

STATEMENT OF SCOPE

Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors and Registered Interior Designers

Rule No.: A-E 2, 3, 4, 5, 8, and 14

Relating to: Certificates of Authorization

Rule Type: Permanent

1. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to clarify in administrative code the statutory requirements for certificates of authorization for architects, engineers, designers, registered interior designers, and firms that employ individuals in those professions.

2. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Chapter 443 of the Wisconsin Statutes regulates professional architects, engineers, designers, registered interior designers, and firms, partnerships, or corporations that employ them. One requirement is that for an architect, engineer, designer, or registered interior designer to provide those services acting as an officer, employee, or agent of a firm, the firm must be granted a certificate of authorization by the applicable section of the examining board. This certificate of authorization allows the officer, employee, or agent of the firm to provide those services on behalf of the firm. The certificate of authorization must contain the name and information of all employees of the firm who will be in responsible charge of architecture, engineering, design, or interior design services in the state. The certificate of authorization must be kept up to date by the firm.

Currently, these requirements are in statute, but they are not present in the administrative code of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors and Registered Interior Designers. The board would like to consider adding these requirements into the administrative code. This will help increase awareness of the requirements and will bring the code in line with the statutes.

The alternative is not to update the code to include these requirements. The code would continue not reflecting these statutory requirements for the professions.

3. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats., provides that an 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 “[e]ach 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.: “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.”

4. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

80 hours

5. List with description of all entities that may be affected by the proposed rule:

Professional architects, engineers, designers, registered interior designers, firms that employ individuals in those professions, and those seeking to enter the professions in Wisconsin.

6. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

7. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule is likely to have minimal to no economic impact on small businesses and the state's economy as a whole.

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Approved for publication:

Approved for implementation:

Daniel J. Fedderly P.E.; P.L.S.
Authorized Signature

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04/10/2025
Date Submitted

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