courses will be based upon course credit established by the college. One "college quarter hour" equals 30 PDHs. Monitoring or auditing courses that do not require regular testing with a passing grade will only count the actual class contact hours.

(4) "Continuing education" means the planned, professional development activities designed to contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the registrant in the practice of professional engineering. Regular duties are not considered qualifying activities.

(5) "Continuing education unit" or "CEU" means a unit of credit customarily used for continuing education courses. One "continuing education unit" equals 10 PDHs.

(6) "Course" or "activity" means any qualifying "course" or "activity" with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the registrant's practice of professional engineering.

(7) "EAC/ABET" means the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology.

(8) "Professional development hour" or "PDH" means a period of 50 minutes of actual instruction or participation spent by the registrant in actual attendance or completion of an approved educational activity. "PDHs" should be rounded down to the nearest half hour and reported in increments of half hour with no activity of under a half hour being acceptable as qualifying for "PDH" credit. "PDHs" shall not exceed the actual contact clock hours of actual attendance.

History: CR 11−014: cr. Register December 2011 No. 672, eff. 1−1−12.

A−E 13.03 Continuing education requirements. **(1)** (a) Beginning in the biennial registration period commencing August 1, 2012 and ending July 31, 2014, unless granted a waiver under s. A−E 13.08, every registrant shall complete at least 30 hours of approved PDHs or equivalent continuing education units, pertinent to the practice of professional engineering, except that between initial registration and the first renewal period, a new registrant shall not be required to comply with the continuing education requirements for the first renewal of registration.

(b) During each biennial registration period, the registrant shall complete a minimum of 2 PDHs in the area of professional conduct and ethics.

(c) During each biennial registration period, credit for a minimum of 13 PDHs shall be obtained via courses where the registrant interacts in real time in a traditional classroom setting, computer conferencing, or interactive video conference where participants are present in the same room or logged in at the same time and can communicate directly with each other and ask questions of the instructor.

(d) If a registrant obtains more than 30 PDHs in a biennium, a maximum of 15 of the excess PDHs may be used toward the continuing education requirement in the next biennium. Excess credits cannot be used to satisfy the requirements of par. (b) or (c).

(2) Continuing education may be obtained through any of the following means:

(a) Completing courses taken at a school or college of engineering accredited by the EAC/ABET.

(b) Completing short courses or tutorials and distance education courses offered through correspondence, DVDs, or the internet.

(c) Presenting or attending qualifying seminars, in−house courses, workshops, or professional or technical presentations made at meetings, conventions, or conferences.

(d) Teaching or instructing in pars. (a) to (c). PDHs may only be counted for the initial offering or presentation of a course or program. Full−time faculty may not claim PDHs for teaching done as part of their regular duties. For teaching in pars. (a) to (d), multiply the PDHs earned by a factor of 2.

(e) Authoring published papers, articles, or books in the registrant's area of professional practice that has been published in book form or in circulated journals or trade magazines. Five PDHs will be granted in the biennium in which each publication occurred. For peer reviewed papers, articles, or books in the registrant's area of professional practice, 10 PDHs will be granted in the biennium in which each publication occurred.

(f) Actively participating in professional and technical societies. A maximum of 2 PDHs will be awarded for active participation as an officer or committee member in any one society in any one year. A maximum of 4 PDHs may be obtained under this paragraph in any biennium. PDHs are not earned until the end of each year of service is completed.

(g) Attainment of a patent relevant to the registrant's area of professional practice. Ten PDHs will be awarded for each patent.

(3) Except as provided in s. A−E 13.08, a professional engineer who fails to meet the continuing education requirements by the renewal date, as specified in s. 440.08 (2) (a) 35., Stats., may

not engage in the practice of professional engineering until the registration is renewed in accordance with ss. A–E 2.05 and 13.10.

History: CR 11–014: cr. Register December 2011 No. 672, eff. 1–1–12.

A–E 13.04 Examples of qualifying activities. The following are examples of qualifying activities:

(1) Completing or attending courses, seminars, instruction, in–house programs, or training of engineering content related to the registrant's practice of professional engineering.

(2) Attending technical or professional society meetings when an engineering topic is presented as a principal part of the program.

(3) Teaching a course for the first time or teaching a course previously taught if substantial time was spent in updating material.

(4) Attending webinar courses where attendance is verified and program material meets the requirements.

(5) Completing correspondence courses on an engineering topic where lessons are prepared and returned for correction, grading, or both, and where testing at the end of the course is required.

History: CR 11–014: cr. Register December 2011 No. 672, eff. 1–1–12.

A–E 13.05 Standards for approval. (1) To be approved for PDHs, a continuing education program shall meet all of the following criteria:

(a) The program includes instruction in an organized method of learning contributing directly to the professional competency of the registrant and pertaining to subject matters which integrally relate to the practice of the profession.

(b) The program is conducted by individuals who have specialized education, training, or experience and are considered qualified concerning the subject matter of the program.

(c) The program fulfills pre–established goals and objectives.

(d) The program provides attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.

(2) The professional engineer section has final authority with respect to acceptance of activities, courses, credit, PDH value for courses, and other methods of earning PDHs, except the following are examples of accepted providers for continuing education programs:

(a) Colleges, universities, or other EAC/ABET approved educational institutions approved by the professional engineer section.

(b) Continuing education courses meeting all the requirements of the International Association for Continuing Education and Training.

(c) Technical or professional societies or organizations as approved by the professional engineer section or its designee.

(d) Other providers as approved by the professional engineer section or its designee.

History: CR 11–014: cr. Register December 2011 No. 672, eff. 1–1–12.

A–E 13.06 Certificate of completion; proof of attendance. (1) Each registrant shall certify on the renewal application full compliance with the continuing education requirements set forth in this chapter.

(2) The professional engineer section may conduct a random audit of its registrants on a biennial basis for compliance with these requirements. It is the responsibility of each registrant to retain or otherwise produce evidence of compliance.

(3) If a request for evidence of compliance is requested by the professional engineer section or its designee, the registrant shall submit the requested information or documentation within 30 days of receiving the written notice. Failure to do so will result in denial of registrant's application for renewal.

History: CR 11–014: cr. Register December 2011 No. 672, eff. 1–1–12.

A–E 13.07 Recordkeeping. (1) A registrant shall maintain records of their continuing education units and PDHs earned for a minimum of the 3 most recent biennia on a form approved by the professional engineer section.

(2) Records required include but are not limited to attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.

(3) If a continuing education course was awarded CEUs, the CEUs shall be converted by the applicant or registrant to PDHs for recordkeeping purposes.

History: CR 11–014: cr. Register December 2011 No. 672, eff. 1–1–12.

A–E 13.08 Waiver of continuing education. (1) A renewal applicant who is unable to fully comply with the continuing education requirements due to extreme hardship may submit a written request for a waiver. The professional engineer section or its designee will review the request, and in its sole discretion, may grant a full or partial waiver, or extension of time to comply with the requirements.

(2) In this section, "extreme hardship" means an inability to fulfill the continuing education requirements during the applicable renewal period because of one of the following:

(a) Full–time service in the uniformed services of the United States for a period of at least one year during the biennium.

(b) An incapacitating illness documented by a statement from a licensed physician.

(c) A physical inability to travel to the sites of approved programs documented by a licensed physician.

(d) Any other extenuating circumstances acceptable to the professional engineer section.

(3) A renewal applicant may not receive a waiver under sub. (2) (b) or (c) for 2 consecutive biennia.

(4) A renewal applicant who has maintained an active Wisconsin license for a minimum of 30 consecutive years may, at the discretion of the professional engineer section or its designee, receive a waiver upon request and certification that the applicant has retired from the profession and is no longer providing engineering services.

(5) A renewal applicant who receives a waiver under sub. (4) may not engage in the practice of professional engineering until he or she meets the requirements of s. A–E 13.10.

(6) A renewal applicant, who prior to the expiration date of the license submits a request for a waiver, pays the renewal fee and provides a statement setting forth the facts concerning noncompliance and the basis of the request, shall be deemed to be in good standing until the final decision on the application is issued by the professional engineer section. If a finding of extreme hardship is not determined, an applicant may not engage in the practice of professional engineering until he or she meets the requirements of s. A–E 13.10.

History: CR 11–014: cr. Register December 2011 No. 672, eff. 1–1–12; **CR 13–064: am. (4) Register June 2014 No. 702, eff. 7–1–14.**

A–E 13.09 Comity. An applicant for registration from another state who applies for registration to practice professional engineering under s. A–E 4.08 (2), shall submit proof of completion of 30 PDHs of qualifying continuing education that complies with the requirements of ch. A–E 13 within the 2 year period prior to their application. However, an applicant by comity who has received his or her first license as a professional engineer within the last two years shall be exempt from meeting the 30 PDHs specified in s. A–E 13.03 (1) as required for continuing education requirements and shall not be required to comply with the continuing education requirements for their first renewal of registration.

History: CR 11–014: cr. Register December 2011 No. 672, eff. 1–1–12; **CR 13–064: am. Register June 2014 No. 702, eff. 7–1–14.**

A–E 13.10 Late renewal. A renewal applicant who has failed to renew his or her credential by the established renewal

date shall obtain all required PDHs and submit a record with information as specified under s. A−E 13.07 prior to the registrant's registration being renewed. If the total delinquent PDHs exceed 60 for all renewal periods since their last renewal, then 60 shall be the maximum required for late renewal. An applicant who has failed to be registered for a period greater than 5 years shall be subject to the provisions of s. A−E 2.05 (2).

History: CR 11−014: cr. Register December 2011 No. 672, eff. 1−1−12.

CHAPTER 443

EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS, AND PROFESSIONAL LAND SURVEYORS

Cross−reference: See definitions in s. 440.01.

443.01 Definitions. In this chapter, unless the context provides otherwise:

(1) "Architect" means a person who is legally qualified to practice architecture.

(1m) "Construction surveying" means surveying or mapping that is performed in support of infrastructure design, in support of improvements related to private and public boundary lines, or in support of construction layout or historic preservation, and establishing any postconstruction documentation related to that surveying or mapping.

(2) "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 professional engineer section of 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 professional engineer section; 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 s. 443.05, and who has been granted a certificate of record by the professional engineer section stating that the person has successfully passed this portion of the professional examinations.

(3) "Examining board" means the examining board of architects, landscape architects, professional engineers, designers, and professional land surveyors.

(3b) "Geodetic surveying" means surveying to determine the size and shape of the earth or the precise positions of points on the surface of the earth.

(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, planting or land construction plan; and the planning of a road, bridge or other structure with respect to the aesthetic requirements of the area on which it will be constructed, except that "landscape architecture" does not include any of the following:

(a) Professional services performed by a registered architect or by a person who has in effect a permit under s. 443.10 (1) (d).

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

(c) Professional services performed by a professional land surveyor.

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

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

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

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

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

(5) "Practice of architecture" 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, in which the public welfare or the safeguarding of life, health or property is concerned or involved.

(6) "Practice of professional engineering" includes any professional service requiring the application of engineering principles and data, in which 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 offers to practice professional engineering if the person by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself or herself to be a professional engineer; or who through the use of some other title implies that he or she is a professional engineer; or who holds himself or herself out as able to practice professional engineering.

(6s) "Practice of professional land surveying" means any of the following:

(a) Any service comprising the establishment or reestablishment of the boundaries of one or more tracts of land or the boundaries of any of the following interests in real property:

1. The rights−of−way of roads or streets.

2. Air or subsurface property rights.

3. Public or private easements.

(b) Designing or coordinating designs for the purpose of platting or subdividing land into smaller tracts.

(c) Placing, replacing, restoring, or perpetuating monuments in or on the ground to evidence the location of a point that is necessary to establish boundaries of one or more tracts of land or the subdivision or consolidation of one or more tracts of land or to describe the boundaries of any interest in real property identified in par. (a).

(d) Preparing maps that depict any interest in real property identified in par. (a) for the purpose of establishing the boundaries of any such interest in real property.

(e) Preparing any of the following:

1. An official map established or amended under s. 62.23 (6), established or amended under the authority of s. 61.35, or adopted under s. 60.61.

2. An assessor's plat under s. 70.27.

3. A map or plat of cemetery lands under s. 157.07.

4. A subdivision plat, certified survey map, or correction instrument under ch. 236.

5. A condominium plat or correction instrument under ch. 703.

6. A project and time−share property plat under s. 707.215.

(f) Performing construction surveying or geodetic surveying in connection with any of the practices specified in pars. (a) to (e).

(7) "Professional engineer" means a person who by reason of his or her 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 defined in sub. (6).

(7m) "Professional land surveyor" means a person who, by reason of his or her knowledge of law, mathematics, physical sciences, and measurement techniques, acquired by education and practical experience, is granted a license under this chapter to engage in the practice of professional land surveying.

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

History: 1971 c. 42, 215, 307; 1975 c. 9, 39, 199, 200, 334, 421; 1977 c. 29, 125, 418; 1979 c. 34, 98; 1979 c. 162 s. 38 (7); 1979 c. 167; 1979 c. 221 s. 780; 1979 c. 355; 1983 a. 189 ss. 274, 329 (18); 1993 a. 463, 465, 491; 1997 a. 300; 2009 a. 123; 2011 a. 146; 2013 a. 358.

The duties of county surveyors and other land surveyors and minimum standards for property surveys are discussed. 69 Atty. Gen. 160.

443.015 Examining board to establish continuing education requirements; promulgate rules. (1) Each section of the examining board may establish continuing education requirements for renewal of a credential issued by that section under this chapter.

(2) Each section of the examining board may promulgate rules governing the professional conduct of individuals, firms, partnerships, and corporations registered, permitted, certified, or granted a certificate of authorization by that section.

History: 2007 a. 47; 2011 a. 146.

Cross−reference: See also chs. A−E 10, 13, Wis. adm. code.

443.02 Practice requirements and registration: general provisions. (1) Any person practicing or offering to practice architecture or professional engineering in this state shall comply with this chapter.

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

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

(4) No person may engage in or offer to engage in the practice of professional land surveying in this state or use or advertise any title or description tending to convey the impression that the person is a professional land surveyor unless the person has been granted a license under this chapter to engage in the practice of professional land surveying.

History: 1971 c. 164 s. 88; 1971 c. 215; 1975 c. 39; 1977 c. 29, 418; 1979 c. 34, 167, 355; 1993 a. 463, 465; 1997 a. 300; 1999 a. 85; 2009 a. 123; 2013 a. 358.

Cross−reference: See also A−E, Wis. adm. code.

443.03 Registration requirements for architects. (1) An applicant for registration as an architect shall submit as satisfactory evidence to the architect section of the examining board all of the following:

(a) That he or she has acquired a thorough knowledge of sound construction, building hygiene, architectural design and mathematics.

(b) One of the following:

1m. A diploma of graduation, or a certificate, from an architectural school or college approved by the architect section as of satisfactory standing, together with at least 2 years' practical experience of a character satisfactory to the architect section in the design and construction of buildings.

2. A specific record of 7 or more years of experience in architectural work of a character satisfactory to the architect section in the design and construction of buildings.

(2) Graduation in architecture from a school or college approved by the architect section as of satisfactory standing shall be considered as equivalent to 5 years of experience, and the completion satisfactory to the architect section 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 architect section as of satisfactory standing shall be considered as equivalent to not more than 4 years of experience.

History: 1979 c. 167; 2011 a. 146.

Cross−reference: See also ch. A−E 3, Wis. adm. code.

443.035 Registration requirements for landscape architects. The landscape architect section of 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 landscape architect section 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 landscape architect section and has at least 2 years of practical experience in landscape architecture of a character satisfactory to the landscape architect section.

(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 landscape architect section, and 4 years of practical experience in landscape architecture of a character satisfactory to the landscape architect section.

(2) Satisfies the applicable requirements under s. 443.09.

History: 1993 a. 465; 2011 a. 146.

Cross−reference: See also ch. A−E 9, Wis. adm. code.

443.04 Registration requirements for professional engineers. An applicant for registration as a professional engineer shall submit satisfactory evidence to the professional engineer section of the examining board of all of the following:

(1m) A diploma of graduation, or a certificate, from an engineering school or college approved by the professional engineer section as of satisfactory standing in an engineering course of not less than 4 years or a diploma of graduation or degree from a technical college approved by the professional engineer section as of satisfactory standing in an engineering−related course of study of not less than 2 years.

(2m) (a) For an applicant possessing a diploma or certificate from a course of study of not less than 4 years as specified in sub. (1m), a specific record of 4 or more years of experience in engineering work of a character satisfactory to the professional engineer section and indicating that the applicant is competent to be placed in responsible charge of engineering work.

(b) For an applicant possessing a diploma or degree from a course of study of not less than 2 years as specified in sub. (1m), a specific record of 6 or more years of experience in engineering work of a character satisfactory to the professional engineer section and indicating that the applicant is competent to be placed in responsible charge of engineering work.

History: 1979 c. 167; 1983 a. 328; 1999 a. 85; 2009 a. 350; 2011 a. 146.

Cross−reference: See also ch. A−E 4, Wis. adm. code.

The authority of the examining board is discussed. 70 Atty. Gen. 156.

443.05 Certification of engineers−in−training. (1) An applicant for certification as an engineer−in−training shall submit as satisfactory evidence to the professional engineer section of the examining board one of the following:

(a) A diploma of graduation in engineering or a certificate in engineering from a school or college approved by the professional engineer section as of satisfactory standing.

(b) A specific record of 4 years or more of experience in engineering work of a character satisfactory to the professional engineer section.

(2) Graduation in engineering from a school or college approved by the professional engineer section as of satisfactory standing shall be considered as equivalent to 4 years of experience and the completion satisfactory to the professional engineer section 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 professional engineer section as of satisfactory standing shall be considered as equivalent to 2 years of experience. No applicant may receive credit for more than 4 years of experience under this subsection.

History: 1979 c. 167; 2011 a. 146.

Cross−reference: See also ch. A−E 4, Wis. adm. code.

443.06 Licensure requirements for professional land surveyors. (1) LICENSURE, APPLICATION, QUALIFYING EXPERIENCE. (a) Application for a license to engage in the practice of professional land surveying shall be made to the professional land surveyor section of the examining board under oath, on forms provided by the department, which shall require the applicant to submit such information as the professional land surveyor section deems necessary. The professional land surveyor section may require applicants to pass written or oral examinations or both. Applicants who do not have an arrest or conviction record, subject to ss. 111.321, 111.322, and 111.335, shall be entitled to be granted a license to engage in the practice of professional land surveying when satisfactory evidence is submitted that the applicant has met one or more of the requirements of sub. (2).

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

(2) REQUIREMENTS; LICENSE. The professional land surveyor section may grant a license to engage in the practice of professional land surveying to any person who has submitted to it an application, the required fees, and one or more of the following:

(am) Evidence satisfactory to the professional land surveyor section that he or she has received a bachelor's degree in a course in the practice of professional land surveying or a related field that has a duration of not less than 4 years and is approved by the professional land surveyor section, and that he or she has engaged in the practice of professional land surveying for at least 2 years and has demonstrated practice of satisfactory character that indicates that the applicant is competent to engage in the practice of professional land surveying, if the applicant has passed an oral and written or written examination administered by the professional land surveyor section.

(bm) Evidence satisfactory to the professional land surveyor section that he or she has received an associate degree in a course in the practice of professional land surveying or a related field that has a duration of not less than 2 years and is approved by the professional land surveyor section, and that he or she has engaged in the practice of professional land surveying for at least 4 years and has demonstrated practice of satisfactory character that indicates that the applicant is competent to engage in the practice of professional land surveying, if the applicant has passed an oral and written or written examination administered by the professional land surveyor section.

(cm) Evidence satisfactory to the professional land surveyor section that he or she has engaged in the practice of professional land surveying for at least 10 years and has demonstrated practice of satisfactory character that indicates that the applicant is competent to engage in the practice of professional land surveying, if the applicant has passed an oral and written or written examination administered by the professional land surveyor section. This paragraph applies to applications for licenses to engage in the practice of professional land surveying that are submitted to the professional land surveyor section after June 30, 2000 and before July 1, 2019.

(d) An unexpired certificate of registration, certificate of certification, or license as a land surveyor or to engage in the practice of professional land surveying issued to the applicant 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 licensure in this subsection, if the applicant has passed an oral and written or written examination administered by the professional land surveyor section.

History: 1979 c. 167; 1981 c. 380; 1981 c. 391 s. 211; 1987 a. 27; 1993 a. 462; 1995 a. 27 s. 9130 (4); 1997 a. 3, 27; 2011 a. 146; 2013 a. 358.

Cross−reference: See also ch. A−E 6, Wis. adm. code.

443.07 Permit requirements: designers of engineering systems. (1) An applicant for a permit as a designer shall submit as evidence satisfactory to the designer section of the examining board one of the following to indicate that he or she is competent to be in charge of such work:

(a) 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 designer section, in which certification is sought.

(b) 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 sub. (3). Such a person may be granted a permit to offer and perform services in the designated field or branch.

(2) Completion of technological academic training or apprenticeship program approved by the board may be considered equivalent to experience, but should not exceed a total of 4 years. The successful completion of each year of academic work without graduation shall be equivalent to one year of experience. Graduation from a course other than engineering technology shall be equivalent to 2 years of experience under this subsection.

(3) Permits shall be granted, designated, and limited to the fields and subfields of technology as are determined by the designer section 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 chapter.

(4) 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.

(5) The permit shall, on its face, restrict the holder thereof to the specific field and subfields of designing in which the permittee acquired his or her 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 designer section.

(6) The renewal date for permits under this section is specified under s. 440.08 (2) (a), and the fee for renewal of such permits is determined by the department under s. 440.03 (9) (a).

History: 1979 c. 167; 1991 a. 39; 2007 a. 20; 2011 a. 146.

Cross−reference: See also ch. A−E 5, Wis. adm. code.

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.

443.08 Registration requirement: firms, partnerships and corporations. (1) (a) The practice of architecture pertaining to the internal operations of a firm, partnership, or corporation may be performed by employees if the architectural services are performed by or under the direct supervision of architects registered under this chapter, or persons exempt from registration under s. 443.14. Registered or exempt architectural employees may provide architectural data with respect to the manufacture, sale, and utilization of the products of the firm, partnership, or corporation to other registered or exempt architects.

(b) The practice of professional engineering pertaining to the internal operations of a firm, partnership, or corporation may be performed by employees if the professional engineering services are performed by or under the direct supervision of professional engineers registered under this chapter, or persons exempt from registration under s. 443.14. Registered or exempt professional engineering employees may provide 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 professional engineers.

(2) (a) No individual architect registered under this chapter may practice or offer to practice architecture, as a principal, officer, employee, or agent of a firm, partnership, or corporation unless all of the following are satisfied:

1. All personnel who practice or offer to practice in its behalf as architects are registered under this chapter.

2. The firm, partnership, or corporation has been issued a certificate of authorization under sub. (3) (a) 1.

(b) No individual professional engineer registered under this chapter may practice or offer to practice professional engineering as a principal, officer, employee, or agent of a firm, partnership, or corporation unless all of the following are satisfied:

1. All personnel who practice or offer to practice in its behalf as professional engineers are registered under this chapter.

2. The firm, partnership, or corporation has been issued a certificate of authorization under sub. (3) (a) 2.

(c) No individual designer granted a permit under this chapter may practice or offer to practice designing as a principal, officer, employee, or agent of a firm, partnership, or corporation unless all of the following are satisfied:

1. All personnel who practice or offer to practice in its behalf as designers are granted a permit under this chapter.

2. The firm, partnership, or corporation has been issued a certificate of authorization under sub. (3) (a) 3.

(3) (a) 1. A firm, partnership, or corporation desiring a certificate of authorization shall submit an application to the department on forms provided by the department, listing the names and addresses of all officers and directors, and all individuals in its employment registered to practice architecture in this state who will be in responsible charge of architecture being practiced in this state through the firm, partnership, or corporation and other relevant information required by the architect section of the examining board. A similar type of form shall also accompany the renewal fee. If there is a change in any of these persons, the change shall be reported on the same type of form, and filed with the department within 30 days after the effective date of the change. The architect section shall grant a certificate of authorization to a firm, partnership, or corporation complying with this subsection upon payment of the initial credential fee determined by the department under s. 440.03 (9) (a). This subsection does not apply to firms, partnerships, or corporations exempt under s. 443.14 (3) or (5).

2. A firm, partnership, or corporation desiring a certificate of authorization shall submit an application to the department on forms provided by the department, listing the names and addresses of all officers and directors, and all individuals in its employment registered to practice professional engineering in this state who will be in responsible charge of professional engineering being practiced in this state through the firm, partnership, or corporation and other relevant information required by the professional engineer section of the examining board. A similar type of form shall also accompany the renewal fee. If there is a change in any of these persons, the change shall be reported on the same type of form, and filed with the department within 30 days after the effective date of the change. The professional engineer section shall grant a certificate of authorization to a firm, partnership, or corporation complying with this subsection upon payment of the initial credential fee determined by the department under s. 440.03 (9) (a). This subsection does not apply to firms, partnerships, or corporations exempt under s. 443.14 (3) or (5).

3. A firm, partnership, or corporation desiring a certificate of authorization shall submit an application to the department on forms provided by the department, listing the names and addresses of all officers and directors, and all individuals in its employment granted a permit to practice designing in this state who will be in responsible charge of designing being practiced in this state through the firm, partnership, or corporation and other relevant information required by the designer section of the examining board. A similar type of form shall also accompany the renewal fee. If there is a change in any of these persons, the change shall be reported on the same type of form, and filed with the department within 30 days after the effective date of the

change. The designer section shall grant a certificate of authorization to a firm, partnership, or corporation complying with this subsection upon payment of the initial credential fee determined by the department under s. 440.03 (9) (a). This subsection does not apply to firms, partnerships, or corporations exempt under s. 443.14 (3) or (5).

(b) The renewal date for certificates of authorization under this section is specified under s. 440.08 (2) (a), and the fee for renewal of such certificates is determined by the department under s. 440.03 (9) (a).

(4) (a) 1. No firm, partnership, or corporation may be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this chapter, nor may any individual practicing architecture be relieved of responsibility for architectural services performed by reason of his or her employment or relationship with the firm, partnership, or corporation.

2. No firm, partnership, or corporation may be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this chapter, nor may any individual practicing landscape architecture be relieved of responsibility for landscape architectural services performed by reason of his or her employment or relationship with the firm, partnership, or corporation.

3. No firm, partnership, or corporation may be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this chapter, nor may any individual practicing professional engineering be relieved of responsibility for professional engineering services performed by reason of his or her employment or relationship with the firm, partnership, or corporation.

4. No firm, partnership, or corporation may be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this chapter, nor may any individual practicing designing be relieved of responsibility for designing services performed by reason of his or her employment or relationship with the firm, partnership, or corporation.

(b) 1. All final drawings, specifications, plans, reports, or other architectural papers or documents involving the practice of architecture, prepared for the use of a firm, partnership, or 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 who was in responsible charge of their preparation. This paragraph does not apply to persons exempt under s. 443.14 (3), (4), or (5).

2. All final drawings, specifications, plans, reports, or other landscape architectural papers or documents prepared by a landscape architect registered under this chapter, prepared for the use of a firm, partnership, or 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 landscape architect who was in responsible charge of their preparation. This paragraph does not apply to persons exempt under s. 443.14 (3), (4), or (5).

3. All final drawings, specifications, plans, reports, or other engineering papers or documents involving the practice of professional engineering, prepared for the use of a firm, partnership, or 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 professional engineer who was in responsible charge of their preparation. This paragraph does not apply to persons exempt under s. 443.14 (3), (4), or (5).

4. All final drawings, specifications, plans, reports, or other designing papers or documents involving the practice of designing, prepared for the use of a firm, partnership, or 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 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).

(5) (a) No firm, partnership, or corporation may engage in the practice of or offer to practice architecture 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 architecture, nor may it advertise or offer to furnish an architectural service, unless the firm, partnership, or corporation has complied with this chapter.

(b) No firm, partnership, or corporation may engage in the practice of or offer to practice 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 professional engineering, nor may it advertise or offer to furnish a professional engineering service, unless the firm, partnership, or corporation has complied with this chapter.

(c) No firm, partnership, or corporation may engage in the practice of or offer to practice designing 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 designing, nor may it advertise or offer to furnish a designing service, unless the firm, partnership, or corporation has complied with this chapter.

(6) 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 the firm, partnership or corporation, if the firm, partnership or corporation does not practice or offer to practice architecture, professional engineering or designing unless it complies with all other applicable provisions of this chapter.

History: 1979 c. 167; 1983 a. 129; 1987 a. 27; 1991 a. 39; 1993 a. 463, 465, 491; 1997 a. 300; 2007 a. 20; 2011 a. 146.

Whether the use of "engineer" or "engineering" in a business title violates this chapter requires a case−by−case analysis. 70 Atty. Gen. 131.

443.09 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.

(3) Written examinations shall be required of every applicant for certification as engineer−in−training.

(4) Written or written and oral examinations shall be required of every applicant for registration as an architect or a professional engineer. Only one form of examination may be required for all applicants. The examination shall 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.

(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 landscape architect section of the examining board under sub. (5).

(5) Written or written and oral examinations shall be held at such time and place as the landscape architect section of the examining board determines. The scope of the examinations and the methods of procedure shall be prescribed by the landscape architect section with special reference to the applicant's ability 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. A candidate failing an examination may, upon application and payment of the required reexamination fee, be examined again by the landscape

architect section. No restrictions may be placed on the number of times an unsuccessful candidate may be reexamined, except that after failure of 3 reexaminations, the landscape architect section may require a one−year waiting period before further reexamination.

History: 1979 c. 167; 1981 c. 380; 1981 c. 391 s. 211; 1983 a. 328; 1993 a. 463, 465, 491; 1995 a. 27 ss. 6606, 9116 (5); 1997 a. 300; 2009 a. 350; 2011 a. 146.

Cross−reference: See also chs. A−E 3, 4, and 9, Wis. adm. code.

443.10 Applications, certificates, licenses, rules, and roster. (1) CERTIFICATE OF REGISTRATION OR RECORD; PERMIT; RECIPROCITY PROVISIONS. (a) The appropriate section of the examining board may, upon application 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, landscape architects, or professional engineers are of a standard not lower than specified in this chapter.

(b) The appropriate section of the examining board may, upon application 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, territory, or possession of the United States or by any country, which is 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 appropriate section, except as to qualifications and registration fee.

(c) The professional engineer section of 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 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 certification of engineers−in−training are of a standard not lower than specified in this chapter.

(d) The appropriate section of the examining board may, upon application and payment of the required fee, grant a permit to practice or to offer to practice architecture, landscape architecture, or professional engineering to a person who is not a resident of and has no established place of business in this state, or who has recently become a resident of this state, if the person holds an unexpired certificate of similar registration issued to the person by the proper authority in any state or territory or possession of the United States or in any country in which the requirements for the registration of architects, landscape architects, or professional engineers are of a standard not lower than specified in this chapter.

(2) APPLICATIONS FOR REGISTRATION, FEES, CONTENTS OF CERTIFICATION, EXPIRATION. (a) Applications for registration or for a certificate of record shall be on forms 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.

(b) The fees for examinations and credentials, as defined in s. 440.01 (2) (a), granted under this chapter are specified in s. 440.05, and the fee for renewal of such credentials is determined by the department under s. 440.03 (9) (a).

(c) The appropriate section of the examining board shall grant a certificate of registration upon payment of the registration fee to any applicant who, in the opinion of the appropriate section, has satisfactorily met all the applicable requirements of this chapter. The certificate shall authorize the practice of architecture, landscape architecture, or professional engineering, as appropriate.

(d) The granting of a certificate of registration by the appropriate section of 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.

(e) The renewal date for certificates of registration for architects, landscape architects, and professional engineers is specified under s. 440.08 (2) (a), and the fee for renewal of such certificates is determined by the department under s. 440.03 (9) (a).

(f) The professional engineer section of the examining board shall grant a certificate of record as engineer−in−training to any applicant who, in the opinion of the professional engineer section, has satisfactorily met all the requirements of this section pertaining to engineers−in−training.

(g) 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.

(h) Certificates of record as engineers−in−training shall expire on July 31st of the 10th year after their issuance unless extended by the professional engineer section of the examining board. An application for extension shall contain evidence satisfactory to the professional engineer section that the applicant's professional experience has been delayed.

(3) EMERGENCY RULES; LIMITATION. No section of the examining board may adopt or change, by emergency rule, any requirement for the registration of or issuance of a permit to any applicant under this chapter.

(4) ROSTER; RECORDS. (a) A list, showing the names and addresses of all engineers−in−training certified by the professional engineer section of the examining board during the period from July 1 to June 30, shall be prepared each year by the professional engineer section. The list shall be obtainable by purchase at cost.

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

(5) FEES; RENEWALS. The professional land surveyor section shall grant a license to engage in the practice of professional land surveying to any applicant who has met the applicable requirements of this chapter. The renewal date for the license is specified under s. 440.08 (2) (a), and the renewal fee for the license is determined by the department under s. 440.03 (9) (a).

(6) ROSTER. A roster showing the names and mailing addresses of all registered surveyors shall be prepared annually by the secretary and made available for purchase at cost, and a copy shall be placed on file with the department of financial institutions.

History: 1979 c. 167 ss. 9, 10, 23, 24, 41, 42, 53; 1979 c. 221 s. 780; 1979 c. 355; 1981 c. 3; 1987 a. 27; 1991 a. 39; 1993 a. 463, 465, 491; 1995 a. 27; 1997 a. 27, 300; 2007 a. 20; 2009 a. 123; 2011 a. 146; 2013 a. 358.

Cross−reference: See also chs. A−E 3, 4, and 9, Wis. adm. code.

The examining board of architects, professional engineers, designers and land surveyors lacks the power to adopt a rule prohibiting competitive bidding on projects by architects, engineers, designers, or surveyors. 61 Atty. Gen. 369.

443.11 Disciplinary proceedings against architects, landscape architects and engineers. (1) The appropriate section of the examining board may reprimand an architect, land-

scape 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:

(a) Fraud or deceit in obtaining a certificate of registration or a certificate of record.

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

(c) Knowingly aiding or abetting the unauthorized practice of architecture or professional engineering by persons not registered under this chapter.

(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.

(e) Any violation of the rules of professional conduct adopted and promulgated by that section of the examining board.

(f) Conviction of a felony, subject to ss. 111.321, 111.322 and 111.335, 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.

(2) The appropriate section of the examining board may reprimand a firm, partnership, or corporation holding a certificate of authorization issued under this chapter or may limit, suspend, or revoke such a certificate if any of the agents, employees, or officers of the firm, partnership, or corporation has committed any act or has been guilty of any conduct which would authorize a reprimand or a limitation, suspension, or revocation of the certificate of registration of a registrant or the certificate of record of an engineer−in−training under this chapter, unless the firm, partnership, or corporation submits evidence satisfactory to the appropriate section of the examining board that the agent, employee, or officer is not now practicing or offering to practice architecture, landscape architecture, or professional engineering in its behalf.

(3) Any person may make charges that any registrant, holder of a certificate of record as engineer−in−training or corporate holder of a certificate of authorization has committed an act for which a reprimand or limitation, suspension, or revocation of registration is authorized under sub. (1). Such charges shall be in writing, shall be sworn to by the person making them and shall be submitted to the appropriate section of the examining board. The appropriate section of the examining board may, on its own motion, make such charges. All charges, unless dismissed by the appropriate section of the examining board as unfounded or trivial, shall be heard by the appropriate section of the examining board, subject to the rules promulgated under s. 440.03 (1).

(4) If after a hearing under sub. (3), 3 members of a section of the examining board vote in favor of sustaining charges specified in sub. (3), the appropriate section of 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 authorization of a firm, partnership, or corporation.

(5) The actions of each section of the examining board under this section shall be subject to review in the manner provided in ch. 227.

(6) The appropriate section of the examining board, for reasons it considers sufficient, may reissue a certificate of registration or a certificate of record to any person, or a certificate of authorization to any firm, partnership, or corporation, whose certificate has been revoked under this section if 3 members of the section of the examining board vote in favor of such reissuance. Subject to the rules of the examining board, the appropriate section of the examining board may, upon payment of the required fee, issue a new certificate of registration, certificate of record or certificate of authorization, to replace any certificate that is revoked, lost, destroyed or mutilated.

History: 1979 c. 167; 1981 c. 334 s. 25 (1); 1993 a. 463, 465, 491; 1997 a. 237, 300; 1999 a. 32, 186; 2009 a. 123; 2011 a. 146.

Gross negligence, incompetency, or misconduct is discussed. The 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 Wis. 2d 627, 213 N.W.2d 359 (1974).

443.12 Disciplinary proceedings against professional land surveyors. (1) The professional land surveyor section may reprimand a professional land surveyor, or limit, suspend, or revoke the license of any professional land surveyor, for the practice of any fraud or deceit in obtaining the license, or any gross negligence, incompetence, or misconduct in the practice of professional land surveying.

(2) Charges of fraud, deceit, gross negligence, incompetence, or misconduct may be made against any professional land surveyor by the professional land surveyor 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 be submitted to the examining board. All charges shall be heard according to the rules promulgated under s. 440.03 (1).

(3) If after a hearing 3 members vote in favor of reprimand or limiting, suspending, or revoking the license of a professional land surveyor, the professional land surveyor section shall notify the surveyor to that effect. The surveyor shall return the license to the examining board immediately on receipt of notice of a revocation. The action of the professional land surveyor section may be reviewed under ch. 227.

(4) The professional land surveyor section, for reasons it deems sufficient, may reinstate a license to engage in the practice of professional land surveying that has been revoked, if 3 members vote in favor of such reinstatement. This subsection does not apply to a license that is revoked under s. 440.12.

History: 1979 c. 167, 357; 1997 a. 237; 2013 a. 358.

443.13 Disciplinary proceedings against designers of engineering systems. (1) The designers' section of the examining board may limit, suspend, or revoke a permit or reprimand the permittee if the permittee is guilty of any of the following:

(a) Fraud or deceit in obtaining the permit.

(b) Gross negligence, incompetency, or misconduct in practice.

(c) Signing documents not prepared by the permittee or under the permittee's control.

(d) Knowingly aiding or abetting unauthorized designing of engineering systems as stated in s. 443.07 (3) by persons not granted permits under this chapter.

(e) Conviction of a felony, subject to ss. 111.321, 111.322, and 111.335, or adjudication of mental incompetency by a court of competent jurisdiction.

(2) If, after a hearing conducted under the rules promulgated under s. 440.03 (1) before the designers' section of the examining board, two−thirds of the members of the section vote in favor of sustaining the charges, the designers' section of the examining board shall reprimand the permittee or limit, suspend, or revoke the permit. The action of the designers' section of the examining board under this section is subject to review under ch. 227.

443.134 Exception for photogrammetry and construction surveying. Nothing in this chapter may be construed to prohibit a person who has not been granted a license to engage in the practice of professional land surveying under this chapter from utilizing photogrammetry or remote sensing techniques or performing topographic surveying, construction surveying, or

geodetic surveying for purposes other than a boundary establishment or reestablishment specified in s. 443.01 (6s).

History: 1979 c. 167; 1981 c. 334 s. 25 (1); 2011 a. 146; 2013 a. 358.

443.14 Exempt persons. The following persons, while practicing within the scope of their respective exemptions, shall be exempt from this chapter:

(1) (a) An employee of a person holding a certificate of registration in architecture under s. 443.10 who is engaged in the practice of architecture and an employee of a person temporarily exempted from registration in architecture under this section, if the practice of the employee does not include responsible charge of architecture practice.

(b) An employee of a person holding a certificate of registration in professional engineering under s. 443.10 who is engaged in the practice of professional engineering and an employee of a person temporarily exempted from registration in professional engineering under this section, if the practice of the employee does not include responsible charge of professional engineering practice.

(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.

(3) A public service company and its regular employees 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.

(4) (a) Any person who practices architecture, exclusively as a regular employee of a private company or corporation, by rendering to the company or corporation architectural services in connection with its operations, so long as the person is thus actually and exclusively employed and no longer, if the company or corporation has at least one architect who is registered under this chapter in responsible charge of the company's or corporation's architectural work in this state.

(b) Any person who practices professional engineering, exclusively as a regular employee of a private company or corporation, by rendering to the company or corporation professional engineering services in connection with its operations, so long as the person is thus actually and exclusively employed and no longer, if the company or corporation has at least one professional engineer who is registered under this chapter in responsible charge of the company's or corporation's professional engineering work in this state.

(5) 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 any building.

(6) Notwithstanding any other provision of this chapter, contractors, subcontractors or construction material or equipment suppliers are not required to register under this chapter 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 subs. (1) to (5) while practicing within the scope of their exemption.

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

(8) An employee of a professional land surveyor, while doing surveying work under the supervision of the employer, if the employee is not in responsible charge of the practice of professional land surveying.

(8m) (a) Subject to par. (b), an employee or contractor of any of the following while engaged in land surveying is exempt from the provisions of this chapter:

1. The provider of a broadcast service, as defined in s. 196.01 (1m).
2. The provider of a cable service, as defined in s. 196.01 (1p).
3. A commercial mobile radio service provider, as defined in s. 196.01 (2g).
4. A public utility, as defined in s. 196.01 (5).
5. A telecommunications provider, as defined in s. 196.01 (8p).
6. A video service provider, as defined in s. 196.01 (12r).
7. A cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, power, or water to its members only.

(b) The exemption under par. (a) applies only if the employee or contractor is engaged in services described in s. 443.01 (6s) (a) 3., (c), (d), or (f) for or on behalf of the provider or cooperative.

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

(10) Any person employed by a county or this state who is engaged in the planning, design, installation or regulation of land and water conservation activities under ch. 92 or s. 281.65 and who is certified under s. 92.18.

(11) Any professional land surveyor licensed under s. 443.06 who is engaged in the planning, design, installation, or regulation of land and water conservation activities under ch. 92 or s. 281.65.

(12m) A driller who is licensed under s. 280.15 (2m), or an employee of a drilling business that is registered under s. 280.15 (1), who is engaged in well drilling, as defined in s. 280.01 (8), or heat exchange drilling, as defined in s. 280.01 (2c).

(13) A professional engineer who, while engaged in the practice of professional engineering in accordance with this chapter, collects, investigates, interprets or evaluates data relating to soil, rock, groundwater, surface water, gases or other earth conditions, or uses that data for analysis, consultation, planning, design or construction.

(14) A person who, while engaged in the practice of professional geology, hydrology or soil science as defined in s. 470.01 (2), (3) or (4), practices professional engineering, if the acts that involve the practice of professional engineering are also part of the practice of professional geology, hydrology or soil science.

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

(16) A person who performs services related to natural resources management if any map that is prepared as a part of those services contains the following statement: "This map is not a survey of the actual boundary of any property this map depicts." In this subsection, "natural resources management" includes all of the following:

(a) The management of state lands under ss. 23.09, 23.11, 27.01, and 28.04.

(b) The control of invasive species, as defined in s. 23.22 (1) (c).

(c) The cultivation or harvesting of raw forest products, as defined in s. 26.05 (1).

(d) The management of county forests under s. 28.11.

(e) The practice of forestry, as defined in s. 77.81 (2), including sustainable forestry, as defined in s. 28.04 (1) (e); any services provided in connection with an order, or the preparation of an application for an order, under subch. I or VI of ch. 77; and any forestry operation, as defined in s. 823.075 (1) (c).

(17) A person who prepares a map that depicts temporary trails, easements, or other uses of lands if the map contains the following statement: "This map is not a survey of the actual boundary of any property this map depicts."

(18) An employee or agent of the department of natural resources, department of agriculture, trade and consumer protection, department of transportation, public service commission, board of commissioners of public lands, or department of military affairs who creates a geographic information systems map if done within the scope of his or her employment or agency.

History: 1979 c. 167 ss. 5, 21, 40, 48; 1979 c. 355; 1983 a. 189 s. 329 (18); 1991 a. 309; 1993 a. 463, 465, 491; 1995 a. 227; 1997 a. 27, 300; 2005 a. 360; 2009 a. 123; 2011 a. 146, 150; 2013 a. 358.

443.15 Exempt buildings. (1) Nothing in this chapter prevents any person from advertising and performing services, including 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:

(a) Dwellings for single families, and outbuildings in connection with single−family dwellings, including, but not limited to, barns and private garages.

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

(c) Buildings used exclusively for agricultural purposes.

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

(2) Nothing in this chapter prevents any person, firm or corporation 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. Nothing in this chapter prevents any person, firm or corporation from making repairs or interior alterations to buildings which do not affect health or safety.

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

(4) This section does not apply to inspection and service work done by employees of insurance rating bureaus, insurance service bureaus, insurance companies or insurance agents.

History: 1979 c. 167.

443.16 Change of name. No person may practice architecture, landscape architecture, or professional engineering 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.

History: 1979 c. 98 s. 1; 1979 c. 167 s. 20; 1979 c. 337 s. 15; 1979 c. 355; 1993 a. 463, 465, 491; 1997 a. 300; 2009 a. 123.

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

History: 1979 c. 167; 1993 a. 463, 465, 491; 1997 a. 300.

443.18 Penalties; law enforcement. (1) UNAUTHORIZED PRACTICE; PENALTY. (a) Any person who practices or offers to practice architecture, landscape architecture, or professional engineering in this state, or who uses the term "architect," "landscape architect," or "professional engineer" as part of the person's business name or title, except as provided in s. 443.08 (6), or in any way represents himself or herself as an architect, landscape architect, or a professional engineer unless the person is registered or exempted in accordance with this chapter, or unless the person is the holder of an unexpired permit issued under s. 443.10 (1) (d), or any 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 section of the examining board or to any member of the examining board or to any member of any section 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.

(b) All duly constituted officers of the law of this state or any political subdivision shall enforce this chapter and prosecute any persons violating this chapter.

(2) INJUNCTION. (a) If it appears upon complaint to the examining board or to any section of the examining board by any person, or is known to the examining board or to any section of the examining board that any person who is neither registered nor exempt under this chapter nor the holder of an unexpired permit under s. 443.10 (1) (d) is practicing or offering to practice, or is about to practice or to offer to practice, architecture, landscape architecture, or professional engineering in this state, the appropriate section of the examining board or the attorney general or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring action in the name and on behalf of this state against any such person to enjoin the person from practicing or offering to practice architecture, landscape architecture, or professional engineering.

(b) If it appears upon complaint to the examining board by any person, or is known to the examining board that any person who does not have a license to engage in the practice of professional land surveying in this state, or who is not exempt or excepted from the licensure requirements under this chapter, is engaging in or offering to engage in the practice of professional land surveying in this state, the professional land surveyor section, the examining board, the department, the department of justice, 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 to enjoin the person from engaging in or offering to engage in the practice of professional land surveying.

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

History: 1979 c. 167 ss. 27, 28, 45, 46; 1981 c. 20; 1993 a. 463, 465, 491; 1997 a. 300; 1995 a. 85; 2009 a. 123; 2011 a. 146; 2013 a. 358.