

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

HOUSE BILL HB1597

By: Smith (Hopper)

AS INTRODUCED

An Act relating to professions and occupations; amending 59 O.S. 1991, Sections 46.3, as amended by Section 2, Chapter 220, O.S.L. 1998, 46.7, as amended by Section 5, Chapter 220, O.S.L. 1998, Section 6, Chapter 220, O.S.L. 1998, 46.9, 46.12, 46.14, 46.21, 46.24 and 46.25, as amended by Sections 7, 10, 11, 14, 15 and 16, Chapter 220, O.S.L. 1998, 46.26, 46.27, 46.28, 46.31, as amended by Section 17, Chapter 220, O.S.L. 1998, 46.33 and 46.36, as amended by Section 19, Chapter 220, O.S.L. 1998 (59 O.S. Supp. 2000, Sections 46.3, 46.7, 46.8a, 46.9, 46.12, 46.14, 46.21, 46.24, 46.25, 46.31 and 46.36), which relate to The State Architectural Act; modifying definition; modifying qualification for landscape architect Board member; removing certain duties from the Board; authorizing certain acts by the Board; modifying certain powers and duties of the Board; authorizing applicants for licensure to retain certain scores of examinations under certain conditions; authorizing the Board to issue licenses under certain conditions without examination; removing certain license reciprocity; adding to disciplinary actions by the Board; authorizing the reinstatement of certain licenses upon the receipt of payment of a fee to the Board; modifying prohibited acts by the licensee; modifying certain exceptions from The State Architectural Act; authorizing certain unlicensed persons from selling certain services relating to exempt building types; modifying other exemptions; modifying application time limit for registration under certain conditions; eliminating certain notice requirements; authorizing certain actions of the Board through the secretary-treasurer; requiring landscape architects to have certain seal; modifying information on certain seals; requiring and modifying the use of such seals; modifying type of such seal; prohibiting certain use of such seal; modifying certain prohibited acts; eliminating certain affected laws of The State Architectural Act on certain professions; modifying requirements to practice certain professions and occupations of landscape architects; authorizing credit for certain subjects under certain conditions; prohibiting certain acts relating to bidding for contracts; repealing 59 O.S. 1991, Section 46.34, which relates to architect seals; 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. 1991, Section 46.3, as amended by Section 2, Chapter 220, O.S.L. 1998 (59 O.S. Supp. 2000, Section 46.3), is amended to read as follows:

Section 46.3 A. "Architect" means any person who engages in the practice of architecture as hereinafter defined.

B. 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. "Licensed architect" means an architect holding a current license or certificate of registration issued by the Board.

D. "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. A "building" means a structure consisting of a foundation, walls, roof, with or without other parts; provided, however, nothing in The State Architectural Act shall be held or construed to have any application to any building, or to the repairing or remodeling of any building, to be used for one-family residential purposes, duplexes, or apartment houses not exceeding two stories in height, to any warehouse, maintenance building, garage or storage building

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

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

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

I. "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. "Landscape architect" means a person registered to practice landscape architecture as provided in The State Architectural Act.

K. "Landscape architecture" means the performance of professional services ~~such as~~ in teaching, consultations, investigations, reconnaissance, research, planning, design, preparation of construction drawings and specifications, and construction observation ~~in connection with~~ regarding the ~~arranging~~ arrangement 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 of buildings and other structures, and the grading of the land, surface and subsoil drainage, erosion control, planting, reforestation, and the preservation of the natural landscape, in accordance with accepted professional standards.

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

SECTION 2. AMENDATORY 59 O.S. 1991, Section 46.7, as amended by Section 5, Chapter 220, O.S.L. 1998 (59 O.S. Supp. 2000, Section 46.7), is amended to read as follows:

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

1. Prescribe such rules and to make such orders, as it may deem necessary or expedient in the performance of its duties;
2. Prepare, conduct, and grade examinations of persons who shall apply for the issuance of licenses to them, and to promulgate such rules with reference thereto as it may deem proper;
3. Contract with nationally recognized registration organizations to prepare, conduct, and grade examinations, written or oral, of persons who shall apply for the issuance of licenses;
4. Determine the satisfactory passing score on such examinations and issue licenses to persons who shall have passed examinations, or who shall otherwise be entitled thereto;
5. Determine eligibility for licenses and certificates of authority;
6. Promulgate rules to govern the issuing of reciprocal licenses;
7. Upon good cause shown, as hereinafter provided, deny the issuance of a license or certificate of authority or suspend, revoke, put on probation, fine or refuse to renew licenses or certificates of authority previously issued, and upon proper showing, to reinstate them;
8. Review, affirm, reverse, vacate or modify its order with respect to any such denial, suspension, revocation or refusal to renew;
9. Prescribe rules governing proceedings for the denial of issuance of a license or certificate of authority, suspension, revocation, probation, fining or refusal to renew, for cause, of licenses or certificates of authority heretofore issued and the reinstatement thereof;
10. Prescribe such penalties, as it may deem proper, to be assessed against holders of licenses or certificates of authority for the failure to pay the biennial fee hereinafter provided for;

11. Levy civil penalties against any person or entity who shall violate any of the provisions of The State Architectural Act or any rule promulgated thereto;

12. ~~Obtain an office, secure such facilities,~~ Contract for necessary office space in suitable quarters and employ, direct, discharge and define the duties and set the salaries of such office personnel as deemed necessary by the Board;

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

14. Investigate alleged violations of The State Architectural Act or of the rules, orders or final decisions of the Board;

15. Promulgate rules of conduct governing the practice of licensed architects and landscape architects;

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

17. Whenever it deems it appropriate, confer with the Attorney General or his assistants in connection with all legal matters and questions. The Board may also retain an attorney who is licensed to practice law in this state. The attorney shall serve at the pleasure of the Board for such compensation as may be provided by the Board. The attorney shall advise the Board and perform legal services for the Board with respect to any matters properly before the Board. In addition to the above, the Board may employ hearing examiners to conduct administrative hearings under the provisions of the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes;

18. Prescribe by rules, fees to be charged as required by this act;

19. Adopt rules providing for a program of continuing education in order to insure that all licensed architects or landscape architects remain informed of those technical and professional subjects which the Board deems appropriate to professional architect or landscape architect practice. The Board may by rule describe the methods by which the requirements of such program may be satisfied. Failure to meet such requirements of continuing education shall result in nonrenewal of the license issued to the architect or landscape architect;

20. Adopt rules regarding requirements for intern development as a prerequisite for registration; and

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

SECTION 3. AMENDATORY Section 6, Chapter 220, O.S.L. 1998 (59 O.S. Supp. 2000, Section 46.8a), is amended to read as follows:

Section 46.8a A. It shall be unlawful for any person to directly or indirectly engage in the practice of architecture in this state or use the title "Architect", "Registered Architect", "Architectural Designer", or display or use any words, letters, figures, titles, signs, cards, advertisements, or other symbols or devices indicating or tending to indicate that such person is an architect or is practicing architecture, unless the person is registered or licensed under the provisions of this act. No person shall aid or abet any person, not registered or licensed under the provisions of this act, in the practice of architecture.

B. Every person applying to the Board for initial registration shall submit an application accompanied by the fee established in accordance with the rules of the Board, with satisfactory evidence that such person holds an accredited professional degree in architecture or has completed such other education as the Board deems equivalent to an accredited professional degree and with

satisfactory evidence that such person has completed such practical training in architectural work as the Board requires. If an applicant is qualified in accordance with this subsection, the Board shall, by means of a written examination, examine the applicant on such technical and professional subjects as are prescribed by the Board. The applicant may retain all passing scores of the examinations if the entire examinations are passed within six (6) consecutive years from the first sitting beginning on or after July 1, 1999. None of the examination materials shall be considered public records. The Board may exempt from such written examination an applicant who holds a certification issued by the National Council of Architectural Registration Boards. The Board may adopt as its own rules governing practical training and education those guidelines published from time to time by the National Council of Architectural Registration Boards. The Board may also adopt the examinations and grading procedures of the National Council of Architectural Registration Boards and the accreditation decisions of the National Architectural Accrediting Board. The Board shall issue its registration to each applicant who is found to be of good moral character and who satisfies the requirements set forth in this section. Such registration shall be effective upon issuance.

C. Pursuant to such rules as it may have adopted, the Board shall have the power in its discretion and through the secretary-treasurer to issue ~~licenses~~ a license to practice architecture in this state without requiring an examination to persons who have been licensed to practice architecture in states other than the State of Oklahoma, in a territory of the United States, in the District of Columbia, or in a country other than the United States; provided that the state or country has a similar reciprocal provision to authorize the issuance of licenses to persons who have been licensed in this state. ~~If a person who has been licensed in a state other than the State of Oklahoma, or in a territory of the United States,~~

~~in the District of Columbia, or in a country other than the United States complies with the rules of the Board, the secretary-treasurer, upon the order of the Board in the exercise of its discretion and upon the receipt of the stated payment to the secretary-treasurer pursuant to the rules of the Board, shall issue to said person a license to practice architecture in this state all fees required by the rules.~~

SECTION 4. AMENDATORY 59 O.S. 1991, Section 46.9, as amended by Section 7, Chapter 220, O.S.L. 1998 (59 O.S. Supp. 2000, Section 46.9), is amended to read as follows:

Section 46.9 A. The practice of architecture or offering to practice architecture for others by persons registered under this act through a partnership, firm, association, corporation, limited liability company or limited liability partnership as directors, partners, officers, shareholders, employees, managers, members or principals is permitted, subject to the provisions of The State Architectural Act, provided:

1. One or more of the directors, partners, officers, shareholders, managers, members or principals of said partnership, firm, association, corporation, limited liability company or limited liability partnership is designated as being responsible for the architectural activities and decisions of said partnership, firm, association, corporation, limited liability company or limited liability partnership;

2. Such director, partner, officer, shareholder, manager, member or principal is duly licensed or registered under The State Architectural Act;

3. All personnel of said partnership, firm, association, corporation, limited liability company or limited liability partnership which act in its behalf as architects practicing architecture in the state are registered under The State Architectural Act; and

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

B. The Board shall have the power to issue, revoke, deny, put on probation, suspend, fine or refuse to renew a certificate of authority for a partnership, firm, association, corporation, limited liability company or limited liability partnership as provided for in The State Architectural Act.

C. A partnership, firm, association, corporation, limited liability company or limited liability partnership desiring to practice architecture shall file with the Board an application for a certificate of authority on a form approved by the Board which shall include the names, addresses, state of registration and registration number of all partners, directors, officers, members, managers or principals of the partnership, firm, association, corporation, limited liability company or limited liability partnership. The form shall name an individual having the practice of architecture in such person's charge who is a director, partner, officer, member, manager or principal duly registered as an architect to practice architecture in this state through said partnership, firm, association, corporation, limited liability company or limited liability partnership and other information required by the Board. In the event there shall be a change in any of these persons during the term of the certification, such change shall be filed with the Board within thirty (30) days after the effective date of said change. If all of the requirements of this section and the Board's current rules have been met, the Board shall issue a certificate of authority to such partnership, firm, association, corporation, limited liability company or limited liability partnership.

D. Any other person licensed pursuant to The State Architectural Act, not practicing architecture as a partnership,

firm, association, corporation, limited liability company or limited liability partnership, shall practice as an individual.

E. No such partnership, firm, association, corporation, limited liability company or limited liability partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, partners, directors, officers, managers, members or principals by reason of its compliance with the provisions of this section, or shall any individual practicing architecture or landscape architecture be relieved of responsibility for professional services performed as an individual by reason of such person's employment or relationship with such partnership, firm, association, corporation, limited liability company or limited liability partnership.

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

G. The Secretary of State shall not issue a certificate of incorporation to an applicant or a registration as a foreign firm to a firm which includes among the objectives for which it is established any of the words "Landscape Architect", or "Landscape Architecture", unless the Board has issued for said applicant either a certificate of authority for a firm, or a letter indicating the eligibility of such applicant who is licensed to practice pursuant to The State Architectural Act. The firm applying shall supply such

certificate or letter from the Board with its application for incorporation or registration.

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

I. Upon application for renewal and upon compliance with the provisions of The State Architectural Act and the rules of the Board, a certificate of authority shall be renewed as provided in this act.

SECTION 5. AMENDATORY 59 O.S. 1991, Section 46.12, as amended by Section 10, Chapter 220, O.S.L. 1998 (59 O.S. Supp. 2000, Section 46.12), is amended to read as follows:

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

SECTION 6. AMENDATORY 59 O.S. 1991, Section 46.14, as amended by Section 11, Chapter 220, O.S.L. 1998 (59 O.S. Supp. 2000, Section 46.14), is amended to read as follows:

Section 46.14 The Board shall have power to suspend, to revoke or refuse to renew a license or certificate of authority issued by it, pursuant to the provisions of The State Architectural Act, when the holder thereof:

1. Shall have been convicted of a felony;

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

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

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

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

a. shall first have been served notice in the same manner as provided by law in other civil actions of the charges filed against the person or entity and of the time, place, and nature of the hearing before the Board, and

b. shall have the right to be represented by counsel and an opportunity to respond and present evidence and argument on all issues involved, by the introduction of evidence and by the examination and cross-examination of witnesses, and to compel the attendance of witnesses and the production of books and papers. Pursuant to the foregoing, the Board shall have the power of a court of record, including the power to issue subpoena and to compel the attendance and

testimony of witnesses. Each member of the Board shall have the power to administer oaths and to issue subpoena. Whenever any person who shall have been subpoenaed to appear to give testimony, or to answer any pertinent or proper question, or to produce books, papers or documents which shall have been designated in a subpoena, either on behalf of the prosecution or on behalf of the accused, shall refuse to appear to testify before the Board, or to answer any pertinent or proper questions, or to produce a book, paper or document which shall have been designated in a subpoena, the person shall be deemed to be in contempt of the Board, and it shall be the duty of the presiding officer of the Board, to report the fact to the district court of the State of Oklahoma in and for the county in which such person may be or may reside whereupon the court shall issue an attachment in the usual form, directed to the sheriff of the county, which shall command the sheriff to attach such person and forthwith bring the person before the court. On the return of the attachment duly served upon the accused, or upon the production of the person attached, the district court shall have jurisdiction of the matter. The person charged may purge himself or herself of the contempt in the same way and the same proceedings shall be had, and the same penalties may be imposed, as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a district court of the State of Oklahoma. Depositions may be taken and used in the same manner as in civil cases. The Board shall keep a record of the evidence in, and a record of each

proceeding for the suspension, revocation of or refusal to renew a license or certificate of authority and shall make findings of fact and render a decision therein. If, after a hearing, the charges shall have been found to have been sustained by the vote of a majority of the members of the Board it shall immediately enter its order of suspension, revocation or refusal to renew, as the case may be.

SECTION 7. AMENDATORY 59 O.S. 1991, Section 46.21, as amended by Section 14, Chapter 220, O.S.L. 1998 (59 O.S. Supp. 2000, Section 46.21), is amended to read as follows:

Section 46.21 A. The State Architectural Act shall not ~~apply to require licensing of~~ any persons, ~~firms, corporations, limited liability companies or limited liability partnerships~~ entity who prepare plans and specifications ~~for persons, firms, corporations, limited liability companies or limited liability partnerships other than such person or entity,~~ for buildings not specified in The State Architectural Act as requiring an architect licensed under the laws of the State of Oklahoma, ~~providing such.~~ Such persons, firms, corporations, limited liability companies or limited liability partnerships or entity shall not, in any manner, represent such person or entity to be an architect or ~~other~~ employ another title of profession or business using a form of the word, "Architect", ~~and providing further that nothing in.~~ The State Architectural Act shall not prevent ~~such~~ unlicensed persons, ~~firms, corporations, limited liability companies or limited liability partnerships or~~ entities from advertising or selling such service their services for exempt building types.

B. Nothing in this act shall be construed to prevent:

1. The preparation of technical submissions or the administration of construction contracts by employees of a person or entity lawfully engaged in the practice of architecture when such

employees are acting under the responsible control of a registered architect;

2. A nonresident, ~~who holds the certification issued by the National Council of Architectural Registration Boards,~~ from offering to render the professional services involved in the practice of architecture; provided, that the person shall not perform any of the professional services involved in the practice of architecture until registered as hereinbefore provided; and further provided, that the person shall notify the Board in writing that:

- a. ~~the person holds a National Council of Architectural Registration Boards certificate and is not currently registered in the jurisdiction, but will be present in the state for the purpose of offering to render architectural services,~~
- b. the person will deliver a copy of such notice to every potential client to whom the applicant offers to render architectural services, and
- c. the person ~~promises to apply immediately~~ will apply within ten (10) business days to the Board for registration ~~if selected~~ and shall be notified in writing of selection as the architect for the project;

3. ~~A person, who holds the certification issued by the National Council of Architectural Registration Boards but who is not currently registered in the jurisdiction, from seeking an architectural commission by participating in an architectural design competition for a project in the state; provided, that the person shall notify the Board in writing that:~~

- a. ~~the person holds a National Council of Architectural Registration Boards certificate and is not currently registered in the jurisdiction, but will be present in the state for the purpose of participating in an architectural design competition,~~

- ~~b. the person will deliver a copy of such notice to every person conducting an architectural design competition in which the applicant participates, and~~
- ~~e. the person promises to apply immediately to the Board for registration if selected as the architect for the project.~~

SECTION 8. AMENDATORY 59 O.S. 1991, Section 46.24, as amended by Section 15, Chapter 220, O.S.L. 1998 (59 O.S. Supp. 2000, Section 46.24), is amended to read as follows:

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

1. Is twenty-one (21) years of age or over and is of good moral character;
2. Is an actual bona fide resident of this state, except the Board may waive this requirement in the case of a bona fide resident of a foreign country or in any other case when the Board determines the applicant for a license is not seeking to avoid the requirements of the state of residence for a license;
3. Is the holder of an accredited professional degree in architecture and shall have had such practical training as the Board, by rule, shall deem appropriate. In lieu of the requirement of an accredited professional degree, the Board may register an applicant who demonstrates in accordance with such standards and requirements as the Board adopts by rule that the person has such other educational experience as the Board deems equivalent to an accredited professional degree in architecture;
4. Has paid to the secretary-treasurer a fee as prescribed by the rules of the Board plus the actual cost of the examination; and
5. Has passed the examinations prescribed by the Board for the issuance of a license.

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

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

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

E. The following Board records and papers are of a confidential nature and are not public records: Examination material for examinations before and after they are given, file records of examination problem solutions, letters of inquiry and reference concerning applicants, Board inquiry forms concerning applicants, and investigation files where any investigation is still pending.

SECTION 9. AMENDATORY 59 O.S. 1991, Section 46.25, as amended by Section 16, Chapter 220, O.S.L. 1998 (59 O.S. Supp. 2000, Section 46.25), is amended to read as follows:

Section 46.25 Each licensed architect and landscape architect shall have a seal, the image of which must contain the name of ~~the architect,~~ licensee, ~~the person's place of business~~ the license

number and the words, "Licensed Architect, State of Oklahoma" or  
"Licensed Landscape Architect, State of Oklahoma" as the license  
indicates.

All technical submissions prepared by such architect or  
landscape architect, or under the responsible control of the  
architect licensee, shall be ~~stamped with the impression of the seal~~  
sealed, which shall mean that the ~~architect~~ licensee was in  
responsible control over the content of such technical submissions  
during their preparation and has applied the required professional  
standard of care. No ~~registered architect~~ licensee may sign or seal  
technical submissions unless they were prepared by or under the  
responsible control of the ~~architect~~ licensee; except that:

1. The person may sign or seal those portions of the technical  
submissions that were prepared by or under the responsible control  
of persons who are registered under The State Architectural Act if  
the architect has reviewed and adapted in whole or in part such  
portions and has either coordinated their preparation or integrated  
them into the work; ~~and~~

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

3. The seal may be a rubber stamp, an embossing seal or may be  
generated electronically, along with the signature and date pursuant  
to rules adopted by the Board. The licensee is responsible to  
ensure the security of electronic seals and signatures from  
fraudulent use. Upon leaving the employment of an entity, the  
licensee is to ensure that the electronic means of sealing and  
signing documents has been terminated; and

4. No such seal shall permit a landscape architect to practice architecture, engineering or land surveying, except that which is incidental to the practice of landscape architecture.

SECTION 10. AMENDATORY 59 O.S. 1991, Section 46.26, is amended to read as follows:

Section 46.26 It shall be unlawful for an architect to accept or to receive compensation, directly or indirectly, from ~~another~~ any one other than his client in connection with the reparation, alteration or construction of a building or structure in relation to which he shall have accepted employment in any manner.

SECTION 11. AMENDATORY 59 O.S. 1991, Section 46.27, is amended to read as follows:

Section 46.27 It shall be unlawful for an architect, ~~at any time~~ or an entity in which such person or entity has more than a ten percent (10%) financial interest in the bidding entity, to bid for a contract for the reparation, alteration or erection of a building or other structure for which he has prepared the plans and specifications.

SECTION 12. AMENDATORY 59 O.S. 1991, Section 46.28, is amended to read as follows:

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

The State Architectural Act shall not require the registration as landscape architects of practitioners of the following professions and occupations:

1. A professional civil engineer, as defined in Section 475.2 of ~~Title 59 of the Oklahoma Statutes~~ this title, certified to practice his profession in this state under any act to regulate the practice of that profession. Nothing contained in The State Architectural Act shall be construed as precluding an architect or

engineer from performing services included within the definition of "landscape architecture" when incidental to the performance of his normal practice as an architect or engineer;

2. A landscape contractor building what was designed by a landscape architect;

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

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

5. ~~Regional planners or urban planners;~~

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

~~7.~~ 6. Persons other than landscape architects who prepare details and shop drawings for use in connection with the execution of their work which is not landscape architecture as defined by this act;

~~8.~~ 7. Builders or their superintendents who supervise the installation of landscape projects; and

~~9.~~ 8. Persons in the occupations set forth in this section shall not use the title "landscape architect" or hold themselves out to practice "landscape architecture" without complying with the provisions of The State Architectural Act and the rules ~~and regulations~~ of the Board.

SECTION 13. AMENDATORY 59 O.S. 1991, Section 46.31, as amended by Section 17, Chapter 220, O.S.L. 1998 (59 O.S. Supp. 2000, Section 46.31), is amended to read as follows:

Section 46.31 A. Any person of good moral character who is a legal resident of the State of Oklahoma and who is twenty-one (21) years of age or older, with a degree from an approved landscape architecture program and upon completion of practical training as the Board, by rule, shall deem appropriate, whose application has been approved by the Board, and who has fulfilled such other requirements as determined by The State Architectural Act and the rules of the Board, upon the payment to the secretary-treasurer of a fee as prescribed by the rules of the Board, plus an amount to be determined by the Board, equal to the cost of the examination, may take an examination for the purpose of securing a license to practice landscape architecture in this state. Examinations shall be held not less than once each year by the Board or by a committee appointed by it to do so. Notice of the time and place of the holding of examinations shall be given in manner and form as prescribed by the Board.

B. The Board shall establish rules for examination of landscape architects and may elect to follow the recommendations of the Council of Landscape Architects Registration Board (CLARB). The examinations shall be designed to determine the qualifications of the applicant to practice landscape architecture. The examination shall cover such technical, professional and practical subjects as relate to the practice of the profession of landscape architecture. The examination shall also cover the basic arts and sciences, a knowledge of which is material and necessary to the proper understanding, application and qualification for practice of the profession of landscape architecture. The minimum passing grade in all subjects of the examination shall be as established by the Board. An applicant receiving a passing grade on a subject included in the examination will be given credit for that subject if the entire examinations are passed within six (6) consecutive years from the first sitting beginning on or after July 1, 1999. Applicants

for readmittance to the examination shall pay the full examination fee for each testing.

Upon passage of the examination, completion of the Board's requirements as prescribed by rules, and the payment of a sum as prescribed by the rules of the Board, the secretary-treasurer shall issue to the applicant a license certificate which shall authorize the person to engage in the practice of landscape architecture in this state.

C. Pursuant to such rules as it may have adopted, the Board shall have the power to issue licenses without requiring an examination to persons who have been licensed to practice landscape architecture in states other than the State of Oklahoma, in a territory of the United States, in the District of Columbia, or in a country other than the United States provided that the state, territory, district or country has a similar reciprocal provision to authorize the issuance of licenses to persons who have been licensed in this state. If a person who has been licensed in a state other than the State of Oklahoma, or in a territory of the United States, in the District of Columbia, or in a country other than the United States complies with the rules of the Board, the secretary-treasurer, upon the order of the Board in the exercise of its discretion and upon the receipt of the stated fee by the secretary-treasurer pursuant to the rules of the Board, shall issue to said person a license to practice landscape architecture in this state.

SECTION 14. AMENDATORY 59 O.S. 1991, Section 46.33, is amended to read as follows:

Section 46.33 The Board may restore a registration certificate to any ~~person whose registration has lapsed or has been revoked~~ registrant who has been fined, put on probation or suspended or whose registration has lapsed or has been revoked. Application for the reissuance of a registration certificate and fees shall be made in such manner as the Board may direct.

SECTION 15. AMENDATORY 59 O.S. 1991, Section 46.36, as amended by Section 19, Chapter 220, O.S.L. 1998 (59 O.S. Supp. 2000, Section 46.36), is amended to read as follows:

Section 46.36 It shall be unlawful for a landscape architect, ~~at any time,~~ or entity where the landscape architect or entity has more than a ten percent (10%) financial interest in the bidding entity to bid for a contract for the reparation, alteration or construction of a project for which the landscape architect has prepared construction documents.

SECTION 16. REPEALER 59 O.S. 1991, Section 46.34, is hereby repealed.

SECTION 17. This act shall become effective July 1, 2001.

SECTION 18. 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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