

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1991

By: Morgan

AS INTRODUCED

An Act relating to professions and occupations; amending 59 O.S. 2001, Section 46.3, as amended by Section 1, Chapter 77, O.S.L. 2005 (59 O.S. Supp. 2005, Section 46.3), which relates to the State Architectural Act; updating outline; modifying and adding definitions; providing that certain building Code Use Groups are subject to act; providing that certain Code Use Groups and buildings are exempt from act; creating the Oklahoma Interior Designers Act; providing short title; defining term; prohibiting certain representation; providing exceptions; providing for certain registration; providing certain requirements; providing certain exemptions; prohibiting certain acts; providing for violations; providing for penalty; providing for certain prosecution and injunction; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 46.3, as amended by Section 1, Chapter 77, O.S.L. 2005 (59 O.S. Supp. 2005, Section 46.3), is amended to read as follows:

Section 46.3 As used in the State Architectural Act:

~~A.~~ 1. "Architect" means any person who engages in the practice of architecture as hereinafter defined;~~;~~

~~B.~~ 2. The "practice of architecture" shall be defined as rendering or offering to render certain services, in connection with the design and construction, enlargement or alteration of a building or a group of buildings and the space surrounding such buildings, including buildings which have as their principal purpose human occupancy or habitation; the services referred to include planning, providing preliminary studies, designs, drawings, specifications and other technical submissions, the administration of construction

contracts, and the coordination of any elements of technical submissions prepared by others including, as appropriate and without limitation, consulting engineers and landscape architects; provided, that the practice of architecture shall include such other professional services as may be necessary for the rendering of or offering to render architectural services.;

~~C.~~ 3. "Licensed architect" means an architect holding a current license or certificate of registration issued by the Board.;

~~D.~~ 4. "Registration or licensure" means a certificate of registration or licensure issued by the Board to a person. The definition of "license" or "registration" shall be synonymous.;

~~E.~~ 5. A "building" means a structure consisting of a foundation, walls, all floors and 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).~~

~~F.~~ 6. "Board" means The Board of Governors of the Licensed Architects and Landscape Architects of Oklahoma.;

~~G.~~ 7. "Certificate of authority" means the authorization granted by the Board for persons to practice or offer to practice architecture or landscape architecture through a partnership, firm, association, corporation, limited liability company or limited liability partnership.;

~~H.~~ 8. "Technical submissions" means designs, drawings, specifications, studies and other technical reports prepared in the course of practicing architecture.;

~~I.~~ 9. "Responsible control" means the amount of control and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by licensed architects applying the required professional standard of care.;

~~J.~~ 10. "Landscape architect" means a person registered to practice landscape architecture as provided in The State Architectural Act.;

~~K.~~ 11. "Landscape architecture" means the performance of professional services defined as teaching, consultations, investigations, reconnaissance, research, planning, design, preparation of construction drawings and specifications, and construction observation in connection with the planning and arranging of land and the elements thereon for public and private use and enjoyment, including the design and layout of roadways, service areas, parking areas, walkways, steps, ramps, pools, the

location and siting of improvements including 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, and to the extent that the dominant purpose of such services or creative works is the preservation, conservation, enhancement, or determination of proper land uses, natural land features, ground cover and plantings, or naturalistic and aesthetic values.

The practice of landscape architecture shall include the location and arrangement of tangible objects and features as are incidental and necessary to the purpose outlined for landscape architecture. The practice of landscape architecture 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, that are statutorily defined as the practice of engineering or architecture; and

12. "Code" means the nationally recognized building code adopted by the local, municipal, county or state jurisdiction in which a building is located. Where no building code has been adopted by the local, municipal or county jurisdiction all buildings shall meet the requirements of the state building code as adopted by the State Fire Marshal's office; and

13. "Applicable building official" means the official responsible for the application of the adopted building code as implemented by the local, municipal or county jurisdiction in which a building is located. Where no building code has been adopted by the local, municipal or county jurisdiction the applicable building official shall be defined as the State Fire Marshal.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 46.21b of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The construction, addition or alteration of a building of any size or occupancy in the following Code Use Groups shall be subject to the provisions of The State Architectural Act

1. Code Use Group H-High hazard;
- 2, Code Use Group I-Institutional;

3. Buildings for which the designated Use Group changes to categories not otherwise exempt from this act.

B. The following shall be exempt from the provisions of The State Architectural Act, provided that for the purposes of this subsection, a basement, as defined by the applicable code of a jurisdiction, is not to be counted as a story for the purpose of counting stories of a building for height regulations:

1. The construction, addition or alteration of a building no more than two (2) stories in height and with a code-defined occupancy of no more than one hundred (100) persons for the Code Use Group B-Business, as defined by the applicable building code of the jurisdiction;

2. The construction, addition or alteration of a building no more than two (2) stories in height and with a code-defined occupancy of no more than fifty (50) persons as defined by the applicable building code of the jurisdiction, for each of the following Code Use Groups:

- a. Code Use Group A-Assembly, and
- b. Code Use Group E-Education;

3. The construction, addition or alteration of a building no more than two (2) stories in height and with a code-defined occupancy of no more than thirty (30) persons as defined by the applicable building code of the jurisdiction for each of the following Code Use Groups:

- a. Code Use Group F-Factory and Industrial,
- b. Code Use Group M-Mercantile,
- c. Code Use Group R1-Residential, including but not limited to hotels and motels, and
- d. Code Use Group S-Storage;

4. The construction, addition or alteration of a building no more than two (2) stories in height as defined by the applicable building code of the jurisdiction in the following Code Use Groups or buildings:

- a. Code Use Group U-Utility,
- b. Code Use Group R2-Residential, including but not limited to apartments and dormitories and buildings containing no more than sixteen (16) dwelling units or sixteen (16) guest units,
- c. Code Use Group R3-Residential, including but not limited to townhouses and buildings containing no more than sixteen (16) multifamily dwelling units,
- d. Code Use Group R4-Residential, including but not limited to single-family dwellings and duplex homes,
- e. all buildings owned or financed by a municipality, county, state, public trust, public agency or the federal government with a construction value under One Hundred Thousand Dollars (\$100,000.00),
- f. incidental buildings or appurtenances associated with paragraphs 1 through 5 of this subsection, and
- g. all uninhabitable, privately owned agricultural buildings; and

5. Except for projects listed in subsection A of this section, buildings where the planned addition or alteration, as determined by the applicable building official, does not affect the structural, mechanical, electrical, or life safety systems or means of egress.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 47.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

Sections 2 through 7 of this act shall be known and may be cited as the "Oklahoma Interior Designers Act".

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 47.2 of Title 59, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Interior Designers Act, "Interior designer" means a person registered under this act who is a registered design professional qualified by education, experience and examination to affect the function, safety and quality of interior spaces; by means of design, consultations, studies, drawings, specifications, and the administration of design construction contracts relating to nonstructural interior elements of a building or structure. Interior designers perform services such as programming, space planning, specifications of finishes and furnishings, the preparation of construction documents for fabrication of nonstructural elements within and surrounding interior spaces of a building and administration of contracts.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 47.3 of Title 59, unless there is created a duplication in numbering, reads as follows:

Except as otherwise provided in the Oklahoma Interior Designers Act, no registration shall be issued to any person to represent that the person is an "interior designer" by the use of that title; or represent, by the use of the term "interior design," a service the person offers or performs in this state unless the person:

1. Holds an accredited professional degree in interior design from an interior design program accredited by the Foundation for Interior Design Education Research or from an interior design program determined by the Board to be substantially equivalent to an accredited program;

2. Provides proof of a minimum of two (2) years of full-time diversified and appropriate experience within established standards as the Board shall prescribe; and

3. Provides to the Board proof of passage of the examination administered by the National Council for Interior Design Qualification.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 47.4 of Title 59, unless there is created a duplication in numbering, reads as follows:

Any person who applies for registration and remits the application and initial fees within two (2) years after the effective date of this act shall be registered by the Board provided that the applicant meets the following:

1. 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 rule, that the applicant has the interior design education that the Board deems equivalent to an accredited professional degree in interior design;

2. In lieu of the requirement of any professional degree, the Board may register applicants who provide documented proof of diversified and appropriate experience in the practice of interior design for a period of six (6) years; and

3. The applicant has previously passed the examination of the National Council for Interior Design Qualification or met the qualifications set forth by National Council Architectural Registration Board.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 47.5 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Interior Designers Act shall not apply to a person with diversified and appropriate experience in the practice of interior design for a period of fifteen (15) years prior to the date of this act, nor shall be construed to prohibit or interfere with the ability of a licensed architect to perform those activities that are associated with their practice as provided under any provisions of the Oklahoma Statutes.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 47.6 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. A person may not knowingly:

1. Use the title "Interior Designer" or the words to that effect, when that person is not registered as an interior designer pursuant to this act;

2. Present the registration of another as their own;

3. Give false or forged evidence to the Board or any member of the Board; or

4. Conceal information relative to violation of this section. Violations of paragraphs 1 through 4 of this subsection shall be punishable by the Board. Penalties for those violations shall be established by the Board.

B. Any person, who for a fee or other direct compensation, holds themselves out as an interior designer, advertises, puts out any sign, card, or drawings in this state designating themselves as an interior designer or uses some form of the term "interior design" in the title of a profession or business without first having complied with the provisions of the Oklahoma Interior Designers Act shall be deemed guilty of a misdemeanor. The continued violation of any provision of the Oklahoma Interior Designers Act shall be deemed

to be a separate offense. Upon conviction, the person or entity shall be punished by a fine to be determined by the Board. The Board may request the appropriate district attorney to prosecute the violation and seek an injunction against the activity.

SECTION 9. This act shall become effective July 1, 2006.

SECTION 10. 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.

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