

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 1147

By: Osburn

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6
7 COMMITTEE SUBSTITUTE

8
9 An Act relating to professions and occupations;
10 amending 59 O.S. 2011, Sections 46.1, as amended by
11 Section 1, Chapter 234, O.S.L. 2014, 46.2, as amended
12 by Section 2, Chapter 234, O.S.L. 2014, 46.3, as
13 amended by Section 3, Chapter 234, O.S.L. 2014, 46.4,
14 as last amended by Section 1, Chapter 116, O.S.L.
15 2020, 46.7, as last amended by Section 1, Chapter 24,
16 O.S.L. 2015, 46.9, as amended by Section 7, Chapter
17 234, O.S.L. 2014, 46.10, 46.12, 46.14, as last
18 amended by Section 3, Chapter 363, O.S.L. 2019,
19 46.17, 46.18, as amended by Section 10, Chapter 234,
20 O.S.L. 2014, 46.19, 46.21, as amended by Section 12,
21 Chapter 234, O.S.L. 2014, 46.21b, as amended by
22 Section 13, Chapter 234, O.S.L. 2014, 46.24, as last
23 amended by Section 4, Chapter 363, O.S.L. 2019,
24 46.25, 46.28, as amended by Section 17, Chapter 234,
O.S.L. 2014, 46.31, as last amended by Section 5,
Chapter 363, O.S.L. 2019, 46.34, as amended by
Section 23, Chapter 234, O.S.L. 2014, 46.38, as
amended by Section 25, Chapter 234, O.S.L. 2014,
46.39, as amended by Section 26, Chapter 234, O.S.L.
2014, 46.40 and 46.41, as amended by Section 27,
Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2020,
Sections 46.1, 46.2, 46.3, 46.4, 46.7, 46.9, 46.14,
46.18, 46.21, 46.21b, 46.24, 46.28, 46.31, 46.34,
46.38, 46.39 and 46.41), which relate to the State
Architectural and Registered Interior Designers Act;
modifying short title; modifying purpose of act;
modifying various references to name of act;
modifying definitions; defining terms; re-creating
Board of Governors of the Licensed Architects,
Landscape Architects and Registered Commercial

1 Interior Designers of Oklahoma; modifying membership
2 of Board; modifying powers and duties of the Board;
3 modifying registration of commercial interior
4 designers; providing for use of interior designer
5 seal; providing exceptions; making certain acts
6 unlawful; prohibiting transfer of registration;
7 providing for restoration of registration; providing
8 for codification; providing an effective date; and
9 declaring an emergency.

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

11 SECTION 1. AMENDATORY 59 O.S. 2011, Section 46.1, as
12 amended by Section 1, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2020,
13 Section 46.1), is amended to read as follows:

14 Section 46.1 Section 46.1 et seq. of this title shall be known
15 and may be cited as the "State Architectural and Registered
16 Commercial Interior Designers Act".

17 SECTION 2. AMENDATORY 59 O.S. 2011, Section 46.2, as
18 amended by Section 2, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2020,
19 Section 46.2), is amended to read as follows:

20 Section 46.2 In order to safeguard life, health and property
21 and to promote ~~the~~ public welfare, the professions of architecture,
22 ~~and~~ landscape architecture and registered commercial interior design
23 are declared to be subject to regulation in the public interest. It
24 is unlawful for any person to practice or offer to practice
25 architecture or landscape architecture in this state, as defined in
26 the provisions of the State Architectural and Registered Commercial

1 Interior Designers Act, use in connection with the person's name, or
2 otherwise assume the title of architect, landscape architect or
3 registered commercial interior designer, or advertise any title or
4 description tending to convey the impression that the person is a
5 licensed architect or landscape architect or registered commercial
6 interior designer unless the person is duly licensed or exempt from
7 licensure or registration under the State Architectural and
8 Registered Commercial Interior Designers Act. The practice of
9 architecture and landscape architecture and the use of the titles
10 architect, landscape architect and registered commercial interior
11 designer are privileges granted by the state through the Board of
12 Governors of the Licensed Architects, Landscape Architects and
13 Registered Commercial Interior Designers of Oklahoma based upon the
14 qualifications of the individual as evidenced by a certificate of
15 licensure or registration which shall not be transferable.

16 SECTION 3. AMENDATORY 59 O.S. 2011, Section 46.3, as
17 amended by Section 3, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2020,
18 Section 46.3), is amended to read as follows:

19 Section 46.3 As used in the State Architectural and Registered
20 Commercial Interior Designers Act:

- 21 1. "Architect" means any person who is licensed in the practice
22 of architecture in the State of Oklahoma as hereinafter defined;
- 23 2. "Practice of architecture" means rendering or offering to
24 render certain services, in connection with the design and

1 construction, enlargement or alteration of a building or a group of
2 buildings and the space surrounding such buildings, including
3 buildings which have as their principal purpose human occupancy or
4 habitation. The services referred to include planning, providing
5 preliminary studies, designs, drawings, specifications,
6 investigations and other technical submissions, the administration
7 of construction contracts, and the coordination of any elements of
8 technical submissions prepared by other consultants including, as
9 appropriate and without limitation, consulting engineers and
10 landscape architects; provided, that the practice of architecture
11 shall include such other professional services as may be necessary
12 for the rendering of or offering to render architectural services;

13 3. "Registration" or "license" means a certificate of
14 registration or license issued by the Board. The definition of
15 "license" shall apply to those persons licensed under a practice
16 act. The definition of "registration" shall apply to those persons
17 registered under the title registered commercial interior designer
18 under this act;

19 4. "Building" means a structure consisting of a foundation,
20 walls, all floors and roof, with or without other parts;

21 5. "Board" means the Board of Governors of the Licensed
22 Architects, Landscape Architects and Registered Commercial Interior
23 Designers of Oklahoma;

24

1 6. "Certificate of authority" means the authorization granted
2 by the Board for persons to practice or offer to practice
3 architecture, or landscape architecture, through a partnership,
4 firm, association, corporation, limited liability company or limited
5 liability partnership;

6 7. "Certificate of title" means the authorization granted by
7 the Board for a partnership, firm, association, corporation, limited
8 liability company or limited liability partnership to use the title
9 registered commercial interior designer or any modification or
10 derivation of these terms;

11 8. "Technical submissions" means drawings, plans,
12 specifications, studies and any other technical reports or documents
13 which are issued in the course of practicing architecture or
14 landscape architecture with the intent that they be considered as
15 formal or final documents but shall not include record drawings.
16 Prototypical plans are not technical submissions;

17 9. "Responsible control" means the amount of direct control and
18 personal supervision of architectural, landscape architectural or
19 registered commercial interior designer's work and detailed
20 knowledge of the content of tactical and technical submissions
21 during their preparation as is ordinarily exercised by licensed
22 architects ~~or~~, landscape architects or registered commercial
23 interior designers applying the required professional standard of
24 care. The terms direct control and personal supervision, whether

1 used separately or together, mean active and personal management of
2 the firm's personnel and practice to maintain charge of, and
3 concurrent direction over, architecture, landscape architecture or
4 the work of a registered commercial interior designer's decisions
5 and the instruments of professional services to which the licensee
6 or registrant affixes the seal, signature, and date;

7 10. "Landscape architect" means a person licensed to practice
8 landscape architecture as provided in the State Architectural and
9 Registered Commercial Interior Designers Act;

10 11. "Landscape architecture" means the performance of
11 professional services defined as teaching, consultations,
12 investigations, reconnaissance, research, planning, design,
13 preparation of construction drawings and specifications,
14 construction observation and the coordination of any elements of
15 technical submissions prepared by others in connection with the
16 planning and arranging of land and the elements thereon for public
17 and private use and enjoyment, including the design and layout of
18 roadways, service areas, parking areas, walkways, steps, ramps,
19 pools, parks, parkways, trails and recreational areas, the location
20 and site of improvements including buildings and other structures,
21 and the grading of the land, surface and subsoil drainage, erosion
22 control, planting, reforestation, and the preservation of the
23 natural landscape, in accordance with accepted professional
24 standards, and to the extent that the dominant purpose of such

1 services or creative works is the preservation, conservation,
2 enhancement, or determination of proper land uses, natural land
3 features, ground cover and plantings, or naturalistic and aesthetic
4 values.

5 The practice of landscape architecture shall include the
6 location and arrangement of tangible objects and features as are
7 incidental and necessary to the purpose outlined for landscape
8 architecture. The practice of landscape architecture shall not
9 include the design of structures or facilities with separate and
10 self-contained purposes for habitation or industry, or the design of
11 public streets, highways, utilities, storm and sanitary sewers and
12 sewage treatment facilities, that are statutorily defined as the
13 practice of engineering or architecture;

14 12. "Code" means the nationally recognized codes adopted by the
15 Uniform Building Code Commission of the State of Oklahoma;

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

22 14. "Registered commercial interior designer" means a person
23 recognized by this state who is registered, qualified by ~~education,~~
24 ~~experience and~~ examination and meeting all the requirements set

1 forth in the State Architectural and Registered Commercial Interior
2 Designers Act and the Board's rules;

3 15. "Plans" means technical documents issued by the licensed
4 and/or registered professionals intended to meet all current and
5 applicable codes as adopted by the Uniform Building Code Commission
6 of the State of Oklahoma, other statutory codes and applicable
7 federal codes and which shall be submitted to all required building
8 code and/or permit offices required by the State of Oklahoma,
9 county, municipal and/or federal government; ~~and~~

10 16. "Equivalent standards" means those standards adopted by the
11 Board intended to be used as alternative equivalents to determine
12 competency for education, training and testing for licensing
13 architects and/or landscape architects and registering commercial
14 interior designers and for complying with the ~~Post~~-Military Service
15 Occupation, Education and Credentialing Act for military personnel
16 and their spouses;

17 17. "Commercial interior design" means the rendering of or the
18 offering to render designs, consultations, studies, planning,
19 drawings, specifications, contract documents, or other technical
20 submissions and the administration of interior construction and
21 contracts relating to nonstructural interior construction by a
22 Registered Commercial Interior Designer in a new constructed or
23 existing building when the core and shell elements are not going to
24 be changed;

1 18. "Nonstructural commercial interior construction" means the
2 construction of elements which do not include exterior components of
3 a building such as exterior walls, any load-bearing wall, any load-
4 bearing column, or any other load-bearing elements of a building
5 essential to the structural integrity of the building such as wind
6 loads and seismic loads and to any element which must be designed
7 for wind loads and seismic loads; and

8 19. "Fire and life safety systems" means those systems and
9 construction that do not pertain to fire and life safety
10 protection, such as fire sprinklers, fire alarms, smoke evacuation
11 systems, fire walls, fire barriers, or smoke barriers as defined by
12 the current International Building Code adopted by the Oklahoma
13 Uniform Building Code Commission.

14 The definitions in the State Architectural and Registered
15 Commercial Interior Designers Act shall have the same meaning when
16 applicable to any rule promulgated pursuant to such act.

17 SECTION 4. AMENDATORY 59 O.S. 2011, Section 46.4, as
18 last amended by Section 1, Chapter 116, O.S.L. 2020 (59 O.S. Supp.
19 2020, Section 46.4), is amended to read as follows:

20 Section 46.4 There is hereby re-created, to continue until July
21 1, 2023, in accordance with the provisions of the Oklahoma Sunset
22 Law, a board to be known as the "Board of Governors of the Licensed
23 Architects, Landscape Architects and Registered Commercial Interior
24 Designers of Oklahoma", hereinafter referred to as the Board. The

1 Board shall be composed of eleven (11) members, including ~~seven~~ six
2 persons who are duly licensed to practice architecture and are in
3 good standing in this state, two persons who are duly licensed to
4 practice landscape architecture and are in good standing in this
5 state, ~~one person as a~~ two persons who are registered commercial
6 ~~interior designer~~ designers and ~~is~~ who are active and in good
7 standing and one lay member. Each member of the Board shall be a
8 qualified elector of this state, and the architect, landscape
9 architect and registered commercial interior designer members shall
10 have had five (5) years' licensing or registration experience as the
11 professional position requires in this state. Re-creation of the
12 Board shall not alter existing staggered terms. Board members,
13 other than the lay member, shall be appointed for a period of five
14 (5) years thereafter; provided, that nothing herein shall affect the
15 tenure of office of anyone who is a member of the Board on May 31,
16 1957. A member may be reappointed to succeed such membership. The
17 licensed architect, landscape architect or the registered commercial
18 interior designer members may be appointed by the Governor from a
19 list of nominees submitted by respective professional societies of
20 this state. Membership in a professional society shall not be a
21 prerequisite to appointment to the Board. The lay member of the
22 Board shall be appointed by the Governor to a term coterminous with
23 that of the Governor. The lay member shall serve at the pleasure of
24 the Governor. Provided, the lay member may continue to serve after

1 the expiration of the term of the member until such time as a
2 successor is appointed. Vacancies which may occur in the membership
3 of the Board shall be filled by appointment by the Governor. Each
4 person who has been appointed to fill a vacancy shall serve for the
5 remainder of the term for which the member the person shall succeed
6 was appointed and until a successor, in turn, has been appointed and
7 shall have qualified. Each member of the Board, before entering
8 upon the discharge of the duties of the member, shall make and file
9 with the Secretary of State a written oath or affirmation for the
10 faithful discharge of official duties. Each member of the Board and
11 staff shall be reimbursed for travel expenses pursuant to the State
12 Travel Reimbursement Act.

13 SECTION 5. AMENDATORY 59 O.S. 2011, Section 46.7, as
14 last amended by Section 1, Chapter 24, O.S.L. 2015 (59 O.S. Supp.
15 2020, Section 46.7), is amended to read as follows:

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

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

20 2. Prepare, conduct, and grade examinations of persons who
21 shall apply for the issuance of licenses and registrations to them,
22 and to promulgate such rules with reference thereto as it may deem
23 proper as a portion used to determine competency for the issuance of
24 licenses or registrations;

1 3. Work with nationally recognized licensing and registration
2 organizations to prepare, conduct, and grade examinations, written
3 or oral, of persons who shall apply for the issuance of licenses or
4 registrations;

5 4. Determine the satisfactory passing score on examinations and
6 issue licenses and registrations to persons who shall have passed
7 examinations, or who shall otherwise be entitled thereto;

8 5. Determine eligibility for licenses and certificates of
9 authority and issue them;

10 6. Determine eligibility for registration as a registered
11 commercial interior designer and for certificate of title and issue
12 them;

13 7. Promulgate rules to govern the issuing of reciprocal
14 licenses and registrations;

15 8. Upon good cause shown, as hereinafter provided, deny the
16 issuance of a license, registration, certificate of authority or
17 certificate of title or suspend, revoke, refuse to renew or issue
18 probation orders for licenses or registrations, and/or require
19 additional educational ~~course work~~ coursework and determine when the
20 objectives have been met;

21 9. Upon proper showing, reinstate or conditionally reinstate
22 licenses, registrations, certificates of title or certificates of
23 authority previously issued;

24

1 10. Review, affirm, reverse, vacate or modify its order with
2 respect to any such denial, suspension, revocation, probation and/or
3 educational ~~course work~~ coursework requirements or refusal to renew;

4 11. Prescribe rules governing proceedings for the denial of
5 issuance of a license, registration, certificate of authority or
6 certificate of title, suspension, revocation or refusal to renew, to
7 issue probation orders and/or require additional educational ~~course~~
8 ~~work~~ coursework and determine when the objectives have been met for
9 cause, and reinstate them;

10 12. Prescribe such penalties, as it may deem proper, to be
11 assessed against holders of licenses, registrations, certificates of
12 authority or certificates of title for the failure to pay the
13 biennial fee hereinafter provided for;

14 13. Levy civil penalties plus the legal costs incurred by the
15 Board to prosecute the case against any person or entity who shall
16 violate any of the provisions of the State Architectural and
17 Registered Commercial Interior Designers Act, or any rule
18 promulgated pursuant thereto;

19 14. Obtain an office, secure such facilities, and employ,
20 direct, discharge and define the duties and set the salaries of such
21 office personnel and set the salaries of such unclassified and
22 exempt office personnel as deemed necessary by the Board;

23 15. Initiate disciplinary action, prosecute and seek
24 injunctions against any person or entity who has violated any of the

1 provisions of the State Architectural and Registered Commercial
2 Interior Designers Act or any rule of the Board promulgated pursuant
3 to said act and against the owner/developer of the building type not
4 exempt;

5 16. Investigate alleged violations of the State Architectural
6 and Registered Commercial Interior Designers Act or of the rules,
7 orders or final decisions of the Board;

8 17. Promulgate rules of conduct governing the practice of
9 licensed architects ~~and~~, landscape architects and registered
10 commercial interior designers;

11 18. Keep accurate and complete records of proceedings, and
12 certify the same as may be appropriate;

13 19. Whenever it deems it appropriate, confer with the Attorney
14 General or the Attorney General's assistants in connection with all
15 legal matters and questions. The Board may also retain an attorney
16 who is licensed to practice law in this state. The attorney shall
17 serve at the pleasure of the Board for such compensation as may be
18 provided by the Board. The attorney shall advise the Board and
19 perform legal services for the Board with respect to any matters
20 properly before the Board. In addition to the above, the Board may
21 employ hearing examiners to conduct administrative hearings under
22 the provisions of the Administrative Procedures Act;

23 20. Prescribe by rules, fees to be charged as required by this
24 act;

1 21. Adopt rules providing for a program of continuing education
2 in order to ensure that all licensed architects or landscape
3 architects and registered commercial interior designers remain
4 informed of those technical and professional subjects that the Board
5 deems appropriate. The Board may by rule describe the methods by
6 which the requirements of such program may be satisfied. Failure to
7 meet such requirements of continuing education shall result in
8 nonrenewal of the license issued to the architect or landscape
9 architect or nonrenewal of the registration issued to the registered
10 commercial interior designer;

11 22. Adopt rules regarding requirements for intern development
12 as a prerequisite for licensure or registration;

13 23. Give scholarships, as determined by the Board, to an
14 individual or individuals advancing toward obtaining an accredited
15 National Architectural Accreditation Board, Landscape Architectural
16 Accreditation Board or Council for Interior Design Accreditation
17 degree in one of these three professions in an Oklahoma higher
18 education institution; and

19 24. Take such other action as may be reasonably necessary or
20 appropriate to effectuate the State Architectural and Registered
21 Commercial Interior Designers Act. The Board may, at its
22 discretion, contract with other state agencies and nonprofit
23 corporations for the endowment, management, and administration of
24 scholarships. The requirements of such scholarships shall be

1 determined by the Board. However, nothing contained herein shall be
2 construed as requiring the Board to endow or award any scholarship.

3 SECTION 6. AMENDATORY 59 O.S. 2011, Section 46.9, as
4 amended by Section 7, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2020,
5 Section 46.9), is amended to read as follows:

6 Section 46.9 A. The practice of architecture or landscape
7 architecture or offering to practice these professions for others by
8 persons licensed under this act through a partnership, firm,
9 association, corporation, limited liability company or limited
10 liability partnership as directors, partners, officers,
11 shareholders, employees, managers, members or principals is
12 permitted, subject to the provisions of the State Architectural and
13 Registered Commercial Interior Designers Act, provided:

14 1. One or more of the directors, partners, officers,
15 shareholders, managers, members or principals of said partnership,
16 firm, association, corporation, limited liability company or limited
17 liability partnership is designated as being responsible for the
18 entity's activities and decisions of said partnership, firm,
19 association, corporation, limited liability company or limited
20 liability partnership;

21 2. Such director, partner, officer, shareholder, manager,
22 member or principal is duly licensed under the State Architectural
23 and Registered Commercial Interior Designers Act;

24

1 3. All personnel of said partnership, firm, association,
2 corporation, limited liability company or limited liability
3 partnership which act ~~in~~ on behalf of the entity for these
4 professions in the state are licensed under the State Architectural
5 and Registered Commercial Interior Designers Act; and

6 4. Said partnership, firm, association, corporation, limited
7 liability company or limited liability partnership has been issued a
8 certificate of authority by the Board.

9 B. The Board shall have the power to issue, revoke, deny, or
10 refuse to renew a certificate of authority for a partnership, firm,
11 association, corporation, limited liability company or limited
12 liability partnership as provided for in the State Architectural and
13 Registered Commercial Interior Designers Act.

14 C. A partnership, firm, association, corporation, limited
15 liability company or limited liability partnership desiring to
16 practice architecture or landscape architecture shall file with the
17 Board an application for a certificate of authority for each office
18 location performing work on Oklahoma projects on a form approved by
19 the Board which shall include the names, addresses, state of
20 licensure and license number of all partners, directors, officers,
21 members, managers or principals of the partnership, firm,
22 association, corporation, limited liability company or limited
23 liability partnership legally responsible for the entity's practice.
24 The form shall name an individual having the practice of

1 architecture in such person's charge who is a director, partner,
2 officer, member, manager or principal. The person shall be duly
3 licensed as an architect to practice architecture or licensed as a
4 landscape architect to practice landscape architecture in this state
5 through said partnership, firm, association, corporation, limited
6 liability company or limited liability partnership legally
7 responsible for the entity's practice or services offered and other
8 information required by the Board. In the event there shall be a
9 change in any of these persons during the term of the certification,
10 such change shall be filed with the Board within thirty (30) days
11 after the effective date of said change. If all of the requirements
12 of this section and the Board's current rules have been met, the
13 Board shall issue a certificate of authority to such partnership,
14 firm, association, corporation, limited liability company or limited
15 liability partnership.

16 D. Any other person licensed pursuant to the State
17 Architectural and Registered Commercial Interior Designers Act, not
18 practicing these professions as a partnership, firm, association,
19 corporation, limited liability company or limited liability
20 partnership, shall practice as an individual.

21 E. No such partnership, firm, association, corporation, limited
22 liability company or limited liability partnership shall be relieved
23 of responsibility for the conduct or acts of its agents, employees,
24 partners, directors, officers, managers, members or principals by

1 reason of its compliance with the provisions of this section, or
2 shall any individual practicing these professions be relieved of
3 responsibility for professional services performed as an individual
4 by reason of such person's employment or relationship with such
5 partnership, firm, association, corporation, limited liability
6 company or limited liability partnership.

7 F. The Secretary of State shall not issue a certificate of
8 incorporation or register a foreign corporation or any other entity
9 which includes among the objectives for which it is established any
10 of the words "Architect", "Architectural", "Architecture",
11 "Landscape Architect", "Landscape Architecture" or any modification
12 or derivation of these words, unless the Board has issued for said
13 applicant either a certificate of authority for an entity, or a
14 letter indicating eligibility for an exemption pursuant to the State
15 Architectural and Registered Commercial Interior Designers Act. The
16 entity applying shall supply such certificate or letter from the
17 Board with its application for incorporation or registration.

18 G. The Secretary of State shall not register any trade name or
19 service mark which includes such words, as set forth in subsection F
20 of this section, or modifications or derivatives thereof in its firm
21 name or logotype except those entities or individuals holding
22 certificates of authority issued under the provisions of this
23 section or letters of eligibility issued by the Board.

24

1 H. The use of the title "Registered Commercial Interior
2 Designer" by a partnership, firm, association, corporation, limited
3 liability company or limited liability partnership is allowed to
4 those entities listed, provided:

5 1. One or more of the directors, partners, officers,
6 shareholders, members, managers or principals is registered with the
7 Board as a registered commercial interior designer and is in good
8 standing with the Board; and

9 2. The partnership, firm, association, corporation, limited
10 liability company or limited liability partnership has been issued a
11 certificate of title by the Board.

12 I. The Board shall have the power to issue, revoke, deny or
13 refuse to renew a certificate of title for a partnership, firm,
14 association, corporation, limited liability company or limited
15 liability partnership as provided for in the State Architectural and
16 Registered Commercial Interior Designers Act.

17 J. A partnership, firm, association, corporation, limited
18 liability company or limited liability partnership shall file with
19 the Board an application for a certificate of title on a form
20 approved by the Board which shall include the names, addresses,
21 state of registration and registration number of all directors,
22 partners, officers, shareholders, members, managers, or principals
23 of the partnership, firm, association, corporation, limited
24 liability company or limited liability partnership. In the event

1 there shall be a replacement of any of these persons during the term
2 of certification, the change shall be filed with the Board within
3 thirty (30) days after the effective date of the change. If all the
4 requirements of this section, this act and the current rules of the
5 Board have been met, the Board shall issue a certificate of title to
6 such partnership, firm, association, corporation, limited liability
7 company or limited liability partnership.

8 K. The Secretary of State shall not issue a certificate of
9 incorporation or register a foreign corporation or any other entity
10 which includes among the objectives for which it is established any
11 of the words "Registered Commercial Interior Designer" or any
12 modification or derivation of these words, unless the Board has
13 issued for the applicant either a certificate of title for an
14 entity, or a letter indicating the eligibility for an exemption
15 pursuant to the State Architectural and Registered Commercial
16 Interior Designers Act. The firm applying shall supply such
17 certificate of title or letter from the Board with its application
18 for incorporation or registration.

19 L. The Secretary of State shall not register any trade name or
20 service mark which includes such words as set forth in subsection K
21 of this section, or modification or derivatives thereof in its firm
22 name or logotype except those entities or individuals holding
23 certificates of title issued under the provisions of this section or
24 letters of eligibility issued by the Board.

1 M. Upon application for renewal and upon compliance with the
2 provisions of the State Architectural and Registered Commercial
3 Interior Designers Act and the rules of the Board, a certificate of
4 title shall be renewed as provided in this act.

5 N. Upon application for renewal and upon compliance with the
6 provisions of the State Architectural and Registered Commercial
7 Interior Designers Act and the rules of the Board, a certificate of
8 authority shall be renewed as provided in this act.

9 SECTION 7. AMENDATORY 59 O.S. 2011, Section 46.10, is
10 amended to read as follows:

11 Section 46.10 Every licensed architect, landscape architect and
12 registered commercial interior designer shall pay to the Board a fee
13 as prescribed by the rules of the Board. Upon receipt of the fee
14 the Board shall issue a renewal of the license or registration,
15 which shall authorize the person to practice architecture, landscape
16 architecture or use the title registered commercial interior
17 designer, as the case may be, in this state. The license of an
18 architect or landscape architect or the registration of a registered
19 commercial interior designer which has been canceled by the Board
20 for nonpayment of dues may be renewed at any time within three (3)
21 years from the date of the cancellation, upon payment to the Board
22 of the fees which had accrued at the time of the cancellation and
23 which would have been paid at the time of reinstatement had not the
24 license or registration been suspended, together with payment of the

1 amount of penalties which may have been prescribed by the Board. If
2 a license or registration remains canceled for a period exceeding
3 three (3) consecutive years, it shall not be reinstated unless the
4 licensee or registrant has taken or submitted to a test or a quiz or
5 a Board review or an examination as the circumstances of the
6 individual case may warrant and as may be prescribed by the Board in
7 order to determine continued competency of the licensee or
8 registrant. A partnership, firm, association, corporation, limited
9 liability company or limited liability partnership shall pay to the
10 Board the fee prescribed and in the manner provided by the rules of
11 the Board for the renewal of the certificate of authority or
12 certificate of title for such partnership, firm, association,
13 corporation, limited liability company or limited liability
14 partnership.

15 SECTION 8. AMENDATORY 59 O.S. 2011, Section 46.12, is
16 amended to read as follows:

17 Section 46.12 After the expiration of a period of six (6)
18 months and upon payment to the Board of a fee as prescribed by the
19 rules of the Board, a person or entity whose license, registration
20 or certificate of authority has been suspended or revoked for cause,
21 pursuant to the provisions of the State Architectural and Registered
22 Commercial Interior Designers Act, may file an application with the
23 Board for the reinstatement of said license, registration,
24 certificate of authority or certificate of title. After a showing

1 has been made by the applicant to the Board that the interests of
2 the public will not suffer by reason of reinstatement, the Board in
3 its discretion may order the reinstatement of the license,
4 registration, certificate of authority or certificate of title upon
5 the payment of a sum equal to the fees which would have accrued had
6 not the license, registration, certificate of authority or
7 certificate of title of the applicant been suspended or revoked.

8 SECTION 9. AMENDATORY 59 O.S. 2011, Section 46.14, as
9 last amended by Section 3, Chapter 363, O.S.L. 2019 (59 O.S. Supp.
10 2020, Section 46.14), is amended to read as follows:

11 Section 46.14 A. The Board of Governors of the Licensed
12 Architects, Landscape Architects and Registered Commercial Interior
13 Designers of Oklahoma shall have power to suspend, to revoke or
14 refuse to renew a license, registration, certificate of authority or
15 certificate of title issued by it, pursuant to the provisions of the
16 State Architectural and Registered Commercial Interior Designers
17 Act, when the holder thereof:

18 1. Has been convicted of a felony crime that substantially
19 relates to the practice of architecture, landscape architecture or
20 interior design and poses a reasonable threat to public safety;

21 2. Has been guilty of fraud or misrepresentation;

22 3. Has been guilty of gross incompetence or recklessness in the
23 practice of architecture relating to the construction of buildings
24 or structures, or of dishonest practices;

1 4. Has been guilty of gross incompetence or recklessness in the
2 practice of landscape architecture, or of dishonest practices;

3 5. Presents the license, registration or certification of
4 another as his or her own;

5 6. Gives false or forged evidence to the Board;

6 7. Conceals information relative to any inquiry, investigation
7 or violation of this act or rules promulgated under this act; or

8 8. Has been found to be guilty of a violation of a provision of
9 the State Architectural and Registered Commercial Interior Designers
10 Act, or the rules of the Board; provided, that a person or entity
11 complained of shall be afforded the opportunity for a formal hearing
12 carried out as described under the current Administrative Procedures
13 Act or settled by the Board with a consent order or final order
14 approved by the Board.

15 The Board shall keep a record of the evidence in, and a record
16 of each proceeding for the suspension, revocation of or refusal to
17 renew a license or certificate of authority and shall make findings
18 of fact and render a decision therein. If, after a hearing, the
19 charges shall have been found to have been sustained by the vote of
20 a majority of the members of the Board it shall immediately enter
21 its order of suspension, revocation, penalties, probation,
22 educational ~~course-work~~ coursework and objectives or refusal to
23 renew, as the case may be.

24 B. As used in this section:

1 1. "Substantially relates" means the nature of criminal conduct
2 for which the person was convicted has a direct bearing on the
3 fitness or ability to perform one or more of the duties or
4 responsibilities necessarily related to the occupation; and

5 2. "Poses a reasonable threat" means the nature of criminal
6 conduct for which the person was convicted involved an act or threat
7 of harm against another and has a bearing on the fitness or ability
8 to serve the public or work with others in the occupation.

9 SECTION 10. AMENDATORY 59 O.S. 2011, Section 46.17, is
10 amended to read as follows:

11 Section 46.17 Any person or entity convicted of violating any
12 provision of the State Architectural and Registered Commercial
13 Interior Designers Act shall be guilty of a misdemeanor. The
14 continued violation of any provision of the State Architectural and
15 Registered Commercial Interior Designers Act during each day shall
16 be deemed to be a separate offense. Upon conviction thereof the
17 person or entity shall be punished by imprisonment in the county
18 jail not to exceed one (1) year, or by a fine of not more than One
19 Thousand Dollars (\$1,000.00), or by both such fine and imprisonment
20 for each offense. The Board may request the appropriate district
21 attorney to prosecute such violation and seek an injunction against
22 such practice.

1 SECTION 11. AMENDATORY 59 O.S. 2011, Section 46.18, as
2 amended by Section 10, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2020,
3 Section 46.18), is amended to read as follows:

4 Section 46.18 A. Any person or entity who has been determined
5 by the Board to have violated any provision of the State
6 Architectural and Registered Commercial Interior Designers Act or
7 any rule or order issued pursuant to the provisions of the State
8 Architectural and Registered Commercial Interior Designers Act may
9 be liable for a civil penalty of not more than One Hundred Dollars
10 (\$100.00) for each day that said violation continues plus the legal
11 costs incurred by the Board to prosecute the case. The maximum
12 civil penalty shall not exceed Ten Thousand Dollars (\$10,000.00) for
13 any violation plus the legal costs incurred by the Board to
14 prosecute the case.

15 B. The amount of the penalty shall be assessed by the Board
16 pursuant to the provisions of subsection A of this section, after
17 notice and hearing. In determining the amount of the penalty, the
18 Board shall include but not be limited to consideration of the
19 nature, circumstances, and gravity of the violation and, with
20 respect to the person or entity found to have committed the
21 violation, the degree of culpability, the effect on ability of the
22 person or entity to continue to do business, and any show of good
23 faith in attempting to achieve compliance with the provisions of the
24 State Architectural and Registered Commercial Interior Designers

1 Act. All monies collected from such civil penalties shall be
2 deposited with the State Treasurer of Oklahoma and placed in the
3 Board of ~~Architects~~ Architects' Fund.

4 C. Any license, registration, certificate of authority or
5 certificate of title holder may elect to surrender the license,
6 registration, certificate of authority or certificate of title in
7 lieu of said fine but shall be forever barred from obtaining a
8 reissuance of said license, registration, certificate of authority
9 or certificate of title.

10 SECTION 12. AMENDATORY 59 O.S. 2011, Section 46.19, is
11 amended to read as follows:

12 Section 46.19 All monies which shall be paid to the Board
13 pursuant to the provisions of the State Architectural and Registered
14 Commercial Interior Designers Act shall be deposited with the State
15 Treasurer of Oklahoma and placed in a separate and distinct fund to
16 be known as the "Board of Architects' Fund". At the end of each
17 fiscal year hereafter such unexpended balance remaining in the Board
18 of Architects' Fund shall be carried over and continued therein.
19 All sums of money now or hereafter to be or to come into the fund
20 are hereby appropriated for the purpose of effectuating the purposes
21 of the State Architectural and Registered Commercial Interior
22 Designers Act, and to pay all costs and expenses heretofore and
23 hereafter incurred in connection therewith.

24

1 SECTION 13. AMENDATORY 59 O.S. 2011, Section 46.21, as
2 amended by Section 12, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2020,
3 Section 46.21), is amended to read as follows:

4 Section 46.21 A. The State Architectural and Registered
5 Commercial Interior Designers Act shall not apply to any persons,
6 firms, corporations, limited liability companies or limited
7 liability partnerships that do not hold a license, registration or
8 certification in any jurisdiction for exempted Code Use Groups
9 defined by the State Architectural and Registered Commercial
10 Interior Designers Act, providing such persons and/or entities shall
11 not represent such person or entity to be an architect or other
12 title of profession or business using a form of the word,
13 "Architect". This act shall not prevent such persons and/or
14 entities from advertising or selling their ~~service~~ services.

15 Any architect, landscape architect or registered commercial
16 interior designer from any jurisdiction that contracts, provides or
17 holds out to the public that they are able to provide professional
18 services in Oklahoma is required to hold a license, registration or
19 certificate of authority or certificate of title as needed from the
20 Board, even on exempt Code Use Groups, and an architect or landscape
21 architect is required to sign, seal and date all construction
22 documents and technical submissions.

23 B. Nothing in this act shall be construed to prevent the
24 preparation of technical submissions or the administration of

1 construction contracts by employees of a person or entity lawfully
2 engaged in the practice of architecture when such employees are
3 acting under the responsible control of a licensed architect.

4 C. The following shall govern design competitions in the state:

5 1. Nothing in this act shall prohibit a person or firm from
6 participating in an architectural design competition involving only
7 architectural programming, planning, schematic design or design
8 development information provided to a sponsor; and

9 2. The competition winner, prior to seeking the commission for
10 architectural services on the proposed project, shall apply for
11 licensing in this state within ten (10) days of notification of
12 winning the competition and complete the process within thirty (30)
13 days.

14 SECTION 14. AMENDATORY 59 O.S. 2011, Section 46.21b, as
15 amended by Section 13, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2020,
16 Section 46.21b), is amended to read as follows:

17 Section 46.21b A. An architect shall be required to plan,
18 design and prepare plans and specifications for the following Code
19 Use Groups except where specifically exempt from the provisions of
20 the State Architectural and Registered Commercial Interior Designers
21 Act. All Code Use Groups in this section are defined by the current
22 International Building Code.

23 B. The construction, addition or alteration of a building of
24 any size or occupancy in the following Code Use Groups shall be

1 subject to the provisions of the State Architectural and Registered
2 Commercial Interior Designers Act:

- 3 1. Code Use Group I - Institutional;
- 4 2. Code Use Group R-2 - Residential, limited to dormitories,
5 fraternities and sororities, and monasteries and convents;
- 6 3. Code Use Group A-1 - Assembly and theaters;
- 7 4. Code Use Group A-4 - Assembly, arenas and courts;
- 8 5. Code Use Group A-5 - Assembly, bleachers and grandstands;

9 and

- 10 6. Buildings for which the designated Code Use Group changes
11 are not exempt from the State Architectural and Registered
12 Commercial Interior Designers Act.

13 C. The following shall be exempt from the provisions of the
14 State Architectural and Registered Commercial Interior Designers
15 Act; provided that, for the purposes of this subsection, a basement
16 is not to be counted as a story for the purpose of counting stories
17 of a building for height regulations:

- 18 1. The construction, addition or alteration of a building no
19 more than two stories in height and with a code-defined occupancy of
20 no more than fifty (50) persons for the Code Use Groups A-2 and A-3
21 - Assembly and Code Use Group E - Education;

- 22 2. The construction, addition or alteration of a building no
23 more than two stories in height and no more than sixty-four
24

1 transient lodging units per building for the Code Use Group R1 -
2 Residential, including, but not limited to, hotels and motels;

3 3. The construction, addition or alteration of a building no
4 more than two stories in height and with a gross square footage not
5 exceeding one hundred thousand (100,000) in the Code Use Group B -
6 Business;

7 4. The construction, addition or alteration of a building no
8 more than two stories in height and with a gross square footage not
9 exceeding two hundred thousand (200,000) in the Code Use Group M -
10 Mercantile; and

11 5. The construction, addition or alteration of a building no
12 more than two stories in height in the following Code Use Groups or
13 buildings:

- 14 a. Code Use Group U - Utility,
- 15 b. Code Use Group F - Factory and Industrial,
- 16 c. Code Use Group H - High hazard,
- 17 d. Code Use Group S - Storage,
- 18 e. Code Use Group R2 - Residential, including apartments
19 containing no more than thirty-two dwelling units or
20 thirty-two guest units per building,
- 21 f. Code Use Groups R3 and R4 - Residential,
- 22 g. all buildings used by a municipality, county, state,
23 public trust, public agency or the federal government

24

1 with a construction value under One Hundred Fifty-
2 eight Thousand Dollars (\$158,000.00),

3 h. incidental buildings or appurtenances associated with
4 paragraphs 1 through 5 of this subsection, and

5 i. all uninhabitable, privately owned agricultural
6 buildings.

7 D. The addition, renovation or alteration of buildings where
8 the use was exempt as new construction shall remain exempt if the
9 Code Use Group does not change.

10 E. Upgrades, repairs, replacements and changes made on projects
11 in Code Use Groups found in this title requiring an architect are
12 exempt from hiring an architect if the upgrades, repairs,
13 replacements or changes do not affect the existing primary
14 structural, mechanical, or electrical systems, life-safety systems,
15 fire codes or exit passageways and/or egress as determined by the
16 applicable building official having jurisdiction.

17 SECTION 15. AMENDATORY 59 O.S. 2011, Section 46.24, as
18 last amended by Section 4, Chapter 363, O.S.L. 2019 (59 O.S. Supp.
19 2020, Section 46.24), is amended to read as follows:

20 Section 46.24 A. Except as otherwise provided in the State
21 Architectural and Registered Commercial Interior Designers Act, no
22 license shall be issued to any person to practice architecture in
23 this state unless the person:

24 1. Is twenty-one (21) years of age or over;

1 2. Is the holder of an accredited professional degree in
2 architecture and shall have had such practical training as this act
3 and the Board, by rule, shall deem appropriate. In lieu of the
4 requirement of an accredited professional degree, the Board may
5 license an applicant who demonstrates in accordance with such
6 standards and requirements as determined by this act and/or the
7 Board's rules that the person has such other educational experience
8 as the Board deems equivalent to an accredited professional degree
9 in architecture or in any case the Board decides the interest of the
10 public will be served and the person is determined to be qualified
11 and competent by equivalent standards for architects and in
12 compliance with this act and rules or in compliance with the ~~Post-~~
13 Military Service Occupation, Education and Credentialing Act;

14 3. Has paid to the Board a fee as prescribed by the rules of
15 the Board plus the actual cost of the examination given by the
16 Board; and

17 4. Has passed the examinations prescribed by the Board for the
18 issuance of a license.

19 B. Upon meeting the requirements of subsection A of this
20 section and payment of an initial fee as may be prescribed by the
21 rules of the Board, the Board shall issue to the applicant a license
22 which shall authorize the applicant to engage in the practice of
23 architecture in this state. The Board has the authority to issue
24 temporary licenses while qualifying the applicant in compliance with

1 the ~~Post~~-Military Service Occupation, Education and Credentialing
2 Act or with any declared state of emergency.

3 C. The examination for a license to practice architecture in
4 this state shall be held not less than once each year, shall cover
5 such subjects as may be prescribed by the Board and shall be graded
6 on such basis as the Board shall prescribe by rule. The Board may
7 adopt the examinations, requirements for admission to the
8 examinations and the grading procedures of the National Council of
9 Architectural Registration Boards or its successor. Notice of the
10 time and place for the holding of examinations shall be given in the
11 manner and form prescribed by the Board and may be administered
12 electronically.

13 D. The license certificate shall be in a form prescribed by the
14 Board. The certificate shall be signed by the chair and by the
15 secretary-treasurer of the Board and shall bear the impress of the
16 seal of the Board. All papers received by the Board relating to an
17 application for a license, to an examination and to the issuance of
18 a license shall be electronically retained by the Board and
19 originals destroyed. If it was incomplete, it shall only be
20 retained for one (1) year from the date of submission and then
21 destroyed.

22 E. The following Board records and papers are of a confidential
23 nature and are not public records: Examination material for
24 examinations before and after they are given, file records of

1 examination problem solutions, letters of inquiry and reference
2 concerning applicants, Board inquiry forms concerning applicants,
3 and investigation files.

4 SECTION 16. AMENDATORY 59 O.S. 2011, Section 46.25, is
5 amended to read as follows:

6 Section 46.25 Each licensed architect shall have a seal, the
7 image of which must contain the name of the architect, the person's
8 license number and the words, "Licensed Architect, State of
9 Oklahoma".

10 All technical submissions prepared by such architect, or under
11 the responsible control of the architect, shall be sealed, signed
12 and dated, which shall mean that the architect was in responsible
13 control over the content of such technical submissions during their
14 preparation and has applied the required professional standard of
15 care. No licensed architect may sign or seal technical submissions
16 unless they were prepared by or under the responsible control of the
17 architect, ~~7~~ except that:

18 1. The person may sign or seal those portions of the technical
19 submissions that were prepared by or under the responsible control
20 of persons who are licensed under the State Architectural and
21 Registered Commercial Interior Designers Act if the architect has
22 reviewed and adapted in whole or in part such portions and has
23 either coordinated their preparation or integrated them into the
24 work; and

1 2. The person may sign or seal those portions of the technical
2 submissions that are not required to be prepared by or under the
3 responsible control of an architect if the architect has reviewed
4 and adapted in whole or in part such submissions and integrated them
5 into the work. The seal may be a rubber stamp or may be generated
6 electronically, pursuant to rules adopted by the Board.

7 SECTION 17. AMENDATORY 59 O.S. 2011, Section 46.28, as
8 amended by Section 17, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2020,
9 Section 46.28), is amended to read as follows:

10 Section 46.28 The State Architectural and Registered Commercial
11 Interior Designers Act shall not require the licensing or
12 registration of practitioners of the following professions and
13 occupations to practice landscape architecture:

14 1. A professional civil engineer, as defined in Section 475.2
15 of this title, certified to practice the profession in this state
16 under any act to regulate the practice of that profession. Nothing
17 contained in the State Architectural and Registered Commercial
18 Interior Designers Act shall be construed as precluding an architect
19 or engineer from performing services included within the definition
20 of "landscape architecture" when incidental, meaning less than ten
21 percent (10%) of the total project cost, to the performance of his
22 or her normal practice as an architect or engineer;

23 2. A landscape contractor building or installing what was
24 designed by a landscape architect;

1 3. An agriculturist, horticulturist, forester as defined in
2 Section 1202 of this title, nursery operator, gardener, landscape
3 gardener, garden or lawn caretaker and grader or cultivator of land
4 involved in the selection, placement, planting and maintenance of
5 plant material;

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

10 5. Regional planners or urban planners, who evaluate and
11 develop land-use plans to provide for community and municipal
12 projections of growth patterns based on demographic needs;

13 6. A landscape designer or contractor whose business is
14 choosing types of plants, planning their location and the design of
15 landscapes for those projects or whose work is limited to projects
16 for a single-family residential home. Landscape design or
17 installation work may also be performed by an owner or occupant on
18 the single-family residence of the owner or occupant;

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

22 8. Builders or their superintendents in the supervision of
23 landscape architectural projects.

1 SECTION 18. AMENDATORY 59 O.S. 2011, Section 46.31, as
2 last amended by Section 5, Chapter 363, O.S.L. 2019 (59 O.S. Supp.
3 2020, Section 46.31), is amended to read as follows:

4 Section 46.31 A. Except as otherwise provided in the State
5 Architectural and Registered Commercial Interior Designers Act, no
6 license shall be issued to any person to practice landscape
7 architecture in this state unless the person:

- 8 1. Is twenty-one (21) years of age or older;
- 9 2. Holds a degree from an accredited landscape architecture
10 program and has such practical training as this act and the Board's
11 rules deem appropriate;
- 12 3. Has passed the examinations prescribed by the Board
13 including the Oklahoma Plant Materials Exam; and
- 14 4. Has paid all applicable fees.

15 B. If the Board determines the interest of the public will be
16 served and the person is deemed by the Board to be qualified and
17 competent by equivalent standards as the Board sets by rule or in
18 compliance with the ~~Post~~-Military Service Occupation, Education and
19 Credentialing Act, the application shall be approved by the Board
20 after the person has fulfilled all requirements of this act and
21 rules of the Board.

22 C. Examinations may be administered by an electronic method and
23 shall be held not less than once each year. Notices of the time and
24 place for the holding of examinations shall be given in the manner

1 and form as prescribed by the Board. All landscape architects are
2 required to take and pass the Oklahoma Plant Materials Exam.

3 D. The Board shall establish rules for examination of landscape
4 architects and may elect to follow the recommendations of the
5 Council of Landscape ~~Architects~~ Architectural Registration ~~Board~~
6 Boards (CLARB) or its successor. The examinations shall be designed
7 to determine the qualifications of the applicant to practice
8 landscape architecture. The examination shall cover such technical,
9 professional and practical subjects as relate to the practice of the
10 profession of landscape architecture. The examination shall also
11 cover the basic arts and sciences and knowledge of material which is
12 necessary to the proper understanding, application and qualification
13 for practice of the profession of landscape architecture. The
14 minimum passing grade in all subjects of the examination shall be as
15 established by the Board. An applicant receiving a passing grade on
16 a subject included in the examination will be given credit, subject
17 to CLARB's provisions and subject to the rules of the Board.
18 Applicants for readmittance to the examination shall pay the
19 application fee.

20 Upon passage of the examination, completion of the Board's
21 requirements as prescribed by this act and rules, and the payment of
22 all applicable fees prescribed by the rules of the Board, the Board
23 shall issue to the applicant a license which shall authorize the
24

1 person to engage in the practice of landscape architecture in this
2 state.

3 E. Pursuant to such rules as it may have adopted, the Board
4 shall have the power to issue licenses without requiring an
5 examination to persons who have been licensed to practice landscape
6 architecture in states other than the State of Oklahoma, in a
7 territory of the United States, in the District of Columbia, or in a
8 country other than the United States provided that the state,
9 territory, district or country has a similar reciprocal provision to
10 authorize the issuance of licenses to persons who have been licensed
11 in this state. If a person who has been licensed in a state other
12 than the State of Oklahoma, in a territory of the United States, in
13 the District of Columbia, or in a country other than the United
14 States complies with this act and rules of the Board, the secretary-
15 treasurer, in the exercise of his or her discretion, or upon the
16 order of the Board and upon the receipt of all applicable fees
17 prescribed by the Board, shall issue to the person a license to
18 practice landscape architecture in this state.

19 F. The Board has the authority to issue temporary licenses
20 while qualifying the applicant in compliance with Section 4100 et
21 seq. of this title or with any declared state of emergency.

22 G. The following shall govern design competitions in the state:

23 1. Nothing in this act shall prohibit a person or firm from
24 participating in a landscape architectural design competition

1 involving only programming, planning, schematic design or design
2 development information provided to a sponsor; and

3 2. The competition winner, prior to seeking the commission for
4 services on the proposed project, shall apply for licensing in this
5 state within ten (10) days of notification of winning the
6 competition and complete the process within thirty (30) days.

7 SECTION 19. AMENDATORY 59 O.S. 2011, Section 46.34, as
8 amended by Section 23, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2020,
9 Section 46.34), is amended to read as follows:

10 Section 46.34 A. Each licensed landscape architect shall have
11 a seal, the image of which shall contain the name of the landscape
12 architect, the person's license number and the words "Licensed
13 Landscape Architect, State of Oklahoma". All technical submissions
14 prepared by such landscape architect, or under the responsible
15 control of the landscape architect, shall be sealed, signed and
16 dated, which shall mean that the landscape architect was in
17 responsible control over the content of such technical submissions
18 during their preparation and has applied the required professional
19 standard of care. No licensed landscape architect may sign or seal
20 technical submissions unless they were prepared by or under the
21 responsible control of the landscape architect, except that:

22 1. The person may sign or seal those portions of the technical
23 submissions under the responsible control of persons who are
24 licensed under the State Architectural and Registered Commercial

1 Interior Designers Act if the landscape architect has reviewed and
2 adapted in whole or in part such portions and has either coordinated
3 their preparation or integrated them into the work; and

4 2. The person may sign or seal those portions of the technical
5 submissions that are not required to be prepared by or under the
6 responsible control of a landscape architect if the landscape
7 architect has reviewed and adapted in whole or in part such
8 submissions and integrated them into the work. The seal may be a
9 rubber stamp or may be generated electronically pursuant to rules
10 adopted by the Board.

11 B. All drawings, specifications, plans, reports or other papers
12 or documents involving the practice of landscape architecture, shall
13 be dated and bear the signature and seal of the landscape architect
14 or landscape architects who prepared or approved them. It is
15 permissible to only sign, seal and date documents on the first sheet
16 of bound sets of drawings, with index of drawings included, title
17 page of specifications, and other drawings and contract documents in
18 a manner consistent with this act and rules of the Board.

19 C. The seal, signature and date of the landscape architect may
20 be applied to tracings to produce legible reproduction of the
21 drawings or to reprints made from the tracings. This provision,
22 however, does not in any manner modify the requirements of the other
23 subsections of this section.

24

1 D. The license of a landscape architect shall not permit the
2 practice of architecture, engineering or land surveying, except that
3 which is incidental, meaning less than ten percent (10%) of the
4 total cost of the total project, to the practice of landscape
5 architecture. No landscape architect shall permit his or her seal
6 to be affixed to any plans, specifications or drawings if such
7 portions thereof as are involved in the practice of his or her
8 particular profession were not prepared by or under the landscape
9 architect's responsible control.

10 SECTION 20. AMENDATORY 59 O.S. 2011, Section 46.38, as
11 amended by Section 25, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2020,
12 Section 46.38), is amended to read as follows:

13 Section 46.38 A. ~~On July 1, 2007, the effective date of~~
14 ~~registration of interior designers began.~~

15 ~~B.~~ Except as otherwise provided in the State Architectural and
16 Registered Commercial Interior Designers Act, no registration shall
17 be issued to any person to represent that the person is a
18 "registered commercial interior designer" nor shall any person be
19 allowed to use the term unless the person pays to the Board the
20 required fees and/or penalties if applicable as established by the
21 rules of the Board and:

22 1. Holds an accredited professional degree in interior design
23 from an interior design program accredited by the Council for
24 Interior Design Accreditation or its successor, or from an interior

1 design program determined by the Board to be substantially
2 equivalent to an accredited program;

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

6 3. Provides to the Board proof of passage of the examination
7 administered by the Council for Interior Design Qualification or its
8 successor or an equivalent examination as determined by the Board.

9 ~~C.~~ B. The Board may waive the requirements of the State
10 Architectural and Registered Commercial Interior Designers Act for
11 an individual who holds a current valid registration from another
12 state, jurisdiction or foreign country where the requirements for
13 registration are substantially equivalent to those required for
14 registration in this state and pays the required fees and/or
15 penalties, if applicable, to the Board.

16 ~~D.~~ C. This section does not apply to a person licensed to
17 practice architecture pursuant to the laws of this state.

18 ~~E.~~ D. Nothing in this act shall be construed to authorize the
19 Board to regulate or prohibit persons who are rendering interior
20 design services and are not a registered commercial interior
21 ~~designer~~ designers under the provisions of this act or to adopt
22 regulations that would exceed the powers and responsibilities
23 expressly authorized under this act.

24 ~~F.~~ E. Certificate of title shall be subject to the following:

1 1. The use of the title "Registered Commercial Interior
2 Designer" by a partnership, firm, association, corporation, limited
3 liability company or limited liability partnership is allowed to
4 those entities listed, provided:

5 a. one or more of the directors, partners, officers,
6 shareholders, members, managers, or principals is a
7 registered commercial interior designer and is in good
8 standing with the Board, and

9 b. the partnership, firm, association, corporation,
10 limited liability company or limited liability
11 partnership has been issued a certificate of title by
12 the Board;

13 2. The Board shall have the power to issue, revoke, deny or
14 refuse to renew a certificate of title for a partnership, firm,
15 association, corporation, limited liability company or limited
16 liability partnership as provided for in this act;

17 3. A partnership, firm, association, corporation, limited
18 liability company or limited liability partnership shall file with
19 the Board an application for a certificate of title on a form
20 approved by the Board which shall include the names, addresses,
21 state of registration and registration number of all directors,
22 partners, officers, shareholders, members, managers or principals of
23 the partnership, firm, association, corporation, limited liability
24 company or limited liability partnership. In the event there shall

1 be a change in any of these persons during the term of
2 certification, the change shall be filed with the Board within
3 thirty (30) days after the effective date of the change. If all the
4 requirements of this section and the Board's current rules have been
5 met, the Board shall issue a certificate of title to the
6 partnership, firm, association, corporation, limited liability
7 company or limited liability partnership;

8 4. The Secretary of State shall not issue a certificate of
9 incorporation or register a foreign corporation or any other entity
10 which includes among the objectives for which it is established the
11 words "Registered Commercial Interior Designer" or any modification
12 or derivation of these words, unless the Board has issued for the
13 applicant either a certificate of title for an entity, or a letter
14 indicating the eligibility for an exemption pursuant to the
15 requirements of this act. The firm applying shall supply the
16 certificate of title or letter from the Board with its application
17 for incorporation or registration;

18 5. The Secretary of State shall not register any trade name or
19 service mark which includes such words as set forth in paragraph 4
20 of this subsection, or modification or derivatives thereof in its
21 firm name or logotype except those entities or individuals holding
22 certificates of title issued under the provisions of this section or
23 letters of eligibility issued by the Board; and

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1 6. Upon application for renewal and upon compliance with the
2 provisions of this act and the rules of the Board, a certificate of
3 title shall be renewed as provided by this act.

4 ~~G.~~ F. No registration for registered interior designers or a
5 certificate of title for a partnership, firm, association,
6 corporation, limited liability company or limited liability
7 partnership, shall be issued or renewed for longer than two (2)
8 years. A registration or certificate of title may be renewed upon
9 application, compliance with the rules of the Board and payment of
10 fees prior to or on June 30 of alternate years. The registration
11 for registered commercial interior designers shall begin July 1,
12 2007, and shall end June 30, 2009, unless renewed every two (2)
13 years thereafter. A new registration to replace a lost, destroyed
14 or mutilated registration shall be issued by the Board upon payment
15 of a fee established in accordance with the rules of the Board.

16 SECTION 21. AMENDATORY 59 O.S. 2011, Section 46.39, as
17 amended by Section 26, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2020,
18 Section 46.39), is amended to read as follows:

19 Section 46.39 Any person who applies to become a registered
20 commercial interior designer and remits the application and initial
21 fees after July 1, 2007, shall be registered by the Board of
22 Governors of the Licensed Architects, Landscape Architects and
23 Registered Commercial Interior Designers if÷
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1 ~~1. In lieu of the requirement of an accredited professional~~
2 ~~degree,~~ an applicant demonstrates, in accordance with this act, or
3 in compliance with the ~~Post~~-Military Service Occupation, Education
4 and Credentialing Act and requirements as the Board adopts by rule,
5 that the applicant has the interior design education and training
6 that the Board deems equivalent to an accredited professional degree
7 in interior design and the applicant has passed the examination of
8 the Council for Interior Design Qualification or its successor, or
9 an equivalent examination as determined by the Board; ~~and.~~

10 ~~2.~~ In lieu of the requirement of any professional degree, an
11 applicant may provide documented proof of diversified and
12 appropriate experience in the practice of interior design for a
13 period of six (6) years and the applicant has passed the examination
14 of the Council for Interior Design Qualification or its successor,
15 or an equivalent examination as determined by the Board.

16 The Board has the authority to issue temporary registrations
17 while qualifying the applicant in compliance with the ~~Post~~-Military
18 Service Occupation, Education and Credentialing Act.

19 SECTION 22. AMENDATORY 59 O.S. 2011, Section 46.40, is
20 amended to read as follows:

21 Section 46.40 A. The Board of Governors of the Licensed
22 Architects, Landscape Architects and Registered Commercial Interior
23 Designers of Oklahoma may waive the educational and examination
24 requirements of the State Architectural and Registered Commercial

1 Interior Designers Act for persons with diversified and appropriate
2 experience in the practice of interior design for a period of
3 fifteen (15) years prior to July 1, 2007, if the person is not
4 registered under the State Architectural and Registered Commercial
5 Interior Designers Act and not exempt from the requirement for
6 registration in order to use the title "Registered Commercial
7 Interior Designer".

8 B. The State Architectural and Registered Commercial Interior
9 Designers Act shall not be construed to prohibit or interfere with
10 the ability of a licensed architect to perform those activities that
11 are associated with his or her practice as provided under the
12 provisions of the State Architectural and Registered Commercial
13 Interior Designers Act.

14 SECTION 23. AMENDATORY 59 O.S. 2011, Section 46.41, as
15 amended by Section 27, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2020,
16 Section 46.41), is amended to read as follows:

17 Section 46.41 A. It shall be unlawful for any person or entity
18 to use the title "Registered Commercial Interior Designer" or any
19 other derivation of these words to indicate that the person or
20 entity is registered under the provisions of ~~this act~~ the State
21 Architectural and Registered Commercial Interior Designers Act, if
22 the person is not registered under this act.

23 B. Any person who holds himself or herself out as a registered
24 commercial interior designer, advertises, puts out any sign, card or

1 drawings in this state designating himself or herself as a
2 "Registered Commercial Interior Designer" or uses some form of the
3 term in the title of a profession or business without first having
4 complied with the provisions of the State Architectural and
5 Registered Commercial Interior Designers Act shall be deemed guilty
6 of a misdemeanor.

7 SECTION 24. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 46.42 of Title 59, unless there
9 is created a duplication in numbering, reads as follows:

10 Each registered interior designer shall have a seal, the image
11 of which must contain the name of the registered interior designer,
12 the person's registration number and the words, "Registered
13 Commercial Interior Designer, State of Oklahoma". All interior
14 technical submissions prepared by such registered interior designer,
15 or under the responsible control of the registered interior
16 designer, shall be sealed, signed and dated, which shall mean that
17 the registered interior designer was in responsible control over the
18 content of such interior technical submissions during their
19 preparation and has applied the required professional standard of
20 care. No registered interior designer may sign or seal interior
21 technical submissions unless they were prepared by or under the
22 responsible control of the registered interior designer, except
23 that:

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1 1. The person may sign or seal those portions of the technical
2 submissions that were prepared by or under the responsible control
3 of persons who are registered under the State Architectural and
4 Registered Commercial Interior Designers Act if the interior
5 designer has reviewed and adapted in whole or in part such portions
6 and has either coordinated their preparation or integrated them into
7 the work. The seal may be a rubber stamp or may be generated
8 electronically, pursuant to rules adopted by the Board; and

9 2. Registered commercial interior designers may submit
10 technical submissions, excluding Fire and Life Safety Systems, for
11 nonstructural interior construction for the code use groups as
12 defined and listed in Section 46.21b of title 59 of the Oklahoma
13 Statutes.

14 SECTION 25. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 46.43 of Title 59, unless there
16 is created a duplication in numbering, reads as follows:

17 It shall be unlawful for a registered commercial interior
18 designer to accept or to receive compensation, directly or
19 indirectly, from another other than his or her client in connection
20 with the reparation, alteration or construction of a building
21 interior in relation to which he or she shall have accepted
22 employment in any manner.

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1 SECTION 26. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 46.44 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 It shall be unlawful for an registered commercial interior
5 designer, at any time, to bid or hold a financial interest in any
6 entity competitively bidding for a contract for the reparation,
7 alteration or erection of a building or other structure for which he
8 or she has prepared the plans and specifications unless the contract
9 is a design/build contract.

10 SECTION 27. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 46.45 of Title 59, unless there
12 is created a duplication in numbering, reads as follows:

13 The privilege of engaging in practice as a registered commercial
14 interior designer is personal based upon the qualifications of the
15 individual and evidenced by the individual's registration. The
16 registration is not transferable.

17 SECTION 28. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 46.46 of Title 59, unless there
19 is created a duplication in numbering, reads as follows:

20 The Board of Governors of the Licensed Architects, Landscape
21 Architects and Registered Commercial Interior Designers of Oklahoma
22 may restore a registration to any person whose registration has
23 lapsed or has been revoked or suspended. Application for the
24 reissuance of a registration shall be made in the manner as the

1 Board may direct. The fees prescribed by the rules shall accompany
2 the application for reissuance.

3 SECTION 29. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 46.47 of Title 59, unless there
5 is created a duplication in numbering, reads as follows:

6 Registration under the State Architectural and Registered
7 Commercial Interior Designers Act shall not authorize a registered
8 commercial interior designer to engage in the practice of
9 architecture or landscape architecture as described herein.

10 SECTION 30. This act shall become effective July 1, 2021.

11 SECTION 31. It being immediately necessary for the preservation
12 of the public peace, health or safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

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