

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

IN THE MATTER OF RULEMAKING	:	REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE	:	CR 24-001
EXAMINING BOARD OF	:	
ARCHITECTS, LANDSCAPE	:	
ARCHITECTS, PROFESSIONAL	:	
ENGINEERS, DESIGNERS,	:	
PROFESSIONAL LAND SURVEYORS,	:	
AND REGISTERED INTERIOR	:	
DESIGNERS	:	

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

Wisconsin Administrative Code Chapter SPS 130 currently outlines requirements for registered interior designers. The authority for the rules in SPS 130 was removed and transferred to the newly created Registered Interior Designers Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors, and Registered Interior Designers with the enactment of 2021 Wisconsin Act 195. The objective of this rule project is to implement the statutory changes from the act by creating chapters A-E 14 and 15 as a new part of the Wisconsin Administrative Code and by amending chapters A-E 1, 2, and 8 to add registered interior designers to the general provisions of the board. The new chapters cover the registration and continuing education requirements for registered interior designers.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The A-E Rules Committee held a public hearing on the proposed rule on February 6, 2024. No written or verbal comments were received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All Legislative Council recommendations except 3, 4, 5a, 5c, 5f, and 5l have been accepted and incorporated into the proposed rules.

Comment: 3. Because the statutory authority for ch. SPS 130 was repealed, consider repealing that chapter.

Response: The board rejected comment 3, because it is not within the statutory authority of the A-E board to repeal rules promulgated by the Department.

Comment: 4. In s. A-E 15.04, the proposed rule references s. A-E 14.03 and implies that provision relates to retired status. However, retired status is not dealt with in s. A-E 14.03 or anywhere in the proposed rule.

Response: The board rejected comment 4, as retired credential status for all sections of the board, including the Registered Interior Designer Section, is addressed in the existing code at s. A-E 2.045. However, the board did change the reference in A-E 15.04 from A-E 14.03 to A-E 2.045.

Comment: 5a. In SECTION 6, consider replacing “which” with “that”. [s. 1.08 (1) (c), Manual.] This comment also applies to the other paragraphs currently in s. A-E 2.03 (2).

Response: The board rejected comment 5a, since changing the other paragraphs in A-E 2.03 is outside the scope of this project because they do not relate to implementing the registered interior designer legislation, and if those paragraphs are not modified the use of “which” maintains consistency with the existing sections.

Comment: 5c. In s. A-E 14.03 (1) (c), consider specifying how an applicant would know that the additional information must be submitted. This consideration applies to s. A-E 14.03 (2) (e) as well.

Response: The board rejected comment 5c, to keep consistency with language in similar provisions in A-E 3.06 (4), 4.08 (2) (d), 5.05 (4), and 6.06 (4).

Comment: 5f. In s. A-E 15.02 (2), consider whether “licensee” should be “registrant”. This consideration also applies throughout the chapter, including ss. A-E 15.03 (1) and 15.07 (3).

Response: The board rejected comment 5f, but it is addressing this comment by changing all these instances to “credential holder” to keep consistency with all professions included in A-E rules.

Comment: 5l. In s. A-E 15.06, use “A registrant” instead of “Registrants”. Also, consider deleting “or professional development” because “continuing education” is a defined term that includes professional development activities. Additionally, consider the use of “bienniums” in specifying how long records must be kept. Because it is a defined term, a registrant could be required to maintain records for almost six years.

Response: For comment 5l, the board accepts the suggestion to delete “or professional development”. But it rejects the use of “Registrants” because these are changing to “Credential holders”, and it rejects changes to the records retention time, because the language as it is currently written reflects the board’s intentions.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

N/A

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 24-001)

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors, and Registered Interior Designers to **amend** A-E 1.01, 1.02 (intro), (1), and (3), 1.03 (2) (a), 2.01, 2.02 (1) and (2) and (4) and (6), and (8) (intro), (a), and (b), 2.03 (1) (a) and (b), 8.02, 8.03 (intro), (1) and (2), (2) (a), (3), (3) (a), (5) (c) 4. and 5., 8.04 (intro), 8.05 (1) (intro), 8.06 (intro), 8.07 (intro), (1), and (2), 8.08 (intro) and (4), 8.09 (intro), (1), and (2), 8.10 (1) and (3), 8.11 (3), and 12.01; and to **create** A-E 2.03 (2) (f), 2.06 (1) (g), 14, and 15, relating to registered interior designers.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 443.015 (1) and (2), 443.075, 443.17, 443.175, Stats.

Statutory authority:

Sections 15.08 (5) (b), 443.015 (1), (1e), (1m) (b), and (2), 443.17 (2) (a), Stats.

Explanation of agency authority:

Section 15.08 (5) (b) states 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 443.015 (1) states that “[e]ach section of the examining board may establish continuing education requirements for renewal of a credential issued by that section under this chapter.”

Section 443.015 (1e) states that “[t]he 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 that safeguard the public's health, safety, and welfare.”

Section 443.015 (1m) (b) states that “[a]ny rules a section of the examining board promulgates under sub. (1) shall exempt a credential holder whose credential is classified as retired status under par. (a) from continuing education requirements.”

Section 443.015 (2) states 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.”

Section 443.17 (2) (a) states that “[t]he registered interior designer section of the examining board shall promulgate rules establishing specifications for seals and stamps used by Wisconsin registered interior designers.”

Related statute or rule:

Chapter SPS 130.

Plain language analysis:

Wisconsin Administrative Code Chapter SPS 130 currently outlines requirements for registered interior designers. The authority for the rules in SPS 130 was removed and transferred to the newly created Registered Interior Designers Section of the Examining board of architects, landscape architects, professional engineers, designers, professional land surveyors, and registered interior designers with the enactment of 2021 Wisconsin Act 195. The objective of this rule project is to implement the statutory changes from the act by creating chapters A-E 14 and 15 as a new part of the Wisconsin Administrative Code and by amending chapters A-E 1, 2, and 8 to add registered interior designers to the general provisions of the board. The new chapters cover the registration and continuing education requirements for registered interior designers.

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

None.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors, and Registered Interior Designers held a preliminary hearing on the statement of scope for this rule on June 13, 2023. The following comment was received from James Gersich, Wisconsin Registered Interior Designer:

“Today I am writing as a member of the public, registered as a Wisconsin Registered Interior Designer (WRID). You may also know me as the Vice Chair of the Joint Examining Board (JEB) of Architects, Landscape Architects, Professional Engineers, Professional Land Surveyors, Designers of Engineering Systems, and Registered Interior Designers; but this message is not intended to represent the views of the JEB but rather, my personal views; I have been credentialed in Wisconsin as an Architect and a Landscape Architect in addition to WRID, three all for many years, and have served for more than 12 years on the JEB and Architect Section.

As you develop Rules for the WRID/RID Section, please consider these:

1. The State of Wisconsin has in effect granted WRID registrants a monopoly over the practice and the title, and the rationale for this is solely the protection of the public's health, safety, and welfare (HSW).
2. Many years ago, Continuing Education (CE) requirements were initiated for some disciplines within the JEB, for continued licensure via biennial renewal.
3. Several years ago, DSPS (at the time, Department of Commerce) performed random audits for CE compliance by credential holders; but due to budget constraints, auditing was eliminated shortly thereafter.
4. The DSPS has no "policing" activity or staff that assures compliance with CE requirements, or conformance with any Rules. Hence, each licensee is obligated under A-E 8.08 to report possible violations. Within any disciplinary action investigated by DSPS staff supporting the Architect Section, compliance with CE requirements has been undertaken. But please note, only if a licensee is the subject of a disciplinary investigation does compliance with the CE requirements stipulated within the Rules, occurs.
5. So as you undertake WRID rulemaking, please strongly consider these recommendations:
 - a. The number of biennial contact hours for registrants should match those of Architect. Details are found in A-E 12.03. This requires a combination of mostly HSW and then other “non-HSW” Learning Units (LUs) in addition; 24 hours (of which 16 shall be HSW topics) is required biennially.
 - b. The quality of approvable CE is important. For example, lunch-n-learns that are blatant sales pitches for specific manufacturer's products, should not be allowed. The American Institute of Architects (AIA) is the only design discipline professional organization (via JEB) that currently reviews all pre-submitted CE course content, for approval in advance for HSW designation. Consequently, courses approved by AIA as LU vs HSW should be allowed as acceptable CE for WRID renewal.
 - c. The AIA has a CE Transcript service for its members, and it is available to other design professionals at a reasonable cost. This Transcript has been widely (including in Wisconsin) accepted without question, in support of proof of CE. Rulemaking within WRID CE should recognize AIA, IIDA, ASID, and similar professional organizations who document CE for their members.

d. Lastly, please also consider requiring Professional Conduct and Ethics subject content when contemplating CE requirements for WRIDs. While JEB Architects (under 12.03) do not presently have such a requirement, it is required by the Professional Landscape Architects under A-E 11.03 in the quantity of 2 hours per biennium; these are not in addition to the minimum. I am licensed in Minnesota as an Architect and Certified Interior Designer. The State of Minnesota already requires Ethics CE for Architects, Landscape Architects, Professional Engineers and Certified Interior Designers, 2 hours per two-year renewal period being currently required.

Thank you for considering my recommendations.”

Comparison with rules in adjacent states:

Illinois:

Interior Designers in Illinois are registered through the Illinois Department of Financial and Professional Regulation. The Registered Interior Designer Act empowers the Board of Registered Interior Design Professionals, governs the practice of interior designers in Illinois, and includes statutory direction regarding interior designer practice, examination, registration and renewal, continuing education, and penalty for unregistered practice [225 Illinois Compiled Statutes ch. 310].

Interior Designers in Illinois are required to complete 10 hours of continuing education per biennium, including one hour in sexual harassment prevention training and one hour pertaining to the subjects of professional conduct or interior design professional ethics. Finally, “All CE programs, activities or courses shall emphasize health, safety and welfare subjects” and meet certain other requirements. [Illinois Administrative Code Title 68 Part 1255 s. 1255.61]. Part 1255 of the Illinois Administrative Code further details rules for interior designers in the areas of registration, examination, seal and signature requirements, endorsement, continuing education, and granting variances. [Illinois Administrative Code Title 68 Part 1255 s. 1255.10 to 1255.90].

Iowa:

Interior Designers in Iowa are registered through the Iowa Department of Inspections, Appeals, and Licensing. The Iowa Interior Design Examining Board regulates the practice of registered interior designers. Chapter 544C of the Iowa Code includes statutes on registration, reciprocal registration, continuing education, penalty for violations of unlawful use of title, and grants administrative rulemaking authority to the board [Iowa Code ch. 544C.1 to 544C.13].

Section 193G of the Iowa Administrative Code for the Interior Design Examining Board further details rules for interior designers in the areas of registration, continuing education, professional conduct, and discipline. Interior designers are required to complete at least 10 hours of continuing education “in acceptable health, safety, and welfare subjects” per biennium. Carryover hours are not permitted. [193G Iowa Administrative Code ch. 3].

Michigan:

Michigan does not register, certify, nor license interior designers.

Minnesota:

Interior designers in Minnesota are certified through the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design. Chapter 326 of the Minnesota Statutes includes requirements for all professions within the board in regard to their scope of practice, certification requirements, grounds for disciplinary action, and continuing education.

Interior designers in Minnesota must complete at least 24 hours of approved continuing education, of which two must be in professional ethics, within the two years preceding renewal. Interior designers are allowed to carry over up to 50 percent of the biennial requirement of hours towards the next renewal period [Minnesota Statutes 326.107].

The Minnesota Administrative Rules have two chapters that include interior designers. Chapter 1800 is dedicated to licensing and operation for all professions on the board. Subsections 1800.2100 and 1800.2200 detail the provisions for education and experience, and procedures related to the practice of interior design. Chapter 1805 further explains the provisions of unprofessional conduct for all professions within the board.

Summary of factual data and analytical methodologies:

The proposed rules were developed by conducting a comprehensive review of the provisions of chs. A-E 1 to 13 and obtaining input and feedback from the Rules Committee of the A-E Board and the Registered Interior Designer Section. The Board also reviewed the statutory changes from 2021 Wisconsin Act 195 and promulgated rules as needed for the profession.

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

The proposed rules were posted for 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, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-267-7139; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. A-E 1.01 is amended to read:

A-E 1.01 Authority. The rules in chs. A-E 1 to ~~13~~15 are adopted under authority in ss. 15.08 (5) (b), 227.11 and ch. 443, Stats.

SECTION 2. A-E 1.02 (intro), (1), and (3) are amended to read:

A-E 1.02 Definitions. In chs. A-E 1 to ~~13~~15:

(1) "Board" or "joint board" means the examining board of architects, landscape architects, professional engineers, designers, ~~and~~ professional land surveyors, and registered interior designers.

(3) "Section of the board" means either the architect section, the landscape architect section, the professional engineer section, the designer section, ~~or~~ the land surveyor section, or the registered interior designer section.

SECTION 3. A-E 1.03 (2) (a) is amended to read:

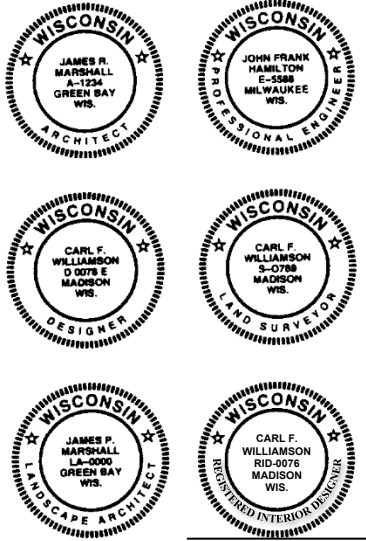
A-E 1.03 (2) (a) Composition. The rules committee of the board is comprised of one member from each section and 3 public members. The board chair shall appoint the 3 public members from any of the ~~5~~ 6 sections of the board.

SECTION 4. A-E 2.01, 2.02 (1) and (2) and (4) and (6), and (8) (intro), (a), and (b) are amended to read:

A-E 2.01 Purpose. The purpose of the rules in this chapter is to specify general requirements and procedures which apply to persons credentialed by any section of the board. Requirements specific to architects, landscape architects, professional engineers, designers, ~~or~~ professional land surveyors, or registered interior designers are specified in chs. A-E 3, 4, 5, 6, 7, 9, 10, 11, 12, ~~and~~ 13, 14, and 15. Rules of professional conduct for all ~~registrants or permit~~ credential holders are specified in ch. A-E 8.

A-E 2.02 (1) Each architect, landscape architect, professional engineer, designer, ~~and~~ professional land surveyor, and registered interior designer shall obtain a seal that complies with board specifications for registration seals. The overall diameter may not be less than 15/8 inches nor more than 2 inches. Each seal shall include the ~~registrant's~~ credential holder's name, ~~registration or permit~~ credential number and city.

(2) The following designs for registration seals have been approved:



(4) Each sheet of plans, drawings, documents, specifications, and reports for architectural, landscape architectural, professional engineering, design, ~~or~~ professional land surveying, and registered interior design practice shall be signed, sealed, and dated by the ~~registrant~~ ~~or permit~~ credential holder who prepared, or directed and controlled preparation of, the written material, except as specified in sub. (5).

(6) Any addition, deletion or other revision to each sheet of plans, drawings, documents, specifications and reports for architectural, landscape architectural, professional engineering, design, ~~or~~ professional land surveying, ~~or registered interior design~~ practice which affects public health and safety or any state or local code requirements may not be made unless signed, sealed and dated by the ~~registrant~~ ~~or permit~~ credential holder who made or directed and controlled the making of the revision.

(8) Plans, specifications and calculations for buildings and structures not exempt under s. 443.15, Stats., which have been prepared by an architect, ~~or~~ professional engineer, or registered interior designer other than the Wisconsin registered architect, ~~or~~ engineer, or registered interior designer who is submitting the plans, specifications and calculations for filing as public documents, may be submitted if all of the following conditions are satisfied:

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

(b) A certificate, dated, signed, and sealed by the Wisconsin registered architect, ~~or~~ professional engineer, or registered interior designer who is submitting the plans, specifications, and calculations for filing as public documents, shall be attached to the plans, specifications, and calculations. The certificate shall indicate that the plans, specifications and calculations were prepared by an architect, ~~or~~ professional engineer, or registered interior designer other than the submitting registered architect, ~~or~~ professional engineer, or registered interior designer; shall describe the

work performed by the submitting registered architect, ~~or~~ professional engineer, or registered interior designer; and shall include statements to the effect that the plans and specifications have been reviewed and comply with all applicable local and state building codes, and that the reviewing registered architect, ~~or~~ professional engineer, or registered interior designer will be responsible for the supervision of construction in accordance with the requirements of the state, and of the county and municipality where the building or structure is to be erected. If the registered architect, ~~or~~ professional engineer, or registered interior designer who originally prepared the plans, specifications and calculations was registered in Wisconsin at the time they were prepared, the certificate shall also specify why the original architect, ~~or~~ professional engineer, or registered interior designer is not submitting the plans, specifications, and calculations for approval.

SECTION 5. A-E 2.03 (1) (a) and (b) are amended to read:

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

(b) “Resident” means a currently-~~registered~~ credentialed architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer who spends the majority of his or her working schedule in one firm location and who is in charge of and responsible for the type of services offered or provided from that location.

SECTION 6. A-E 2.03 (2) (f) is created to read:

A-E 2.03 (2) (f) A resident registered interior designer in each separate business location which provides or offers to provide registered interior design services.

SECTION 7. A-E 2.06 (1) (g) is created to read:

A-E 2.06 (1) (g) Registration as a registered interior designer.

SECTION 8. A-E 8.02, 8.03 (intro), (1) and (2), (2) (a), (3), (3) (a), and (5) (c) 4. and 5. are amended to read:

A-E 8.02 Intent. The intent of the examining board in adopting this chapter is to establish rules of professional conduct for the professions of architecture, landscape architecture, professional engineering, designing, ~~and~~ professional land surveying, and registered interior design. A violation of any standard specified in this chapter may result in disciplinary action under ss. 443.11 to 443.13, Stats.

A-E 8.03 Definitions. In ch. 443, Stats., and chs. A-E 1 to 9, and 14:

(1) “Gross negligence in the practice of architecture, landscape architecture, professional engineering, designing, ~~or~~ professional land surveying, or registered interior design” means the performance of professional services by an architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer which does not comply with an acceptable standard of practice that has a significant relationship to the protection of health, safety or public welfare and is performed in a manner indicating that the professional knew or should have known, but acted with indifference to or disregard of, the accepted standard of practice.

(2) "Incompetency in the practice of architecture, landscape architecture, professional engineering, designing, ~~or~~ land surveying, or registered interior design" means conduct which demonstrates any of the following:

(a) Lack of ability or fitness to discharge the duty owed by an architect, landscape architect, professional engineer, designer, ~~or~~ land surveyor, or registered interior designer to a client or employer or to the public.

(3) "Misconduct in the practice of architecture, landscape architecture, professional engineering, designing, ~~or~~ professional land surveying, or registered interior design" means an act performed by an architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer in the course of the profession which jeopardizes the interest of the public, including any of the following:

(a) Violation of federal or state laws, local ordinances or administrative rules relating to the practice of architecture, landscape architecture, professional engineering, designing, ~~or~~ professional land surveying, or registered interior design.

(5) (c) 4. Mere assumption by an architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer of responsibility for work without having control of the work.

5. Assuming charge, control, or direct supervision of work in which the architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer does not have technical proficiency.

SECTION 9. A-E 8.04 (intro) is amended to read:

A-E 8.04 Offers to perform services shall be truthful. When offering to perform professional services, an architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer:

SECTION 10. A-E 8.05 (1) (intro) is amended to read:

A-E 8.05 (1) An architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer:

SECTION 11. A-E 8.06 (intro) is amended to read:

A-E 8.06 Professional obligations. An architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer:

SECTION 12. A-E 8.07 (intro), (1), and (2) are amended to read:

A-E 8.07 Unauthorized practice. An architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer:

(1) Shall assist in enforcing laws which prohibit the unlicensed practice of architecture, landscape architecture, professional engineering, designing, ~~and~~ professional land surveying, and registered interior design by reporting violations to the board.

(2) May not delegate professional responsibility to unlicensed persons and may not otherwise aid or abet the unlicensed practice of architecture, landscape architecture, professional engineering, designing, ~~or~~ professional land surveying, or registered interior design.

SECTION 13. A-E 8.08 (intro) and (4) are amended to read:

A-E 8.08 Maintenance of professional standards. An architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer:

(4) Shall notify the department in writing if the ~~registrant or licensee~~ credential holder has been disciplined for unprofessional conduct in other states where the ~~registrant or licensee~~ credential holder holds a credential or has violated federal or state laws, local ordinances or administrative rules, not otherwise reportable under s. SPS 4.09 (2), which are related to the practice of an architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer. The notification shall be submitted within 48 hours of the disciplinary finding or violation of law and shall include copies of the findings, judgments, and orders so that the department may determine whether the circumstances are substantially related to the practice of the ~~registrant or licensee~~ credential holder.

SECTION 14. A-E 8.09 (intro), (1), and (2) are amended to read:

A-E 8.09 Adherence to statutes and rules. An architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer:

(1) Shall comply with the requirements in ch. 443, Stats., rules in this chapter and all other federal, state, and local codes which relate to the practice of architecture, landscape architecture, professional engineering, designing, ~~and~~ professional land surveying, and registered interior design.

(2) May not engage in conduct that may adversely affect his or her fitness to practice architecture, landscape architecture, professional engineering, designing, ~~or~~ professional land surveying, or registered interior design.

SECTION 15. A-E 8.10 (1) and (3) are amended to read:

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

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

SECTION 16. A-E 8.11 (3) is amended to read:

A-E 8.11 (3) Signing or sealing plans, specifications, reports, maps, plats, or charts prepared for the practice of architecture, landscape architecture, professional engineering, designing, ~~or~~ professional land surveying, or registered interior design.

SECTION 17. A-E 12.01 is amended to read:

A-E 12.01 Authority and purpose. The rules in this chapter are adopted by the examining board of architects, landscape architects, professional engineers, designers, ~~and~~ land surveyors, and registered interior designers pursuant to ss. 15.08 (5) (b), 227.11 (2) and 443.015, Stats., and govern the biennial continuing education requirements for architect registrants.

SECTION 18. A-E 14 and 15 are created to read:

Chapter A–E 14 INTERIOR DESIGNER REGISTRATION

A–E 14.01 Authority and purpose. The rules in this chapter are adopted under authority in ss. 15.08 (5) (b), 227.11, 443.075, and 443.10, Stats. The purpose of the rules in this chapter is to interpret basic requirements for registration as a registered interior designer as specified in ss. 443.075, and 443.10, Stats.

A–E 14.02 Definitions. In this chapter:

- (1) “Architect” has the meaning in s. 443.01 (1), Stats.
- (2) “Practice of interior design” has the meaning in s. 443.01 (5m) (a), Stats.
- (3) “Registered interior designer” has the meaning in s. 443.01 (9), Stats.

A–E 14.03 Requirements for registration as a registered interior designer.

(1) REGISTRATION BY EXAMINATION. An applicant for registration as a registered interior designer under s. 443.075 (1), Stats., shall submit all of the following:

- (a) Evidence of a passing score on the National Council for Interior Design Qualification Examination of the Council for Interior Design Qualification.
- (b) References from at least 3 individuals having personal knowledge of the applicant’s work in the practice of interior design, 2 of whom are registered interior designers, and 1 of whom is either a registered interior designer or a registered architect.
- (c) Any additional data, exhibits, or references showing the extent and quality of the applicant’s experience that may be required by the registered interior designer section.

(2) REGISTRATION FOR REGISTERED ARCHITECTS. An applicant for registration as a registered interior designer under s. 443.075 (2), Stats., shall submit all of the following:

- (a) Evidence of current registered status as an architect under s. 443.03, Stats.
- (b) Evidence that the applicant is a graduate of a 4-year architecture program.
- (c) Evidence of at least 6 years of demonstrated practical experience in the practice of interior design, including at least all of the following areas:
 1. Programming and pre-design.
 2. Schematic design.
 3. Design development.

4. Production of construction documents.

5. Construction administration.

(d) References from at least 3 individuals having personal knowledge of the applicant's work in the practice of interior design, 2 of whom are registered interior designers, and 1 of whom is either a registered interior designer or a registered architect.

(e) Any additional data, exhibits, or references showing the extent and quality of the applicant's experience that may be required by the registered interior designer section.

Chapter A-E 15

CONTINUING EDUCATION FOR INTERIOR DESIGNERS

A-E 15.01 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 of registered interior designers.

A-E 15.02 Definitions. In this chapter:

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

(2) "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 credential holder in the practice of registered interior design and for improvement of the safety and welfare of the public.

(3) "Health, safety and welfare" or "HSW" means any topics or subjects related to the practice of registered interior design which are deemed appropriate to safeguard the public health, safety, and welfare, including the proper planning, design, and construction of buildings, structures, infrastructures, and the spaces within and surrounding buildings and structures that meet the following criteria:

(a) Minimize the risk of injury to persons or property and comply with applicable building and safety codes.

(b) Are durable, environmentally friendly, cost effective, and conserve resources.

(c) Are aesthetically appealing.

(d) Function properly in all relevant respects.

(e) Enhance the public's sense of well-being, harmony, and integration with the surrounding environment.

(4) "Continuing education hour" means 50 minutes of instruction or participation spent by the credential holder in actual attendance or completion of an approved educational activity.

A-E 15.03 Continuing Education Requirements.

(1) During each biennial registration period, every credential holder shall complete at least 15 continuing education hours pertinent to the practice of registered interior design. At

least 10 of the required 15 hours shall be in subjects related to the practice of registered interior design that safeguard the public's health, safety, and welfare.

(2) Continuing education activities that meet the requirements of sub. (1) include any continuing education course or program approved by any of the following:

- (a) International Design Continuing Education Council.
- (b) American Institute of Architects.
- (c) Green Business Certification Inc.

A-E 15.04 Exemption for Retired Credential Status. Notwithstanding s. A-E 15.03, the continuing education requirements under this chapter do not apply to the renewal of a credential classified as retired status under s. A-E 2.045.

A-E 15.05 Certificate of completion, proof of attendance.

(1) Each credential holder shall certify on the renewal application full compliance with the continuing education requirements set forth in this chapter.

Note: Instructions for renewal applications can be found on the website of the department of safety and professional services at <http://dsps.wi.gov>.

(2) The registered interior designer section may require additional evidence demonstrating compliance with the continuing education requirements, including a certificate of attendance or documentation of completion or credit for the courses completed.

(3) If a credential holder appears to lack compliance with the continuing education requirements, the registered interior designer section shall notify a credential holder in writing and request submission of evidence of compliance within 30 days of the notice.

(4) The registered interior designer section may require a credential holder to appear for an interview to address any deficiency or lack of compliance with the continuing education requirements.

A-E 15.06 Recordkeeping. A credential holder shall maintain records of continuing education activities for at least 2 bienniums from the date the certificate or statement of attendance is signed. The recordkeeping shall include all of the following:

- (1) The name and address of the sponsor or provider.
- (2) A brief statement of the subject matter.
- (3) Printed program schedules, registration receipts, certificates of attendance, or other proof of participation.
- (4) The number of hours attended in each program and the date and place of the program.

A-E 15.07 Reciprocity. An applicant for registration from another state who applies for registration to practice interior design under s. 443.10 (1) (e), Stats., shall submit proof of completion of continuing education obtained in another jurisdiction within the 2 years prior to application.

SECTION 19. 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)

This Proposed Order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors, and Registered Interior Designers is approved for submission to the Governor and Legislature.

Dated 02/14/2024

Daniel J Fedderly P.E.; P.L.S.
Chairperson
A-E Rules Committee

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date December 29, 2023
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) A-E 1 to 15	
4. Subject Registered Interior Designers	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected s.20.165(1)(g)
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule Wisconsin Administrative Code Chapter SPS 130 currently outlines requirements for registered interior designers. The authority for the rules in SPS 130 was removed and transferred to the newly created Registered Interior Designers Section of the Examining board of architects, landscape architects, professional engineers, designers, professional land surveyors, and registered interior designers with the enactment of 2021 Wisconsin Act 195. The objective of this rule project is to implement the statutory changes from the act by creating chapters A-E 14 and 15 as a new part of the Wisconsin Administrative Code and by amending chapters A-E 1, 2, and 8 to add registered interior designers to the general provisions of the board. The new chapters cover the registration and continuing education requirements for registered interior designers.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. N/A	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. N/A	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) DSPS estimates a total of \$14,400 in one-time costs and \$4,600 in annual costs for staffing and an indeterminate one-time IT impact to implement the rule. The estimated need for 0.3 limited term employees (LTE) is attributed rule promulgation, staff training, and website and forms updates. The estimated annual staffing need for 0.1 full time employee (FTE) accounts for staff tasks such as responding to inquiries, processing applications, and issuing licenses. The one-time estimated costs cannot be absorbed in the currently appropriated agency budget.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

If new rules are not implemented as a result of this statute change, the practice of Registered Interior Designers will remain out of compliance with current state statute and may adversely affect the ability of Registered Interior Designers to practice in Wisconsin.

16. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is ensuring that registered interior designers are compliant with standards of practice and applicable Wisconsin statutes.

17. Compare With Approaches Being Used by Federal Government

None.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

Interior Designers in Illinois are registered through the Illinois Department of Financial and Professional Regulation. The Registered Interior Designer Act empowers the Board of Registered Interior Design Professionals, governs the practice of interior designers in Illinois, and includes statutory direction regarding interior designer practice, examination, registration and renewal, continuing education, and penalty for unregistered practice [225 Illinois Compiled Statutes ch. 310].

Interior Designers in Illinois are required to complete 10 hours of continuing education per biennium, including one hour in sexual harassment prevention training and one hour pertaining to the subjects of professional conduct or interior design professional ethics. Finally, "All CE programs, activities or courses shall emphasize health, safety and welfare subjects" and meet certain other requirements. [Illinois Administrative Code Title 68 Part 1255 s. 1255.61]. Part 1255 of the Illinois Administrative Code further details rules for interior designers in the areas of registration, examination, seal and signature requirements, endorsement, continuing education, and granting variances. [Illinois Administrative Code Title 68 Part 1255 s. 1255.10 to 1255.90].

Iowa:

Interior Designers in Iowa are registered through the Iowa Department of Inspections, Appeals, and Licensing. The Iowa Interior Design Examining Board regulates the practice of registered interior designers. Chapter 544C of the Iowa Code includes statutes on registration, reciprocal registration, continuing education, penalty for violations of unlawful use of title, and grants administrative rulemaking authority to the board [Iowa Code ch. 544C.1 to 544C.13].

Section 193G of the Iowa Administrative Code for the Interior Design Examining Board further details rules for interior designers in the areas of registration, continuing education, professional conduct, and discipline. Interior designers are required to complete at least 10 hours of continuing education "in acceptable health, safety, and welfare subjects" per biennium. Carryover hours are not permitted. [193G Iowa Administrative Code ch. 3].

Michigan:

Michigan does not register, certify, nor license interior designers.

Minnesota:

Interior designers in Minnesota are certified through the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design. Chapter 326 of the Minnesota Statutes includes requirements for all professions within the board in regard to their scope of practice, certification requirements, grounds for disciplinary action, and continuing education.

Interior designers in Minnesota must complete at least 24 hours of approved continuing education, of which two must be in professional ethics, within the two years preceding renewal. Interior designers are allowed to carry over up to 50 percent of the biennial requirement of hours towards the next renewal period [Minnesota Statutes 326.107].

The Minnesota Administrative Rules have two chapters that include interior designers. Chapter 1800 is dedicated to licensing and operation for all professions on the board. Subsections 1800.2100 and 1800.2200 detail the provisions for

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

education and experience, and procedures related to the practice of interior design. Chapter 1805 further explains the provisions of unprofessional conduct for all professions within the board.

19. Contact Name Jake Pelegrin, Administrative Rules Coordinator	20. Contact Phone Number (608) 267-0989
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This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)
 Yes No
