

Clearinghouse Rule 24-028

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

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,
DESIGNERS, PROFESSIONAL	:	PROFESSIONAL LAND
LAND SURVEYORS, AND REGISTERED	:	SURVEYORS, AND
INTERIOR DESIGNERS	:	REGISTERED INTERIOR
	:	DESIGNERS
	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors, and Registered Interior Designers to **repeal** A-E 2.02 (7) (a), A-E 2.02 (7) (a) 1., and A-E 2.02 (7) (b) 2. (Note); to **amend** A-E 2.02 (5), A-E 2.02 (7) (b), A-E 2.02 (8) (a), A-E 7.05 (8), A-E 7.08 (3) (i), A-E 7.08 (4) (c), A-E 8.10 (title), (1), (2), and (3); to **repeal and recreate** A-E 2.02 (3), A-E 2.02 (7) (b) 1. and 2.; and to **create** A-E 2.02 (7) (b) 3. relating to sealing and stamping of documents.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 443.08 (4) (b), 443.11 (1) (b), 443.17, and 443.175, Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), and 443.015 (2), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats. provides that each examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 227.11 (2) (a), Stats. provides that “Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Section 443.015 (2), Stats. provides that “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.”

Related statute or rule:

None.

Plain language analysis:

This rule provides clarification within code chapters A-E 2, 7, and 8 relating to sealing and signing and eliminates redundant words or sentences that might bring confusion to stakeholders.

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 provide seal requirement standards for architects [68 Ill. Adm. Code 1150], professional engineers [68 Ill. Adm. Code 1380.295], and professional land surveyors [68 Ill. Adm. Code 1270.58]. Licensed Architects and Professional Engineers must have a reproducible seal, which may be electronically affixed, or, at the licensed professional’s discretion, an original signature in the licensee's handwriting, a scanned copy of documents bearing an original signature, or a signature generated by a computer.

Land surveyors must have a reproducible seal or facsimile, which may be computer generated, the impression of which shall contain the name of the land surveyor, his or her place of business, the license number of the professional land surveyor, and the words "Professional Land Surveyor, State of Illinois." They may also provide an original signature in the licensee's handwriting, a scanned copy of the document bearing an original signature, or a signature generated by a computer.

Iowa:

Rules covering seal requirements for architects, engineers, professional land surveyors, and landscape architects are specified by the Iowa Architectural Examining Board [193B IAC 4.6], the Iowa Engineering and Land Surveying Examining Board [193C IAC 6.1(1)]

to 6.1(9)], and the Iowa Landscape Architectural Examining Board [193D IAC 4.1(7)]. Iowa currently does not have seal requirements for Interior Designers [193G IAC]. Architects, Landscape Architects and Professional Land Surveyors may provide seals presented as a legible rubber stamp, an electronic image or any other facsimile of the seal. The information requested in each information block must be typed or legibly printed in permanent ink or a secure electronic signature which has been defined in Iowa Code section 554D.103(14), which includes digital signature technology.

Michigan:

Rules of the Michigan Department of Licensing and Regulatory Affairs provide seal requirements for architects [Mich Admin Code, R 339.15404], professional engineers [Mich Admin Code, R 339.16031 to R 339.16034], professional surveyors [Mich Admin Code, R 339.17301], and landscape architects [Mich Admin Code, R 339.19041]. In the State of Michigan rules, there are no differences specified between the types of seals or stamps.

Minnesota:

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design provide seal requirements for licensed architects, licensed professional engineers, licensed land surveyors, and licensed landscape architects [Minnesota Rules, part 1800.4300].

Within the State of Minnesota, professional certifications and signatures on plans, drawings, specifications, plats, reports, and other documents may be electronic, or provided via facsimile or digitally. Plans, specifications, plats, reports, and other documents may be stamped with the seal during the life of a licensee's license or certificate holder's certificate if it remains unrevoked, has not expired, or has not been suspended.

Summary of factual data and analytical methodologies:

The proposed rule was developed by conducting a comprehensive review of the provisions of chapters A-E 2, 7, and 8, reviewing professional sealing and signing provisions from surrounding states, 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 are 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 at Jennifer.Garrett@wisconsin.gov or (608) 266-2112.

Agency contact person:

Jake Pelegrin, 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 608-267-0989; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Jake Pelegrin, 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 on or before the public hearing, held on a date to be determined, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. A-E 2.02 (3) is repealed and recreated to read:

A-E 2.02 (3) The registration seal may be an embossing seal, an ink stamp seal, a digitally printed seal, or digitally embedded seal in an electronic file.

SECTION 2. A-E 2.02 (5) is amended to read:

A-E 2.02 (5) If more than one sheet is bound together in a volume, the ~~registrant or permit~~ credential holder who prepared or directed and controlled the preparation of the volume, may sign, seal and date only the title or index sheet if the signed sheet identifies clearly all other sheets comprising the bound volume and if any other sheets which are prepared by or under the direction and control of another ~~registrant or permit~~ credential holder are signed, sealed and dated by the other ~~registrant or permit~~ credential holder.

SECTION 3. A-E 2.02 (7) (a) and A-E 2.02 (7) (a) 1. are repealed.

SECTION 4. A-E 2.02 (7) (b) is amended to read:

A-E 2.02 (7) (b) All seals ~~and stamps~~ on plans, drawings, documents, specifications, and reports to be filed as public documents shall be signed and dated by the ~~registered professional~~ credential holder in one of the following manners:

SECTION 5. A-E 2.02 (7) (b) 1. and 2. are repealed and recreated to read:

A-E 2.02 (7) (b) 1. Physical placement of a seal and a handwritten signature in permanent ink containing the name of the credential holder and date.

2. Digital placement of a seal and a handwritten signature in permanent ink containing the name of the credential holder and date.

SECTION 6. A-E 2.02 (7) (b) 2. (Note) is repealed.

SECTION 7. A-E 2.02 (7) (b) 3. is created to read:

A-E 2.02 (7) (b) 3. Digital placement of a seal and an electronic signature containing the name of the credential holder and date.

SECTION 8. A-E 2.02 (8) (a) is amended to read:

A-E 2.02 (8) (a) The plans, specifications and calculations shall have been prepared by or under the supervision of an architect or professional engineer licensed some state of the United States, and shall bear the ~~signature and seal and signature or stamp~~ of the architect or professional engineer who prepared them or under whose supervision and control they were prepared.

SECTION 9. A-E 7.05 (8) is amended to read:

A-E 7.05 (8) The map shall bear the ~~stamp or seal, name, and address,~~ and signature of the professional land surveyor under whose direction and control the property survey was made with a statement certifying that the property survey complies with this chapter and is correct to the best of the professional land surveyor's knowledge and belief.

SECTION 10. A-E 7.08 (3) (i) is amended to read:

A-E 7.08 (3) (i) The ~~stamp and signature or seal and signature~~ of the professional land surveyor under whose direction and control the corner location was determined and a statement certifying that the U.S. public land survey monument record is correct and complete to the best of the professional land surveyor's knowledge and belief.

SECTION 11. A-E 7.08 (4) (c) is amended to read:

A-E 7.08 (4) (c) The ~~stamp and signature or seal and signature~~ of the professional land surveyor under whose direction and control the corner location was determined or witness monument established.

SECTION 12. A-E 8.10 (title), (1), (2), and (3) are amended to read:

A-E 8.10 Plan ~~stamping~~ sealing.

A-E 8.10 (1) No architect, landscape architect, professional engineer or designer may ~~sign, seal and sign or stamp~~ any plans, drawings, documents, specifications or reports for architectural, landscape architectural, professional engineering or design practice which are not prepared by the ~~registrant~~ credential holder or under his or her personal direction and control.

A-E 8.10 (2) No professional land surveyor may ~~sign, seal and sign or stamp~~ any maps, plats, charts, or reports for professional land surveying practice which are not prepared by the professional land surveyor or under his or her personal direction and control.

A-E 8.10 (3) No architect, landscape architect, professional engineer, designer or professional land surveyor shall allow work performed by him or her or under his or her personal direction and control to be ~~signed, sealed and signed or stamped~~ by another except that an architect, landscape architect, professional engineer, designer or professional land surveyor working under the personal direction and control of another ~~registrant or licensee~~ credential holder may allow that ~~registrant or licensee~~ credential holder to ~~sign and seal and sign or stamp~~ the work.

SECTION 13. 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)
