

Clearinghouse Rule 21-020

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

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	EXAMINING BOARD OF
EXAMINING BOARD OF ARCHITECTS,	:	ARCHITECTS, LANDSCAPE
LANDSCAPE ARCHITECTS,	:	ARCHITECTS, PROFESSIONAL
PROFESSIONAL ENGINEERS,	:	ENGINEERS, DESIGNERS, AND
DESIGNERS, AND PROFESSIONAL	:	PROFESSIONAL LAND SURVEYORS
LAND SURVEYORS	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to amend A-E 2.03 (1) (a) and (3) and 2.05 (1) and (2) (a) and (b); and to create A-E 2.06, relating to general procedures.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 440.09 and 443.015 (2), Stats.

Statutory authority:

Sections 15.08 (5) (b), 440.09 (5), and 443.015 (2), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides an examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains...”

Section 440.09 (5), Stats., states that “[t]he department or credentialing board, as appropriate, may promulgate rules necessary to implement this section.”

Section 443.015 (2), Stats., provides that “[e]ach 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.”

Related statute or rule:

Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

Plain language analysis:

The Board completed a comprehensive review of ch. A-E 2 to ensure the rules are current with standards of practice and consistent with statute. As a result, the following revisions have been made:

- The definition of “firm” in s. A-E 2.03 (1) (a) is updated to include a limited liability company or limited liability partnership located in Wisconsin that provides or offers to provide architectural, landscape architectural, professional engineering, design or professional land surveying services to the public.
- Section A-E 2.03 (3) is amended to clarify that it is upon request of the Board that a firm must provide notification of at least one resident who is in charge of and responsible for each separate business location.
- Section A-E 2.05 is updated to reflect that the applicable section of the Board makes determinations relating to the late renewal or reinstatement of a credential.
- Section A-E 2.06 is created to implement s. 440.09, Stats., as amended by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:**Illinois:**

Rules of the Illinois Department of Financial and Professional Regulation do not specify general requirements and procedures that apply to architects, engineers, and professional land surveyors. Instead, the rules separately specify requirements and procedures that apply to architects [68 Ill. Adm. Code 1150.10 to 1150.110], engineers [68 Ill. Adm. Code 1380.210 to 1380.325], and professional land surveyors [68 Ill. Adm. Code 1270.5 to 1270.65]. Illinois does not issue permits or similar credentials for designers of engineering systems or landscape architects.

The Illinois Statutes provide for the expedited licensure of service members and their spouses (20 ILCS 5/5-715). “Service member” includes a person whose active duty service concluded within the 2 years preceding application for licensure. A license issued to a service member or the spouse of a service member may be renewed.

Iowa:

The Iowa Administrative Code does not specify general requirements and procedures that apply to architects, engineers, professional land surveyors, and landscape architects. Instead, requirements and procedures for these professions are separately specified in rules of the Iowa Architectural Examining Board [193B IAC], Iowa Engineering and Land Surveying Examining Board [193C IAC], and Iowa Landscape Architectural

Examining Board [193D IAC]. Iowa does not issue permits or similar credentials for designers of engineering systems.

Rules of the Professional Licensing and Regulation Bureau of the Iowa Department of Commerce provide for the expedited reciprocal licensure of a veteran or a spouse of an active duty service member (193 IAC 193.14.3). A reciprocal license issued to a veteran or a spouse of an active duty service member may be renewed.

Michigan:

Rules of the Michigan Department of Licensing and Regulatory Affairs do not specify general requirements and procedures that apply to architects, professional engineers, professional land surveyors, and landscape architects. Instead, the rules separately specify requirements and procedures that apply to architects [Mich Admin Code, R 339.15101 to R 339.15506], professional engineers [Mich Admin Code, R 339.16001 to R 339.16044], professional land surveyors [Mich Admin Code, R 339.17101 to R 339.17506], and landscape architects [Mich Admin Code, R 339.19023 to R 339.19041]. Michigan does not issue permits or similar credentials for designers of engineering systems.

The Michigan Statutes provide for temporary licensure of the spouse of an active duty service member (MCL 339.213). A temporary license is valid for 6 months and may be renewed for one additional 6-month term if it is determined the licensee continues to meet the requirements for temporary licensure and needs additional time to fulfill the requirements for initial licensure.

Minnesota:

Rules of the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design specify general requirements and procedures that apply to architects, engineers, land surveyors, and landscape architects [Minnesota Rules, parts 1800.0050 to 1800.0900]. Minnesota does not issue permits or similar credentials for designers of engineering systems.

The Minnesota Statutes provide for temporary licensure of an individual who is an active duty military member, the spouse of an active duty military member, or a veteran who has left service in the 2 years preceding the date of license application (2019 Minnesota Statutes, Section 197.4552). A temporary license allows a qualified individual to perform regulated professional services for a limited length of time as determined by the applicable licensing board. During the temporary license period, the individual must complete the full application procedure as required by applicable law.

Summary of factual data and analytical methodologies:

The proposed rules were developed by conducting a comprehensive review of the provisions of ch. A-E 2 and s. 440.09, Stats., as amended by 2019 Wisconsin Act 143, and obtaining input and feedback from the Rules Committee of the A-E Board.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing scheduled for 1:00 PM on April 13, 2021 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. A-E 2.03 (1) (a) and (3) are amended to read:

A-E 2.03 (1) (a) “Firm” means any sole proprietorship, partnership, ~~or~~ corporation, limited liability company, or limited liability partnership located in ~~Wisconsin~~ this state which provides or offers to provide architectural, landscape architectural, professional engineering, design, or professional land surveying services to the public.

(3) NOTICE. ~~Every firm shall notify~~ Upon request from the board, a firm shall provide notification of at least one resident who is in charge of and responsible for each separate business location.

SECTION 2. A-E 2.05 (1) and (2) (a) and (b) are amended to read:

A-E 2.05 (1) If a licensee an individual who fails to renew ~~his or her~~ a credential by the established renewal date applies for renewal of the credential less than 5 years after its expiration, the credential shall be renewed upon payment of the renewal fee specified in s. 440.08, Stats.

(2) (a) If a licensee an individual applies for renewal of ~~his or her~~ a credential more than 5 years after its expiration, the applicable section of the board shall determine whether the applicant is competent to practice under the credential in this state. The

inquiry shall include a review of the applicant's practice within the previous 5 years, if any, in other licensing jurisdictions.

(b) After inquiry, the applicable section of the board shall impose any reasonable conditions on reinstatement of the credential as the ~~board~~ section deems appropriate, including a requirement that the applicant complete any current requirement for original licensure.

SECTION 3. A-E 2.06 is created to read:

A-E 2.06 Reciprocal credentials for service members, former service members, and their spouses.

(1) In this section, “reciprocal credential” means all of the following:

- (a) Registration as an architect.
- (b) Registration as a landscape architect.
- (c) Registration as a professional engineer.
- (d) Certification as an engineer-in-training.
- (e) A license to engage in the practice of professional land surveying.
- (f) A permit as a designer of engineering systems.

(2) A reciprocal credential shall be granted to a service member, former service member, or the spouse of a service member or former service member who the appropriate section of the board determines meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the section may request verification necessary to make a determination under this section.

SECTION 4. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)
