

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2379

By: Wilt of the House

and

Myers of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to professions and occupations; amending 59 O.S. 2001, Sections 46.2, as amended by Section 2 of Enrolled Senate Bill No. 1991 of the 2nd Session of the 50th Oklahoma Legislature, 46.3 and 46.4, as last amended by Sections 3 and 4 of Enrolled Senate Bill No. 1991 of the 2nd Session of the 50th Oklahoma Legislature, 46.7, 46.10, 46.25, 46.31 and 46.34, as amended by Sections 6, 9, 19, 23 and 26 of Enrolled Senate Bill No. 1991 of the 2nd Session of the 50th Oklahoma Legislature and Sections 17, 27 and 30 of Enrolled Senate Bill No. 1991 of the 2nd Session of the 50th Oklahoma Legislature, which relate to the State Architectural Act; clarifying reference to certain occupational title; modifying certain occupational title; modifying powers and duties of the Board; clarifying certain exemptions; adding certain requirement for seal of an architect; clarifying body that may provide recommendations; adding certain requirement for seal of a landscape architect; and clarifying certain persons subject to penalty; providing effective dates; and declaring an emergency.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 46.2, as amended by Section 2 of Enrolled Senate Bill No. 1991 of the 2nd Session of the 50th Oklahoma Legislature, is amended to read as follows:

Section 46.2 In order to safeguard life, health and property and to promote the public welfare, the professions of architecture or landscape architecture are declared to be subject to regulation in the public interest. It is unlawful for any person to practice

or offer to practice architecture or landscape architecture in this state, as defined in the provisions of Section 46.1 et seq. of this title, use in connection with the person's name, or otherwise assume the title of architect, landscape architect or interior designer, or advertise any title or description tending to convey the impression that the person is a licensed architect or landscape architect or a is registered as an interior designer unless the person is duly licensed or exempt from licensure or registration under the State Architectural and Interior Designers Act. The practice of architecture and landscape architecture and the use of the titles, architect, landscape architect or interior designer, are privileges granted by the state through the Board of Governors of the Licensed Architects, Landscape Architects and Interior Designers of Oklahoma based upon the qualifications of the individual as evidenced by a certificate of licensure or registration which shall not be transferable.

SECTION 2. AMENDATORY 59 O.S. 2001, Section 46.3, as last amended by Section 3 of Enrolled Senate Bill No. 1991 of the 2nd Session of the 50th Oklahoma Legislature, is amended to read as follows:

Section 46.3 As used in the State Architectural and Interior Designers Act:

1. "Architect" means any person who is licensed and engages in the practice of architecture as hereinafter defined;

2. "Practice of architecture" means 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;

3. "Registration or license" means a certificate of registration or license issued by the Board. The definition of "license" shall apply to those persons licensed under a practice act. The definition of "registration" shall apply to those persons registered under a title act;

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

5. "Board" means the Board of Governors of the Licensed Architects, Landscape Architects and Interior Designers of Oklahoma;

6. "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;

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

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

9. "Responsible control" means the amount of control and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by licensed architects

or landscape architects applying the required professional standard of care;

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

11. "Landscape architecture" means the performance of professional services defined as teaching, consultations, investigations, reconnaissance, research, planning, design, preparation of construction drawings and specifications, and construction observation in connection with the planning and arranging of land and the elements thereon for public and private use and enjoyment, including the design and layout of roadways, service areas, parking areas, walkways, steps, ramps, pools, the location and siting of improvements including buildings and other structures, and the grading of the land, surface and subsoil drainage, erosion control, planting, reforestation, and the preservation of the natural landscape, in accordance with accepted professional standards, and to the extent that the dominant purpose of such services or creative works is the preservation, conservation, enhancement, or determination of proper land uses, natural land features, ground cover and plantings, or naturalistic and aesthetic values.

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

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

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

14. "Interior designer" means a person recognized by this state who is registered, qualified by education, experience and examination and meeting all the requirements set forth in the State Architectural and Interior Designers Act for interior designers.

SECTION 3. AMENDATORY 59 O.S. 2001, Section 46.4, as last amended by Section 4 of Enrolled Senate Bill No. 1991 of the 2nd Session of the 50th Oklahoma Legislature, is amended to read as follows:

Section 46.4 There is hereby re-created, to continue until July 1, 2010, in accordance with the provisions of the Oklahoma Sunset Law, a board to be known as the "Board of Governors of the Licensed Architects, Landscape Architects and Interior Designers of Oklahoma", hereinafter referred to as the Board. The Board shall be composed of eleven (11) members, including seven persons who have been duly licensed to practice architecture, and are actively engaged in the practice of architecture in this state or are teaching professors of architecture and duly licensed to practice architecture in this state, two persons who have been duly licensed to practice landscape architecture, and are actively engaged in the practice of landscape architecture in this state or are teaching

professors of landscape architecture and duly licensed to practice landscape architecture in this state, one person qualified to become registered as an interior designer after the initial appointment and any new appointees thereafter who shall have been registered as interior designers and are actively engaged as interior designers in this state or are teaching professors of interior design and are registered as interior designers in this state, and one lay member. Each member of the Board shall be a qualified elector of this state, and the architect and landscape architect members shall have had five (5) years' experience in the application or the study of the principles of architecture after initial registration. The interior designer shall have five (5) years' experience in the application or the study of the principles of interior design, met the requirements of Section 27 of this act and become registered. After July 1, 2012, the interior designer member of the Board shall have five (5) years of being registered by the Board and shall have met the requirements of Section ~~27~~ 46.38 of this ~~act~~ title. Re-creation of the Board shall not alter existing staggered terms. Board members, other than the lay member, shall be appointed for a period of five (5) years thereafter; provided that nothing herein shall affect the tenure of office of anyone who is a member of the Board on the effective date of this act. A member may be reappointed to succeed such membership. The licensed persons engaged in the practice of architecture or landscape architecture or the interior designer, or the persons who are teaching professors of architecture, landscape architecture or interior design, may be appointed by the Governor from a list of nominees submitted by respective professional societies of this state. Membership in a professional society shall not be a prerequisite to appointment to the Board. The lay member of the Board shall be appointed by the Governor to a term coterminous with that of the Governor. The lay member shall serve at the pleasure of the Governor. Provided, the lay member may

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

SECTION 4. AMENDATORY 59 O.S. 2001, Section 46.7, as amended by Section 6 of Enrolled Senate Bill No. 1991 of the 2nd Session of the 50th Oklahoma Legislature, is amended to read as follows:

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

1. Prescribe 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. Determine eligibility for registration as an interior designer and for certificate of title;

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

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

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

10. Prescribe rules governing proceedings for the denial of issuance of a license, registration, certificate of authority or certificate of title, suspension, revocation or refusal to renew, for cause, of licenses, registrations, certificates of authority or certificates of title heretofore issued and the reinstatement thereof;

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

12. Levy civil penalties plus the legal costs incurred by the Board to prosecute the case against any person or entity who shall violate any of the provisions of the State Architectural and Interior Designers Act or any rule promulgated thereto;

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

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

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

15. Investigate alleged violations of the State Architectural and Interior Designers Act or of the rules, orders or final decisions of the Board;

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

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

18. Whenever it deems it appropriate, confer with the Attorney General or the Attorney General's 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;

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

20. 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;

21. Adopt rules regarding requirements for intern development as a prerequisite for licensure; and

22. Take such other action as may be reasonably necessary or appropriate to effectuate the State Architectural and Interior Designers Act.

SECTION 5. AMENDATORY 59 O.S. 2001, Section 46.10, as amended by Section 9 of Enrolled Senate Bill No. 1991 of the 2nd Session of the 50th Oklahoma Legislature, is amended to read as follows:

Section 46.10 Every licensed architect, landscape architect and registered interior designer shall pay to the Board a fee as prescribed by the rules of the Board. Upon receipt of the fee the Board shall issue a renewal of the license or registration, which shall authorize the person to practice architecture, landscape architecture or use the title of ~~a registered~~ an interior designer, as the case may be, in this state. The license of an architect or landscape architect or the registration of ~~a registered~~ an interior designer which has been canceled by the Board for nonpayment of dues may be renewed at any time within three (3) years from the date of the cancellation, upon payment to the Board of the fees which had accrued at the time of the cancellation and which would have been paid at the time of reinstatement had not the license or registration been suspended, together with payment of the amount of penalties which may have been prescribed by the Board. If a license or registration remains canceled for a period exceeding three (3) consecutive years, it shall not be reinstated unless the licensee or registrant has taken or submitted to a test or a quiz or a Board review or an examination as the circumstances of the individual case may warrant and as may be prescribed by the Board in order to determine continued competency of the licensee or registrant. A partnership, firm, association, corporation, limited liability company or limited liability partnership shall pay to the Board the

fee prescribed and in the manner provided by the rules of the Board for the renewal of the certificate of authority or certificate of title for such partnership, firm, association, corporation, limited liability company or limited liability partnership.

SECTION 6. AMENDATORY Section 17 of Enrolled Senate Bill No. 1991 of the 2nd Session of the 50th Oklahoma Legislature, is amended to read as follows:

Section 17. A. An architect shall be required to plan, design and prepare plans and specifications for the following building types except where specifically exempt from the provisions of the State Architectural and Interior Designers Act. All use groups in this section are defined by the 2003 International Building Code.

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

1. Code Use Group I - Institutional;

2. Code Use Group R-2 - Residential, limited to dormitories, fraternities and sororities, and monasteries and convents;

3. Code Use Group A-1 - Assembly and theaters;

4. Code Use Group A-4 - Assembly, arenas and courts;

5. Code Use Group A-5 - Assembly, bleachers and grandstands;

and

6. Buildings for which the designated Code Use Group changes are not exempt from this act.

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

1. The construction, addition or alteration of a building no more than two stories in height and with a code-defined occupancy of

no more than fifty (50) persons for the Code Use Groups A-2 and A-3 - Assembly and Code Use Group E - Education;

2. The construction, addition or alteration of a building no more than two stories in height and no more than sixty-four transient lodging units per building for the Code Use Group R1 - Residential, including, but not limited to, hotels and motels;

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

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

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

- a. Code Use Group U - Utility,
- b. Code Use Group F - Factory and Industrial,
- c. Code Use Group H - High hazard,
- d. Code Use Group S - Storage,
- e. Code Use Group R2 - Residential, including apartments and dormitories ~~and buildings~~ containing no more than thirty-two dwelling units or thirty-two guest units per building,
- f. Code Use Groups R3 and R4 - Residential,
- g. all buildings used by a municipality, county, state, public trust, public agency or the federal government with a construction value under One Hundred Fifty-eight Thousand Dollars (\$158,000.00),
- h. incidental buildings or appurtenances associated with paragraphs 1 through 5 of this subsection, and

- i. all uninhabitable, privately owned agricultural buildings.

D. The renovation or alteration of a building where the intended use is exempt as new construction shall be exempt from the provisions of this act.

E. Addition, renovation or alteration of buildings where the intended use is not exempt from the provisions of this act, but where the planned addition or alteration, as determined by the applicable building official, does not affect the primary structural, mechanical, or electrical systems, life-safety systems or exit passageways shall be exempt from the provisions of this act.

SECTION 7. AMENDATORY 59 O.S. 2001, Section 46.25, as amended by Section 19 of Enrolled Senate Bill No. 1991 of the 2nd Session of the 50th Oklahoma Legislature, is amended to read as follows:

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

All technical submissions prepared by such architect, or under the responsible control of the architect, shall be sealed, signed and dated, which shall mean that the architect was in responsible control over the content of such technical submissions during their preparation and has applied the required professional standard of care. No licensed architect may sign or seal technical submissions unless they were prepared by or under the responsible control of the architect; 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 licensed under the State Architectural and Interior Designers 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.

SECTION 8. AMENDATORY 59 O.S. 2001, Section 46.31, as amended by Section 23 of Enrolled Senate Bill No. 1991 of the 2nd Session of the 50th Oklahoma Legislature, 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 and Interior Designers Act and the rules of the Board, upon the payment to the Board 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) or its successor. 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 and knowledge of material which is 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, subject to the rules of the Board. 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 Board 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 this act and rules of the Board, the secretary-treasurer, in the exercise of his or her discretion, or upon the order of the Board and upon the receipt of the stated fee by the

Board, shall issue to the person a license to practice landscape architecture in this state.

SECTION 9. AMENDATORY 59 O.S. 2001, Section 46.34, as amended by Section 26 of Enrolled Senate Bill No. 1991 of the 2nd Session of the 50th Oklahoma Legislature, is amended to read as follows:

Section 46.34 A. Each licensed landscape architect shall have a seal, the image of which shall contain the name of the landscape architect, the person's ~~place of business~~ license number and the words, "Licensed Landscape Architect, State of Oklahoma". All technical submissions prepared by such landscape architect, or under the responsible control of the landscape architect, shall be sealed, signed and dated, which shall mean that the landscape architect was in responsible control over the content of such technical submissions during their preparation and has applied the required professional standard of care. No licensed landscape architect may sign or seal technical submissions unless they were prepared by or under the responsible control of the landscape architect, 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 licensed under the State Architectural and Interior Designers Act if the landscape 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 a landscape architect if the landscape 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.

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

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

D. The license of a landscape architect shall not permit the practice of architecture, engineering or land surveying, except that which is incidental to the practice of landscape architecture. No landscape architect shall permit his or her seal to be affixed to any plans, specifications or drawings if such portions thereof as are involved in the practice of his or her particular profession were not prepared by or under the landscape architect's personal and direct supervision by a regularly employed subordinate.

SECTION 10. AMENDATORY Section 27 of Enrolled Senate Bill No. 1991 of the 2nd Session of the 50th Oklahoma Legislature, is amended to read as follows:

Section 27. A. On July 1, 2007, the effective date of registration of interior designers begins.

B. Except as otherwise provided in the State Architectural and Interior Designers Act, no registration shall be issued to any person to represent that the person is a ~~registered~~ an interior designer" nor shall any person be allowed to use the term ~~"registered interior design"~~, unless the person pays to the Board

the required fees and/or penalties if applicable as established by the rules of the Board and:

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

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

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

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

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

E. Nothing in this act shall be construed to authorize the board to regulate persons who are rendering interior design services and are not registered as interior designers under the provisions of this act or to adopt regulations that would exceed the powers and responsibilities expressly authorized under this act.

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

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

- a. one or more of the directors, partners, officers, shareholders, members, managers, or principals is registered with the Board as an interior designer and is in good standing with the Board, and
- b. the partnership, firm, association, corporation, limited liability company or limited liability partnership has been issued a certificate of title by the Board;

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

3. A partnership, firm, association, corporation, limited liability company or limited liability partnership shall file with the Board an application for a certificate of title on a form approved by the Board which shall include the names, addresses, state of registration and registration number of all directors, partners, officers, shareholders, members, managers or principals of the partnership, firm, association, corporation, limited liability company or limited liability partnership. In the event there shall be a change in any of these persons during the term of certification, the change shall be filed with the Board within thirty (30) days after the effective date of the change. If all the requirements of this section and the Board's current rules have been met, the Board shall issue a certificate of title to the partnership, firm, association, corporation, limited liability company or limited liability partnership;

4. The Secretary of State shall not issue a certificate of incorporation or register a foreign corporation or any other entity which includes among the objectives for which it is established the words "Interior Designer" or "Interior Design" or any modification or derivation of these words, unless the Board has issued for the

applicant either a certificate of title for an entity, or a letter indicating the eligibility for an exemption pursuant to the requirements of this act. The firm applying shall supply the certificate of title or letter from the Board with its application for incorporation or registration;

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

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

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

SECTION 11. AMENDATORY Section 30 of Enrolled Senate Bill No. 1991 of the 2nd Session of the 50th Oklahoma Legislature, is amended to read as follows:

Section 30. A. It shall be unlawful for any person or entity to use the title "Interior Designer" or any other derivation of the words to indicate that the person or entity is registered under the

provisions of this act, if the person is not registered under this act and not exempt from the requirement for registration.

B. Any person who, for a fee or other direct compensation, holds himself or herself out as a person registered as an interior designer, advertises, puts out any sign, card or drawings in this state designating himself or herself as an "Interior Designer" or uses some form of the term "Interior ~~Designer~~ Design" in the title of a profession or business without first having complied with the provisions of the State Architectural and Interior Designers Act shall be deemed guilty of a misdemeanor.

SECTION 12. Section 11 of this act shall become effective July 1, 2007.

SECTION 13. Sections 1 through 10 of this act shall become effective July 1, 2006.

SECTION 14. 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.

50-2-10197 MD 05/18/06