

ENGROSSED HOUSE
BILL NO. 1511

By: Wilt of the House

and

Leftwich and Coates of the
Senate

An Act relating to professions and occupations; amending 59 O.S. 2001, Sections 46.3 and 46.28, which relate to The State Architectural Act; modifying certain definition; modifying scope of the act; modifying criteria for certain persons to be exempt from registration under the act; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 46.3, 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~~ 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 ~~such~~ tangible objects and features as are incidental and necessary to the purpose outlined for landscape architecture ~~in The State Architectural Act, but.~~ 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, ~~such as are ordinarily included in~~ that are statutorily defined as the practice of engineering or architecture.

SECTION 2. AMENDATORY 59 O.S. 2001, 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 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 or installing 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~~ nursery operator, gardener, landscape gardener, garden or lawn caretaker and grader or cultivator of land involved in the selection, placement, planting and maintenance of plant material;

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, who evaluate and develop land-use plans to provide for community and municipal projections of growth patterns based on demographic needs;

6. A landscape designer or contractor whose business is ~~limited~~ to ~~consultation~~ consult and ~~preparation of~~ prepare plans and ~~specification~~ specifications with respect to choosing types of plants and planning the location thereof and the design of landscapes for those projects or whose work is limited to projects for a single-family residential home. Landscape design or installation work may also be performed by an owner or occupant on the single-family residence of the owner or occupant;

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

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

9. 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 3. This act shall become effective July 1, 2005.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 28th day of February, 2005.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2005.

Presiding Officer of the Senate