

State of Wisconsin



2021 Senate Bill 344

Date of enactment: **March 18, 2022**

Date of publication*: **March 19, 2022**

2021 WISCONSIN ACT 195

AN ACT *to repeal* subchapter X of chapter 440 [precedes 440.96]; *to renumber* 443.17; *to amend* 15.105 (5), 15.405 (2) (title), 15.405 (2) (ag), 15.405 (2) (ar), 15.405 (2) (b), chapter 443 (title), 443.01 (3), 443.10 (2) (a), 443.10 (2) (e), 443.11 (title), 443.11 (1) (intro.), 443.16 and 703.11 (2) (b); and *to create* 440.08 (2) (a) 38i., 443.01 (3c), 443.01 (3e), 443.01 (5m), 443.01 (9), 443.015 (1e), 443.02 (5), 443.075, 443.08 (2) (d), 443.08 (3) (a) 4., 443.08 (4) (a) 5., 443.08 (4) (b) 5., 443.08 (5) (d), 443.10 (1) (e), 443.10 (4) (am), 443.11 (1) (dm), 443.17 (2), 443.17 (3), 443.17 (4) and 443.175 of the statutes; **relating to:** regulation, registration, and the scope of practice of interior designers, certificates of authorization for interior design firms, and granting rule-making authority.

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

SECTION 1. 15.105 (5) of the statutes is amended to read:

15.105 (5) STATE CAPITOL AND EXECUTIVE RESIDENCE BOARD. There is created a state capitol and executive residence board, attached to the department of administration under s. 15.03, consisting of the secretary of administration or the secretary's designee, the director of the historical society or the director's designee, an architect or engineer employed by the department of administration appointed by the secretary of administration, 3 senators and 3 representatives to the assembly appointed as are the members of standing committees in their respective houses, and 7 citizen members appointed for staggered 6-year terms of whom at least 2 shall be architects registered under ch. 443, one shall be a landscape architect registered under ch. 443 and 2 shall be interior designers registered under s. 440.962 ch. 443.

SECTION 2. 15.405 (2) (title) of the statutes is amended to read:

15.405 (2) (title) EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS, ~~AND~~ PROFESSIONAL LAND SURVEYORS, AND REGISTERED INTERIOR DESIGNERS.

SECTION 3. 15.405 (2) (ag) of the statutes is amended to read:

15.405 (2) (ag) There is created an examining board of architects, landscape architects, professional engineers, designers, ~~and~~ professional land surveyors, and registered interior designers in the department of safety and professional services. Any professional member appointed to the examining board shall be registered or licensed to practice architecture, landscape architecture, professional engineering, the design of engineering systems, ~~or~~ professional land surveying, or interior design under ch. 443. The examining board shall consist of the following members appointed for 4-year terms: 3 architects, 3 landscape architects, 3 professional engineers, 3 designers, 3 professional land surveyors, 3 registered interior designers, and ~~10~~ 12 public members.

SECTION 4. 15.405 (2) (ar) of the statutes is amended to read:

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

15.405 (2) (ar) In operation, the examining board shall be divided into an architect section, a landscape architect section, a professional engineer section, a designer section, ~~and a professional land surveyor section, and a registered interior designer section.~~ Each section shall consist of the 3 members of the named profession appointed to the examining board and 2 public members appointed to the section. The examining board shall elect its own officers and shall meet at least twice annually.

SECTION 5. 15.405 (2) (b) of the statutes is amended to read:

15.405 (2) (b) All matters pertaining to passing upon the qualifications of applicants for and the granting or revocation of registration or licensure, and all other matters of interest to either the architect, landscape architect, engineer, designer, ~~or professional land surveyor, or registered interior designer~~ section shall be acted upon solely by the interested section.

SECTION 6. 440.08 (2) (a) 38i. of the statutes is created to read:

440.08 (2) (a) 38i. Interior design firm, partnership, or corporation: February 1 of each even-numbered year.

SECTION 7. Subchapter X of chapter 440 [precedes 440.96] of the statutes is repealed.

SECTION 8. Chapter 443 (title) of the statutes is amended to read:

CHAPTER 443
EXAMINING BOARD OF ARCHITECTS,
LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS,
DESIGNERS, AND PROFESSIONAL
LAND SURVEYORS, AND REGISTERED
INTERIOR DESIGNERS

SECTION 9. 443.01 (3) of the statutes is amended to read:

443.01 (3) “Examining board” means the examining board of architects, landscape architects, professional engineers, designers, ~~and professional land surveyors, and registered interior designers.~~

SECTION 10. 443.01 (3c) of the statutes is created to read:

443.01 (3c) “Interior alteration or interior construction project” means a project for an interior space or area within a proposed or existing building or structure, including construction, modification, renovation, rehabilitation, or historic preservation, that involves changing or altering any of the following:

- (a) The design function or layout of rooms.
- (b) The state of permanent fixtures or equipment.
- (c) The interior space or area if the change or alteration requires verification of the compliance of the interior space or area with a building code, fire code, the federal Americans with Disabilities Act, or state or local regulations.
- (d) Interior furnishings.

(e) Nonstructural elements of the interior space or area.

SECTION 11. 443.01 (3e) of the statutes is created to read:

443.01 (3e) “Interior technical submission” means a design, drawing, specification, study, or other technical report or calculation that establishes the scope of an interior design project, including a description of standards of quality for materials, skilled labor, equipment, and construction systems, and that may be signed and sealed by a Wisconsin registered interior designer in compliance with this chapter.

SECTION 12. 443.01 (5m) of the statutes is created to read:

443.01 (5m) (a) “Practice of interior design” means the design of interior spaces as a part of an interior alteration or interior construction project in conformity with public health, safety, and welfare requirements, including the preparation of documents relating to building code descriptions, project egress plans that require no increase in the number of exits in the space affected, space planning, finish materials, furnishings, fixtures, and equipment and the preparation of documents and interior technical submissions relating to interior construction.

(b) “Practice of interior design” does not include any of the following:

1. Services that constitute the practice of architecture or the practice of professional engineering.
2. Altering or affecting the structural system of a building, including changing the building’s live or dead load on the structural system.
3. Changes to the building envelope, including exterior walls, exterior wall coverings, exterior wall openings, exterior windows and doors, architectural trim, balconies and similar projections, bay and oriel windows, roof assemblies and rooftop structures, and glass and glazing for exterior use in both vertical and sloped applications in buildings and structures.
4. Altering or affecting the mechanical, plumbing, heating, air conditioning, ventilation, electrical, vertical transportation, fire sprinkler, or fire alarm systems.
5. Changes beyond the exit access component of a means of egress system.
6. Construction that materially affects life safety systems pertaining to fire safety or the fire protection of structural elements, or alterations to smoke evacuation and compartmentalization systems or to fire-rated vertical shafts in multistory structures.
7. Changes of use to an occupancy of greater hazard as determined by the International Building Code.
8. Changes to the construction classification of the building or structure according to the International Building Code.

SECTION 13. 443.01 (9) of the statutes is created to read:

443.01 (9) “Wisconsin registered interior designer” means a person registered as a Wisconsin registered interior designer under this chapter.

SECTION 14. 443.015 (1e) of the statutes is created to read:

443.015 (1e) The rules promulgated under sub. (1) by the registered interior designer section of the examining board shall require a Wisconsin registered interior designer to complete at least 15 hours of continuing education during the 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a). At least 10 of the 15 hours shall be in subjects related to the practice of interior design which safeguard the public’s health, safety, and welfare.

SECTION 15. 443.02 (5) of the statutes is created to read:

443.02 (5) No person may use the title “Wisconsin registered interior designer,” use any title or description that implies that he or she is a Wisconsin registered interior designer, or represent himself or herself to be a Wisconsin registered interior designer unless the person is registered as a Wisconsin registered interior designer under this chapter.

SECTION 16. 443.075 of the statutes is created to read:

443.075 Registration requirements for interior designers. The registered interior designer section of the examining board shall register as a Wisconsin registered interior designer an individual who submits an application to the registered interior designer section on a form provided by the registered interior designer section and who satisfies one of the following requirements:

(1) The individual does all of the following:

(a) Passes an interior design examination approved by the registered interior designer section that is administered by an organization approved by the registered interior designer section.

(b) Meets any other requirements established by the registered interior designer section by rule.

(2) The individual is registered as an architect under s. 443.03 and submits evidence satisfactory to the registered interior designer section of all of the following:

(a) That he or she is a graduate of a 4-year architecture program.

(b) That he or she has at least 6 years of demonstrated practical experience in interior design of a character satisfactory to the registered interior designer section.

SECTION 17. 443.08 (2) (d) of the statutes is created to read:

443.08 (2) (d) No individual Wisconsin registered interior designer registered under this chapter may practice or offer to practice interior design 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 Wisconsin registered interior designers are registered under this chapter.

2. The firm, partnership, or corporation has been issued a certificate of authorization under sub. (3) (a) 4.

SECTION 18. 443.08 (3) (a) 4. of the statutes is created to read:

443.08 (3) (a) 4. 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 interior design in this state who will be in responsible charge of interior design being practiced in this state through the firm, partnership, or corporation and other relevant information required by the registered interior 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 registered interior 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 subdivision does not apply to firms, partnerships, or corporations exempt under s. 443.14 (3) or (5).

SECTION 19. 443.08 (4) (a) 5. of the statutes is created to read:

443.08 (4) (a) 5. 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 interior design be relieved of responsibility for interior design services performed by reason of his or her employment or relationship with the firm, partnership, or corporation.

SECTION 20. 443.08 (4) (b) 5. of the statutes is created to read:

443.08 (4) (b) 5. All final drawings, specifications, plans, reports, or other interior design papers or documents involving the practice of interior design, 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 Wisconsin registered interior designer who was in responsible charge of their preparation. This subdivision does not apply to persons exempt under s. 443.14 (3), (4), or (5).

SECTION 21. 443.08 (5) (d) of the statutes is created to read:

443.08 (5) (d) No firm, partnership, or corporation may engage in the practice of or offer to practice interior design 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 interior design, nor may it advertise or offer to furnish an interior design service,

unless the firm, partnership, or corporation has complied with this chapter.

SECTION 22. 443.10 (1) (e) of the statutes is created to read:

443.10 (1) (e) The registered interior designer section may, upon application and payment of the required fee, grant a certificate of registration to use the title “Wisconsin registered interior designer” 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 interior designers are of a standard not lower than specified in this chapter.

SECTION 23. 443.10 (2) (a) of the statutes is amended to read:

443.10 (2) (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. This paragraph does not apply to an application for registration as a Wisconsin registered interior designer.

SECTION 24. 443.10 (2) (e) of the statutes is amended to read:

443.10 (2) (e) The renewal date for certificates of registration for architects, landscape architects, ~~and~~ professional engineers, and Wisconsin registered interior designers 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).

SECTION 25. 443.10 (4) (am) of the statutes is created to read:

443.10 (4) (am) The registered interior designer section of the examining board shall prepare each year a list showing the names and business addresses of all persons registered as a Wisconsin registered interior designer under this chapter. Upon request, the registered interior designer section shall provide a list prepared under this paragraph to any person at cost.

SECTION 26. 443.11 (title) of the statutes is amended to read:

443.11 (title) Disciplinary proceedings against architects, landscape architects ~~and~~, engineers, and registered interior designers.

SECTION 27. 443.11 (1) (intro.) of the statutes is amended to read:

443.11 (1) (intro.) The appropriate section of the examining board may reprimand an architect, landscape architect, ~~or~~ professional engineer, or Wisconsin registered interior designer 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:

SECTION 28. 443.11 (1) (dm) of the statutes is created to read:

443.11 (1) (dm) Any gross negligence or misconduct, or any gross incompetence, in the practice of interior design as a Wisconsin registered interior designer.

SECTION 29. 443.16 of the statutes is amended to read:

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

SECTION 30. 443.17 of the statutes is renumbered 443.17 (1).

SECTION 31. 443.17 (2) of the statutes is created to read:

443.17 (2) (a) The registered interior designer section of the examining board shall promulgate rules establishing specifications for seals and stamps used by Wisconsin registered interior designers.

(b) No Wisconsin registered interior designer may impress his or her seal or stamp upon a document unless the seal or stamp satisfies the specifications established by rule under par. (a).

SECTION 32. 443.17 (3) of the statutes is created to read:

443.17 (3) A Wisconsin registered interior designer who is responsible for preparing an interior technical submission for delivery to any person or for a public record shall date, sign, and impress his or her seal or stamp upon the interior technical submission and any other related documents prepared by the Wisconsin registered interior designer.

SECTION 33. 443.17 (4) of the statutes is created to read:

443.17 (4) No Wisconsin registered interior designer may impress his or her seal or stamp upon a document that has not been prepared by the Wisconsin registered interior designer or knowingly permit his or her seal or stamp to be used by any other person.

SECTION 34. 443.175 of the statutes is created to read:

443.175 Submission of documents; interior designers. (1) Subject to s. 443.17 (3), a Wisconsin registered interior designer may sign and seal interior technical submissions that are required for an interior alteration or interior construction project for public record.

(2) If a city, village, town, or county requires a seal or stamp on interior technical submissions that are submitted for an interior alteration or interior construction project, the city, village, town, or county shall accept interior technical submissions impressed with the seal or stamp of a Wisconsin registered interior designer consistent with this chapter.

SECTION 35. 703.11 (2) (b) of the statutes is amended to read:

703.11 (2) (b) A survey of the property described in the declaration complying with minimum standards for property surveys adopted by the examining board of architects, landscape architects, professional engineers,

designers and professional land surveyors, and registered interior designers and showing the location of any unit or building located or to be located on the property.

SECTION 36. Initial applicability.

(1) **REGISTRATION REQUIREMENTS.** The treatment of subch. X of ch. 440 and s. 443.075 first applies to an application submitted on the effective date of this subsection to the registered interior designer section of the examining board of architects, landscape architects, professional engineers, designers, professional land surveyors, and registered interior designers for registration as an interior designer.

SECTION 37. Effective dates. This act takes effect on the day after publication, except as follows:

(1) **SEALS AND STAMPS.** The renumbering of s. 443.17 and the creation of s. 443.17 (2), (3), and (4) take effect on the first day of the 7th month beginning after publication.