

ENGROSSED SENATE
BILL NO. 925

BY: TAYLOR of the SENATE

and

MAXEY of the HOUSE

[PROFESSIONS OF ARCHITECTS - LANDSCAPE ARCHITECTS -
INTERIOR DESIGNERS - AMENDING TWENTY-TWO SECTIONS IN
TITLE 59 - REGULATION OF ARCHITECTS AND LANDSCAPE
ARCHITECTS - CODIFICATION - EMERGENCY]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 1991, Section 46.1, is amended to read as follows:

Section 46.1 ~~This act~~ Sections 46.1 through 46.36 of this title and Sections 24 through 28 of this act shall be known and may be cited as "The State Architectural Act".

SECTION 2. AMENDATORY 59 O.S. 1991, Section 46.2, is amended to read as follows:

Section 46.2 In order to safeguard life, health and property, any person practicing or offering to practice architecture or landscape architecture or using the title of certified interior designer in this state shall hereafter be required to submit evidence that he or she is qualified so to practice and shall be licensed or certified as hereinafter provided.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 46.3, is amended to read as follows:

Section 46.3 As used in The State Architectural Act:

A. 1. "Architect" means a person whose profession and occupation shall consist of:

~~(1) Rendering~~ a. rendering services or creative work which requires architectural education, training and experience, including services and work such as consultation, investigation, feasibility studies, programming, evaluation, planning, ~~providing~~ design, preliminary studies, ~~aesthetics and site planning,~~ overall building design, coordination, ~~design,~~ the preparation of drawings, specifications and related documents, construction management and the coordination of services furnished by licensed professional engineers and other consultants as they relate to architectural work in connection with the construction or erection of any private or public building, building project or integral part or parts of buildings or of any additions or alterations thereto~~;~~;

~~(2) Representing~~ b. representing clients in connection with contracts entered into between them and contractors and others~~;~~; and

~~(3) Observing~~ c. observing the construction, alteration, and erection of buildings~~;~~;

~~B. The "practice~~ 2. "Practice of architecture" ~~shall be defined as consisting of~~ means rendering or offering to render certain services, as provided for in ~~subsection A~~ paragraph 1 of this section, in connection with the design and construction of a building; the utilization of space surrounding such buildings, the design and construction of items relating to building code requirements and other building related features affecting the public health, safety, and welfare~~;~~;

~~C. A "building"~~ 3. "Building" means a structure consisting of a foundation, walls, roof, with or without other parts; provided, however, nothing in The State Architectural Act shall be held or

construed to have any application to any building, or to the repairing or remodeling of any building, to be used for one-family residential purposes, duplexes, or apartment houses not exceeding two stories in height, to any warehouse, maintenance building, garage or storage building not exceeding two stories in height, or to a hotel, lodge or fraternal building not exceeding two stories in height, or to any farm improvements, or industrial or commercial buildings not exceeding two stories in height, nor to any school building where the reasonably estimated total cost for the construction, where structural changes are being made in remodeling or repairing of such school building does not exceed the sum of Forty Thousand Dollars (\$40,000.00). A basement is not to be counted as a story for the purpose of counting stories of a building for height regulations. Provided, however, it shall be unlawful for any person other than an architect duly licensed as provided in The State Architectural Act to engage in the planning, designing and preparation of drawings and specifications for the alteration or construction of any building to be used as an armory, auditorium, assembly hall, convention hall, church, educational building, convent, dormitory, gymnasium, hospital, library, bonded warehouse, passenger station, power house, municipal building, county building, state building, federal building, radio or television station, stadium or theater where the reasonably estimated total cost for construction, remodeling or repairing of such building exceeds the sum of Forty Thousand Dollars (\$40,000.00) ~~;~~;

4. "Structural systems" means the integrated components of a building which act to resist the forces of imposed loads as such term is defined by the definitions section of the State Building Code;

5. "State Building Code" means the building code officially adopted by the State Fire Marshal;

~~D. "Board" means The Board of Governors of the Licensed Architects and Landscape Architects of Oklahoma.~~

~~E. 6. "Landscape architect" means a person registered to practice landscape architecture as provided in The State Architectural Act;~~

F. 7. "Landscape architecture" means the performance of professional services such as teaching, consultations, investigations, reconnaissance, research, planning, design, preparation of construction drawings and specifications, and construction observation in connection with the arranging of land and the elements thereon for public ~~and~~ or private use and enjoyment, including the design and layout of roadways, service areas, parking areas, walkways, steps, ramps, pools, the location of buildings and other structures, and the grading of the land, surface and subsoil drainage, erosion control, planting, reforestation, and the preservation of the natural landscape, in accordance with accepted professional standards.

The practice of landscape architecture shall include the location and arrangement of such tangible objects and features as are incidental and necessary to the purpose outlined for landscape architecture in The State Architectural Act, but shall not include the design of structures or facilities with separate and self-contained purposes for habitation or industry, or the design of public streets, highways, utilities, storm and sanitary sewers and sewage treatment facilities, such as are ordinarily included in the practice of engineering or architecture;

8. "Certified interior designer" means a person who is qualified by education, training and examination as established in this act to use the title of certified interior designer and who provides services in connection with the design of interior spaces, including the planning and preparation of documents relative to furnishings, fixtures, equipment and interior construction that do

not materially affect the building structural, mechanical, electrical or life safety systems or the means of egress as defined by the State Building Code.

Such interior design documents are not to be construed as documents required by state or local laws regulating the practice of architecture or engineering to be filed in state or local building departments or municipalities. Interior design services do not include services that constitute the practice of architecture as defined in the State Architectural Act or the practice of engineering as defined in Section 475.1 et seq. of this title. No person or entity shall use the title of certified interior designer unless certified as meeting standards of education, training and examination as determined by the Board or otherwise exempted under the State Architectural Act. A person or entity represents himself, herself, or itself to be a certified interior designer within the meaning of the State Architectural Act if such person or entity holds himself, herself or itself out to the public by any title that incorporates the words "certified interior designer" or "certified interior design".

9. "Certificate" means, unless the context otherwise requires, the document issued to an interior designer pursuant to the provisions of the State Architectural Act;

10. "Certificate of authority" means the document issued to firms, partnerships, associations and corporations that have complied with all statutory requirements and the Board's current rules and regulations and have been approved by the Board to practice, contract to practice or offer to practice architecture or landscape architecture, or to use the title of certified interior designer in this state; and

11. "Board" means The Board of Governors of the Licensed Architects, Landscape Architects and Certified Interior Designers of Oklahoma.

SECTION 4. AMENDATORY 59 O.S. 1991, Section 46.4, is amended to read as follows:

Section 46.4 There is hereby ~~created~~ re-created, to continue until July 1, ~~1992~~ 1998, in accordance with the provisions of the Oklahoma Sunset Law, a Board to be known as "The Board of Governors of the Licensed Architects, ~~and~~ Landscape Architects and Certified Interior Designers of Oklahoma", hereinafter referred to as the Board. The Board shall be composed of nine (9) members, including six ~~(6)~~ persons who have been duly licensed to practice, and are actively engaged in the practice of architecture in this state or ~~is~~ ~~a~~ are teaching ~~professor~~ professors of architecture, ~~two (2) persons~~ one person who ~~are~~ is a licensed landscape ~~architects~~ architect, one person who is an interior designer and one lay member. Each member of the Board shall be a qualified elector of this state, and the architect members shall have had five (5) years' experience in the application or the study of the principles of architecture after initial registration. Re-creation of the Board shall not alter existing staggered terms. Board members, other than the lay member, shall be appointed by the Governor for a period of five (5) years ~~thereafter~~; provided that nothing herein shall affect the tenure of office of anyone who is a member of the Board on the effective date of this act. The lay member of the Board shall be appointed by the Governor to a term coterminous with that of the Governor. The lay member shall serve at the pleasure of the Governor. Provided, the lay member may continue to serve after the expiration of the member's term until such time as a successor is appointed and qualified. Vacancies which may occur in the membership of the Board shall be filled by appointment by the Governor. Each person who ~~shall have been~~ is appointed to fill a vacancy shall serve for the remainder of the term ~~for which the member~~ ~~for whom he shall succeed~~ ~~was appointed~~ and until ~~his~~ a successor, in turn, shall have been appointed and ~~shall have~~ qualified. Each member of the Board,

before ~~he shall enter upon~~ the discharge of ~~his~~ duties, shall make and file with the Secretary of State the constitutional oath of office. Each member of the Board shall be reimbursed for travel expenses pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

SECTION 5. AMENDATORY 59 O.S. 1991, Section 46.5, is amended to read as follows:

Section 46.5 A regular meeting of the Board shall be held in June of each year, at such date, hour and place as the chairman thereof shall prescribe by a written order, made and filed with the secretary-treasurer at least fifteen (15) days prior to the date of the meeting. Each member of the Board, other than the chairman and the secretary-treasurer, shall be given notice of the meeting in manner and form as follows: The secretary-treasurer shall deposit in the post office in this state, at least ten (10) days before the date of the meeting, a written notice signed by ~~him~~ the secretary-treasurer, addressed to the ~~member~~ members at ~~his~~ their last-known address, as it shall appear upon the records of the Board, wherein shall be stated the date, the hour and the place of meetings. Special meetings of the Board may be called by the chairman, the secretary-treasurer, or upon the written request of three (3) members of the Board, and notices of such meetings as prescribed by the Board shall be given to each member of the Board other than the secretary-treasurer.

SECTION 6. AMENDATORY 59 O.S. 1991, Section 46.6, is amended to read as follows:

Section 46.6 At the regular meeting of the Board ~~herein~~ in June of each year, the Board shall elect from its membership a chairman, a vice-chairman, and a secretary-treasurer, each of whom shall serve until ~~his~~ a respective successor shall have been elected and ~~shall have~~ qualified. The chairman shall preside at all meetings of the Board and shall perform such other duties as the Board may

prescribe. The Board shall have a common seal. The secretary-treasurer shall keep a record of the proceedings of the Board, which at all times shall be open to examination by any architect or landscape architect licensed by the Board or by any interior designer certified by the Board. ~~He~~ The secretary-treasurer shall have the care and custody of the seal and of the books and records of the Board. The secretary-treasurer shall receive a salary to be fixed by the Board payable monthly; and, in addition ~~thereto~~, ~~he~~ shall be reimbursed pursuant to the State Travel Reimbursement Act for ~~his~~ travel and other expenses which shall have been incurred while in the performance of ~~his~~ duties hereunder.

SECTION 7. AMENDATORY 59 O.S. 1991, Section 46.7, is amended to read as follows:

Section 46.7 In addition to the other powers and duties imposed by law, the Board shall have the power and duty to:

1. ~~prescribe~~ Prescribe such rules and regulations, and to make such orders, as it may deem necessary or expedient in the performance of its duties;

2. ~~prepare~~ Prepare, conduct, and grade examinations, written or oral, of persons who shall apply to them for the issuance of ~~licenses to them~~ a license or certificate, and to promulgate such rules and regulations with reference thereto as it may deem proper;

3. ~~determine~~ Determine the satisfactory passing score on such examinations and issue ~~licenses~~ a license or certificate to persons who shall have passed examinations, or who shall otherwise be entitled thereto;

4. ~~determine~~ Determine eligibility for licenses, certificates and certificates of authority;

5. ~~promulgate~~ Promulgate rules and regulations to govern the ~~issuing~~ issuance of reciprocal licenses or reciprocal certificates;

6. ~~upon~~ Upon good cause shown, as hereinafter provided, deny the issuance of a license, certificate or certificate of authority or suspend, revoke or refuse to renew licenses, certificates or certificates of authority previously issued, and, upon proper showing, to reinstate them;

7. ~~review~~ Review, affirm, reverse, vacate or modify its order with respect to any such denial, suspension, revocation or refusal to renew;

8. ~~prescribe~~ Prescribe rules and regulations governing proceedings for the denial of issuance of a license, certificate or certificate of authority, suspension, revocation or refusal to renew, for cause, of licenses, certificates or certificates of authority heretofore issued and the reinstatement thereof;

9. ~~prescribe~~ Prescribe such penalties, as it may deem proper, to be assessed against holders of licenses, certificates or certificates of authority for the failure to pay the biennial fee hereinafter provided for in Section 46.11 of this title;

10. ~~levy~~ Levy civil penalties against any person or entity who shall violate any of the provisions of The State Architectural Act or any rule or regulation promulgated pursuant thereto;

11. ~~obtain~~ Obtain an office, secure such facilities, and employ, direct, discharge and define the duties and set the salaries of such office personnel as deemed necessary by the Board and hire a hearing examiner to hear any and all complaints and to conduct hearings;

12. ~~initiate~~ Initiate disciplinary proceedings, prosecution, and injunctive proceedings against any person or entity who has violated any of the provisions of The State Architectural Act or any rule or regulation of the Board promulgated pursuant to said act and against the owner/developer of the building type not exempt;

13. ~~investigate~~ Investigate alleged violations of The State Architectural Act or of the rules and regulations, orders or final decisions of the Board;

14. ~~promulgate~~ Promulgate rules of conduct governing the practice of licensed architects and landscape architects and those using the title of certified interior designer;

15. ~~keep~~ Keep accurate and complete records of its proceedings, and certify the same as may be appropriate;

16. ~~whenever~~ Whenever it deems ~~it~~ appropriate, confer with the Attorney General or his assistants in connection with all legal matters and questions; and

17. ~~take~~ Take such other action as may be reasonably necessary or appropriate to effectuate The State Architectural Act.

SECTION 8. AMENDATORY 59 O.S. 1991, Section 46.9, is amended to read as follows:

Section 46.9 A. The Board shall have the power to issue, revoke, deny, or refuse to renew a certificate of authority for a partnership, firm, association or corporation practicing architecture or landscape architecture or using the title of certified interior designer as provided for in The State Architectural Act.

B. The practice of or offer to practice architecture or landscape architecture for others or the use of the title of certified interior designer by individuals registered under this act through a partnership, association or corporation as directors, partners, officers, employees or agents is permitted, subject to the provisions of The State Architectural Act, provided:

1. One or more of the partners or directors of said partnership, association or corporation is designated as being responsible for the architectural, landscape architectural or interior design activities and decisions of said partnership, association or corporation;

2. Such partner or director is duly licensed or certified under The State Architectural Act;

3. All personnel of said partnership, association or corporation which act in its behalf as architects, landscape architects or certified interior designers are registered under The State Architectural Act; and

4. Said partnership, association or corporation has been issued a certificate of authority by the Board.

4. C. A partnership, firm, association or corporation desiring to practice architecture or landscape architecture ~~as such~~ or to use the title of certified interior designer shall file ~~with the Board an application listing all the names, addresses, state of registration and registration number of all partners or directors of the partnership, firm, association or corporation~~ an application for a certificate of authority on a form approved by the Board which shall include the names of all licensed or certified partners or directors of the partnership, association or corporation. The form shall name an individual having the practice of architecture ~~or,~~ landscape architecture or interior design, as the case may be, in his or her charge who is a director or partner duly registered as an architect to practice architecture in this state or duly registered as a landscape architect to practice landscape architecture in this state or duly registered to use the title of certified interior designer through said partnership, firm, association or corporation and other information required by the Board. In the event there shall be a change in any of these persons during the term of the certification, such change shall be filed with the Board within thirty (30) days after the effective date of said change. If all of the requirements of this section and the Board's current rules and regulations have been met, the Board shall issue a certificate of authority to such partnership, firm, association or corporation.

~~2.~~ D. Any other person licensed pursuant to The State Architectural Act, not practicing architecture or landscape architecture or using the title of certified interior designer, as a partnership, firm, association or corporation, duly authorized by a certificate of authority issued by the Board in this state, shall practice as an individual.

~~3.~~ E. No ~~such~~ partnership, firm, association or corporation shall be relieved of responsibility for the conduct or acts of its agents, employees, partners, directors or officers by reason of its compliance with the provisions of this section, ~~or~~ nor shall any individual practicing architecture or landscape architecture or using the title of certified interior designer be relieved of responsibility for professional services performed as an individual by reason of ~~his~~ employment or relationship with such partnership, firm, association or corporation.

~~4.~~ ~~On and after July 1, 1986, the~~ F. The Secretary of State shall not issue a certificate of incorporation to an applicant or a registration as a foreign firm to a firm which includes among the objectives for which it is established any of the words "Architect", "Architectural", "Architecture" or any modification or derivation of the word "Architect", unless the Board has issued for said applicant either a certificate of authority for a firm, or a letter indicating ~~the eligibility of such~~ that the applicant ~~who~~ is licensed as an individual to practice pursuant to The State Architectural Act. The firm applying shall supply such certificate or letter from the Board with its application for incorporation or registration.

~~5.~~ ~~On and after July 1, 1986, the~~ G. The Secretary of State shall not issue a certificate of incorporation to an applicant or a registration as a foreign firm to a firm which includes among the objectives for which it is established any of the words "Landscape Architect", or "Landscape Architecture", unless the Board has issued for said applicant either a certificate of authority for a firm, or

a letter indicating ~~the eligibility of such~~ that the applicant who is licensed to practice pursuant to The State Architectural Act. The firm applying shall supply such certificate or letter from the Board with its application for incorporation or registration.

H. On and after July 1, 1992, the Secretary of State shall not issue a certificate of incorporation to an applicant or a registration as a foreign firm to a firm which includes among the objectives for which it is established any of the words "Certified Interior Designer", or "Certified Interior Design", unless the Board has issued for said applicant either a certificate of authority for a firm, or a letter indicating that the applicant is certified to practice pursuant to The State Architectural Act. The firm applying shall supply such certificate or letter from the Board with its application for incorporation or registration.

~~6. On and after July 1, 1986, the~~ I. The Secretary of State shall not register any trade name or service mark which includes such words, as set forth in ~~paragraph 4 or 5~~ subsections F, G and H of this section, or modifications or derivatives thereof, in its firm name or logotype except those firms or individuals holding certificates of authority issued under the provisions of this section or letters of eligibility issued by the Board.

~~7. J.~~ Upon application for renewal and upon compliance with the provisions of The State Architectural Act and the rules and regulations of the Board, a certificate of authority shall be renewed as provided in Section ~~14~~ 46.10 of this ~~act~~ title.

~~8. K.~~ Pursuant to such rules and regulations as it may have adopted, the Board shall have the power to issue licenses without requiring an examination to persons who have been licensed to practice architecture or landscape architecture or registered to use the title of certified interior designer in states other than the State of Oklahoma, in a territory of the United States, in the District of Columbia, or in a country other than the United States

provided that the state, territory, District or country has a similar reciprocal provision to authorize the issuance of licenses or certificates or titles to persons who have been licensed or certified in this state. If a person who has been licensed or certified in a state other than the State of Oklahoma, or in a territory of the United States, in the District of Columbia, or in a country other than the United States complies with the rules and regulations of the Board, the secretary-treasurer, upon the order of the Board in the exercise of its discretion and upon the receipt of the stated payment to the secretary-treasurer pursuant to the rules and regulations of the Board, shall issue, pursuant to Section ~~44~~ 46.11 of this ~~act~~ title, to said person a license to practice architecture or landscape architecture or certify them to use the title of certified interior designer, as the case may be, in this state.

SECTION 9. AMENDATORY 59 O.S. 1991, Section 46.10, is amended to read as follows:

Section 46.10 Pursuant to Section ~~44~~ 46.11 of this ~~act~~ title, every licensed architect and landscape architect and certified interior designer shall pay to the secretary-treasurer of the Board a fee as prescribed by the rules and regulations of the Board. Upon receipt of the fee the secretary-treasurer shall issue a renewal of the license or certificate, which shall authorize the person to practice architecture or landscape architecture or use the title of certified interior designer, as the case may be, in this state. ~~The~~ Pursuant to Section 46.12 of this title, the license of an architect or landscape architect or the certificate of an interior designer which has been canceled by the Board for nonpayment of ~~dues~~ fees may be renewed at any time within three (3) years from the date of the cancellation, upon payment to the secretary-treasurer of the fees which had accrued at the time of the cancellation and which would have been paid at the time of reinstatement had not the license or

certificate been suspended, together with payment of the amount of penalties which may have been prescribed by the Board. If a license or certificate remains canceled for a period exceeding three (3) consecutive years, it shall not be reinstated unless the licensee person has taken an examination as may be prescribed by the Board. A partnership, firm, association or corporation shall pay to the secretary-treasurer the fee prescribed and in the manner provided by the rules and regulations of the Board for the renewal of the certificate of authority for such partnership, firm, association or corporation.

SECTION 10. AMENDATORY 59 O.S. 1991, Section 46.11, is amended to read as follows:

Section 46.11 No license, certificate or certificate of authority for architects ~~or~~, landscape architects or interior designers shall be issued or renewed for longer than two (2) years. A license, certificate or certificate of authority may be renewed upon application, compliance with the rules and regulations of the Board, and payment of fees prior to or on June 30 of alternate years beginning July 1, 1986.

SECTION 11. AMENDATORY 59 O.S. 1991, Section 46.12, is amended to read as follows:

Section 46.12 After the expiration of a period of six (6) months and upon payment to the secretary-treasurer of a fee as prescribed by the rules and regulations of the Board, a person or entity whose license, certificate or certificate of authority has been suspended or revoked for cause, pursuant to the provisions of The State Architectural Act, may file an application with the secretary-treasurer for the reinstatement of said license, certificate or certificate of authority. After a showing has been made by the applicant to the Board that the interests of the public will not suffer by reason of ~~his or its~~ the reinstatement, the Board in its discretion may order the reinstatement of the license,

certificate or certificate of authority upon the payment of a sum equal to the fees which would have accrued had not the license, certificate or certificate of authority of the applicant been suspended or revoked.

SECTION 12. AMENDATORY 59 O.S. 1991, Section 46.14, is amended to read as follows:

Section 46.14 The Board, upon ~~the~~ filing with the secretary-treasurer ~~of~~ a written complaint, verified by the oath of the complainant and after a public hearing which shall have been held pursuant to the rules and regulations prescribed by it, shall have power to suspend, to revoke or to refuse to renew a license, certificate or certificate of authority issued by it, pursuant to the provisions of The State Architectural Act, when the holder thereof:

1. Shall have been convicted of a felony;

2. Shall have been guilty of fraud or misrepresentation in the person's application, whether for an examination or for a license or certificate without examination, or of fraud in the examination;

3. Shall have been guilty of ~~gross incompetency~~ incompetence, gross negligence or recklessness in the practice of architecture relating to the construction of buildings or structures, or of dishonest practices;

4. Shall have been guilty of ~~gross incompetency~~ incompetence, gross negligence or recklessness in the practice of landscape architecture, or of dishonest practices; or

5. Shall have been found to be guilty of a violation of a provision of The State Architectural Act or the rules and regulations of the Board; provided, that a person or entity complained of:

- a. shall first have been given notice in writing of the charges filed against the person or entity and of the time and place of the meeting of the Board for the

hearing and determination thereof, by registered mail addressed to the person's or entity's last-known address as it shall appear on the records of the Board, which shall have been deposited in a post office in this state at least twenty (20) days before the date of the hearing⁷, and

- b. shall have the right to be represented by counsel and an opportunity to defend ~~himself or itself~~ against the charge by the introduction of evidence and by the examination and cross-examination of witnesses, and to compel the attendance of witnesses and the production of books and papers. Pursuant to the foregoing, the Board shall have the power of a court of record, including the power to issue ~~subpoena~~ subpoenas and to compel the attendance and testimony of witnesses. Each member of the Board shall have the power to administer oaths and to issue ~~subpoena~~ subpoenas. Whenever any person who shall have been subpoenaed to appear to give testimony, or to answer any pertinent or proper question, or to produce books, papers or documents which shall have been designated in a subpoena, either on behalf of the prosecution or on behalf of the accused, shall refuse to appear to testify before the Board, or to answer any pertinent or proper questions, or to produce a book, paper or document which shall have been designated in a subpoena, he or she shall be deemed to be in contempt of the Board, and it shall be the duty of the presiding officer of the Board, to report the fact to the district court of the State of Oklahoma in and for the county in which such person may be or may reside whereupon the court shall issue an attachment in the

usual form, directed to the sheriff of the county, which shall command ~~him~~ the sheriff to attach such person and forthwith bring the person before the court. On the return of the attachment duly served upon the accused, or upon the production of the person attached, the district court shall have jurisdiction of the matter. The person charged may purge himself or herself of the contempt in the same way and the same proceedings shall be had, and the same penalties may be imposed, as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a district court of the State of Oklahoma. Depositions may be taken and used in the same manner as in civil cases. The Board shall keep a record of the evidence in, and a record of each proceeding for the suspension, revocation of or refusal to renew a license and shall make findings of fact and render a decision therein. If after a hearing, the charges shall have been found to have been sustained by the vote of a majority of the Board it shall forthwith enter its order of suspension, revocation or refusal to renew, as the case may be. If after the expiration of ten (10) days from the date of the rendition thereof, a notice of appeal shall not have been filed with the secretary-treasurer as hereinafter provided, the secretary-treasurer shall endorse upon the record of the ~~certificate~~ document in his or her office the word "suspended", "revoked" or "refused to renew", as the case may be.

SECTION 13. AMENDATORY 59 O.S. 1991, Section 46.18, is amended to read as follows:

Section 46.18 A. Any person or entity who has been determined by the Board to have violated any provision of The State Architectural Act or any rule, regulation, or order issued pursuant to the provisions of The State Architectural Act ~~may be liable for a civil~~ shall forfeit and pay an administrative penalty of not more than One Thousand Dollars (\$1,000.00) for each violation of this act or any rule, regulation or order issued pursuant to The State Architectural Act and an additional civil penalty of not more than One Hundred Dollars (\$100.00) for each day that said violation continues. The maximum civil penalty shall not exceed Ten Thousand Dollars (\$10,000.00) for any related series of violations.

B. The amount of the penalty shall be assessed by the Board pursuant to the provisions of subsection A of this section, after notice and hearing. In determining the amount of the penalty, the Board shall include, but not be limited to, consideration of the nature, circumstances, and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business, and any show of good faith in attempting to achieve compliance with the provisions of The State Architectural Act. All monies collected from such ~~civil~~ penalties shall be deposited with the State Treasurer ~~of Oklahoma and by him placed in~~ for credit to the Board of Architects' Fund.

C. Any license, certificate or certificate of authority holder may elect to surrender ~~his~~ the license, certificate or ~~its~~ certificate of authority in lieu of said fine, but shall be forever barred from obtaining a reissuance of said license, certificate or certificate of authority.

SECTION 14. AMENDATORY 59 O.S. 1991, Section 46.19, is amended to read as follows:

Section 46.19 All monies which shall be paid to the secretary-treasurer pursuant to the provisions of The State

Architectural Act shall be deposited with the State Treasurer ~~of~~
~~Oklahoma~~ and ~~by him~~ placed in a separate and distinct fund to be
known as the "Board of Architects' Fund". At the end of each fiscal
year ~~hereafter such~~ the unexpended balance remaining in the Board of
Architects' Fund shall be carried over and continued therein. All
sums of money ~~now or hereafter to be or to~~ which come into the fund
are hereby appropriated for the purpose of effectuating the purposes
of The State Architectural Act, and to pay all costs and expenses
~~heretofore and hereafter~~ incurred in connection therewith.

SECTION 15. AMENDATORY 59 O.S. 1991, Section 46.20, is
amended to read as follows:

Section 46.20 At the close of each fiscal year, the Board shall
make a full report of its proceedings during the year to the
Governor and shall pay into the General Revenue Fund of the state,
ten percent (10%) of all license, certificate and certificate of
authority issuance and renewal fees collected and received during
the fiscal year.

SECTION 16. AMENDATORY 59 O.S. 1991, Section 46.21, is
amended to read as follows:

Section 46.21 The State Architectural Act shall not apply to
any persons, firms, or corporations who prepare plans and
specifications for persons, firms, or corporations other than
himself, herself or itself, for buildings ~~not specified in~~ exempted
from The State Architectural Act as requiring an architect licensed
under the laws of ~~the State of Oklahoma, providing this state;~~
provided, such persons, firms, or corporations shall not, in any
manner, represent himself, herself or itself to be an architect or
other title of profession or business using any form of the word,
"Architect"; and ~~providing~~ provided further, that nothing in The
State Architectural Act shall prevent such persons, firms, or
corporations from advertising or selling such service.

SECTION 17. AMENDATORY 59 O.S. 1991, Section 46.22, is amended to read as follows:

Section 46.22 It shall be unlawful for any person or entity to practice, or to hold oneself or itself out as authorized to practice architecture in this state unless ~~he shall have been~~ currently licensed to do so pursuant to the provisions of "The State Architectural Act"; ~~provided, that any person who shall now be licensed to practice architecture in this state shall be entitled to the issuance of a license to him without taking the examination hereinafter provided for, and without the payment of a fee for the issuance thereof.~~ The provisions of "The State Architectural Act" shall not be construed to:

~~(1) prevent~~ 1. Prevent draftsmen, students, clerks of work or superintendents, or other persons, in the employment of a licensed architect, from acting under his or her instructions, control and supervision; ~~or~~

~~(2) prevent~~ 2. Prevent a superintendent of a building or structure, or a clerk of works, who shall have been employed by the owner thereof, from acting under the instruction, control and supervision of a licensed architect who shall have prepared or approved the drawings and specifications for the building or structure; ~~or~~

~~(3) prevent~~ 3. Prevent federal employees from performing their duties in regard to the development, review and inspection of buildings constructed by, through, or with the use of federal funding; or

~~(4) prevent~~ 4. Prevent the practice of any other legally recognized profession.

SECTION 18. AMENDATORY 59 O.S. 1991, Section 46.23, is amended to read as follows:

Section 46.23 A Except as otherwise provided in The State Architectural Act, a license to practice architecture in this state

shall not be issued to a person other than pursuant to an order of the Board, ~~except as provided in Sections 4 and 11 hereof,~~ which shall have been made after an applicant has passed the required examination ~~shall have been passed by an applicant therefor,~~ or ~~which shall have been made,~~ pursuant to rules and regulations ~~which shall have been made~~ of the Board, in recognition of reciprocity.

SECTION 19. AMENDATORY 59 O.S. 1991, Section 46.24, is amended to read as follows:

Section 46.24 A. Except as otherwise provided in The State Architectural Act, no license shall be issued to any person to practice architecture in this state unless the person:

1. Is twenty-one (21) years of age or over and is of good moral character; ~~and~~

2. Is an actual bona fide resident of this state, except the Board may waive this requirement in the case of a bona fide resident of a foreign country or state or in any other case when the Board determines the applicant for a license is not seeking to avoid the requirements of his or her state of residence for a license; ~~and~~

3. ~~Is a graduate of an accredited program in architecture; and~~

4. ~~Is the holder of an accredited professional degree in architecture and shall have had such practical training as the Board, by regulation, shall deem appropriate. In lieu of the requirement of an accredited professional degree, the Board may register an applicant who demonstrates in accordance with such standards and requirements as the Board adopts by regulation that the person has such other educational experience as the Board deems equivalent to an accredited professional degree in architecture; and~~

~~5.~~ 4. Has paid to the secretary-treasurer a fee as prescribed by the rules and regulations of the Board plus the actual cost of the examination; and

~~6.~~ 5. Has passed the examinations prescribed by the Board for the issuance of a license.

B. Upon meeting the requirements of subsection A of this section and payment of an initial fee as may be prescribed by the rules and regulations of the Board, the secretary-treasurer shall issue to the applicant a license pursuant to Section ~~44~~ 46.11 of this ~~act~~ title which shall authorize the applicant to engage in the practice of architecture in this state.

C. The examination for a license to practice architecture in this state shall be held not less than once each year, shall cover such subjects as may be prescribed by the Board and shall be graded on such basis as the Board shall prescribe by regulation. The Board may adopt the examinations, requirements for admission to the examinations and the grading procedures of the National Council of Architectural Registration Boards. Notice of the time and place for the holding of examinations shall be given in the manner and form prescribed by the Board.

D. The license ~~certificate~~ shall be in a form prescribed by the Board. The ~~certificate~~ license shall be signed by the chairman and by the secretary-treasurer of the Board and shall bear the impress of the seal of the Board. All papers received by the Board relating to an application for a license, to an examination and to the issuance of a license shall be retained by the Board for three (3) years.

E. The following Board records and papers are of a confidential nature and are not public records:

1. Examination material for examinations before and after they are given, ~~file;~~

2. File records of examination problem solutions, ~~letters;~~

3. Letters of inquiry and reference concerning applicants~~;~~

4. Board inquiry forms concerning applicants~~;~~ and
~~investigation~~

5. Investigation files where any investigation is still
pending.

SECTION 20. AMENDATORY 59 O.S. 1991, Section 46.26, is
amended to read as follows:

Section 46.26 It shall be unlawful for an architect to accept
or to receive compensation, directly or indirectly, from ~~another~~ any
person other than his a client in connection with the reparation,
alteration or construction of a building or structure in relation to
which he or she shall have accepted employment in any manner without
the full disclosure to and written consent of the client.

SECTION 21. AMENDATORY 59 O.S. 1991, Section 46.28, is
amended to read as follows:

Section 46.28 A. The State Architectural Act shall not affect
laws relating to professional engineers, professional land
surveyors, landscape contractors, or ~~building designers and planners~~
others exempted by this act.

B. The State Architectural Act shall not require the
registration of practitioners of the following professions and
occupations:

1. A professional civil engineer, as defined in Section 475.2
of ~~Title 59 of the Oklahoma Statutes~~ this title, certified to
practice his or her profession in this state under any act to
regulate the practice of that profession. Nothing contained in The
State Architectural Act shall be construed as precluding an
architect or engineer from performing services included within the
definition of "landscape architecture" when incidental to the
performance of his or her normal practice as an architect or
engineer;

2. A landscape contractor;

3. An agriculturist, horticulturist, forester as defined in Section 1202 of this title, nurseryman as defined in Section 3-11(e) of Title 2 of the Oklahoma Statutes, gardener, landscape gardener, garden or lawn caretaker and grader or cultivator of land;

4. Persons who act under the supervision of a registered landscape architect or an employee of a person lawfully engaged in the practice of landscape architecture and who, in either event, does not assume responsible charge of design or supervision;

5. Regional planners or urban planners;

6. A landscape designer whose business is limited to consultation and preparation of plans and specification with respect to choosing types of plants and planning the location thereof;

7. Persons other than landscape architects who prepare details and shop drawings for use in connection with the execution of their work; and

8. Builders or their superintendents who supervise the installation of landscape projects; ~~and.~~

~~9. C.~~ Persons in the occupations set forth in subsection B of this section shall not use the title "landscape architect" or hold themselves out to practice "landscape architecture" without complying with the provisions of The State Architectural Act and the rules and regulations of the Board.

SECTION 22. AMENDATORY 59 O.S. 1991, Section 46.31, is amended to read as follows:

Section 46.31 ~~(1)~~ A. Any person of good moral character whose application has been approved by the Board and who is;

1. Is a legal resident of the State of Oklahoma and who is this state;

2. Is twenty-one (21) years of age or older, ~~with;~~

3. Has a degree from an approved landscape architecture program and upon completion of;

4. Has completed practical training as the Board, by regulation, ~~shall deem~~ deems appropriate, ~~whose application has been approved by the Board, and who has;~~

5. Has fulfilled such other requirements as determined by The State Architectural Act and the rules and regulations of the Board, ~~upon the;~~ and

6. Has made payment to the secretary-treasurer of a fee as prescribed by the rules and regulations of the Board, plus an amount to be determined by the Board, equal to the cost of the examination, ~~;~~ i

may take an examination for the purpose of securing a license to practice landscape architecture in this state. Examinations shall be held not less than once each year by the Board or by a committee appointed by it to do so. Notice of the time and place of the holding of examinations shall be given in manner and form as prescribed by the Board.

~~(2)~~ B. The Board shall establish rules and regulations for examination of landscape architects and may elect to follow the recommendations of the Council of Landscape Architects Registration Board (CLARB). The examinations shall be designed to determine the qualifications of the applicant to practice landscape architecture. The examination shall cover such technical, professional and practical subjects as relate to the practice of the profession of landscape architecture. The examination shall also cover the basic arts and sciences, a knowledge of which is material and necessary to the proper understanding, application and qualification for practice of the profession of landscape architecture. The minimum passing grade in all subjects of the examination shall be as established by the Board. An applicant receiving a passing grade on a subject included in the examination will be given credit for that subject. However, an applicant failing to receive a passing grade on all subjects after taking the examination three times shall be required

to repeat the entire examination but need not file a new application. Applicants for readmittance to the examination shall pay the full examination fee for each testing.

C. Upon passage of the examination, completion of the Board's requirements as prescribed by rules and regulations, and the payment of a sum as prescribed by the rules and regulations of the Board, the secretary-treasurer shall issue to the applicant a license ~~certificate~~ which shall authorize ~~him~~ the applicant to engage in the practice of landscape architecture in this state pursuant to Section ~~41~~ 46.11 of this ~~act~~ title.

SECTION 23. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 46.38 of Title 59, unless there is created a duplication in numbering, reads as follows:

The State Architectural Act does not:

1. Restrict the practice or activities of, or the provision of services by, a person licensed or registered in this state under any other law while the person is engaging in the profession or occupation for which the person is licensed or registered;

2. Prohibit interior decorators engaged only in the application of aesthetic principles in the selection of furnishings, appliances, or materials from performing interior decorating services;

3. Prohibit an interior decorator, an individual offering interior decorating services, a builder, a furnishings salesperson, or similar purveyor of goods or services relating to the aesthetics of interior spaces from offering or providing interior decorating services, including the selection of surface materials, window treatments, wall coverings, furniture, accessories, paint, floor coverings, or lighting fixtures; or

4. Prohibit a person not certified in accordance with The State Architectural Act from performing or offering to perform interior design services unless the person uses the title of certified interior designer.

SECTION 24. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 46.39 of Title 59, unless there is created a duplication in numbering, reads as follows:

Except as otherwise provided in The State Architectural Act, a certificate allowing the use of the title of certified interior designer in this state shall not be issued to a person other than pursuant to an order of the Board, which shall have been made after an applicant has passed the required examination or, pursuant to rules and regulations of the Board, in recognition of reciprocity.

SECTION 25. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 46.40 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided in The State Architectural Act, no certificate shall be issued to any person to use the title of certified interior designer in this state unless the person:

1. Is twenty-one (21) years of age or over and is of good moral character;

2. Is an actual bona fide resident of this state, except the Board may waive this requirement in the case of a bona fide resident of a foreign country or state or in any other case when the Board determines the applicant for a license is not seeking to avoid the requirements of his or her state of residence for a certificate;

3. Is the holder of an accredited professional degree in interior design, or the equivalent, and shall have had such practical training as the Board, by regulation, shall deem appropriate. In lieu of the requirement of an accredited professional degree, the Board may certify an applicant who demonstrates in accordance with such standards and requirements as the Board adopts by regulation that the person has such other educational experience as the Board deems equivalent to an accredited professional degree in interior design;

4. Has paid to the secretary-treasurer a fee as prescribed by the rules and regulations of the Board plus the actual cost of the examination; and

5. Has passed examinations prescribed by the Board for the issuance of a certificate. An applicant who prior to July 1, 1992, has passed the examination prescribed by the Board and who applies to the Board for certification prior to July 1, 1993, shall be qualified for certification.

B. Upon meeting the requirements of subsection A of this section and payment of an initial fee as may be prescribed by the rules and regulations of the Board, the secretary-treasurer shall issue to the applicant a certificate, pursuant to Section 46.11 of Title 59 of the Oklahoma Statutes which shall authorize the applicant to use the title of certified interior designer in this state.

C. The examination required to use the title of certified interior designer in this state shall be held not less than once each year, shall cover such subjects as may be prescribed by the Board and shall be graded on such basis as the Board shall prescribe by regulation. The Board may adopt the examinations, requirements for admission to the examinations and the grading procedures of the National Council for Interior Design Qualification or a comparable examination. Notice of the time and place for the holding of examinations shall be given in the manner and form prescribed by the Board.

D. The certificate shall be in a form prescribed by the Board. The certificate shall be signed by the chairman and by the secretary-treasurer of the Board and shall bear the seal of the Board. All papers received by the Board relating to an application for certification, to an examination and to the issuance of a certificate shall be retained by the Board for three (3) years.

E. The following Board records and papers are of a confidential nature and are not public records:

1. Examination material for examinations before and after they are given;
2. File records of examination problem solutions;
3. Letters of inquiry and reference concerning applicants;
4. Board inquiry forms concerning applicants; and
5. Investigation files where any investigation is still pending.

SECTION 26. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 46.41 of Title 59, unless there is created a duplication in numbering, reads as follows:

It shall be unlawful for a certified interior designer to accept or to receive compensation, directly or indirectly, from any person other than a client in connection with the reparation, alteration or construction of an interior project in relation to which he or she shall have accepted employment in any manner without the full disclosure to and written consent of the client.

SECTION 27. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 46.42 of Title 59, unless there is created a duplication in numbering, reads as follows:

It shall be unlawful for a certified interior designer, at any time, to bid for a contract for the reparation, alteration or erection of an interior project or other structure for which he or she has prepared the plans and specifications without the full disclosure to and written consent of the client.

SECTION 28. REPEALER 59 O.S. 1991, Section 46.37, is hereby repealed.

SECTION 29. This act shall become effective July 1, 1992.

SECTION 30. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 4th day of March, 1992.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1992.

Speaker of the House of Representatives