

CS for SB 1991

THE STATE SENATE
Wednesday, March 1, 2006

Committee Substitute for
Senate Bill No. 1991

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1991 - By: MORGAN of the Senate and WILT of the House.

[professions and occupations - The State Architectural Act
- enacting the Oklahoma Interior Designers Act -
codification - effective date -
emergency]

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

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

Section 46.3 As used in the State Architectural Act:

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

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

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

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

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

12 ~~E.~~ 5. A "building" means a structure consisting of a
13 foundation, walls, all floors and roof, with or without other parts;
14 ~~provided, however, nothing in The State Architectural Act shall be~~
15 ~~held or construed to have any application to any building, or to the~~
16 ~~repairing or remodeling of any building, to be used for one-family~~
17 ~~residential purposes, duplexes, or apartment houses not exceeding~~
18 ~~two stories in height, to any warehouse, maintenance building,~~
19 ~~garage or storage building not exceeding two stories in height, or~~
20 ~~to a hotel, lodge or fraternal building not exceeding two stories in~~
21 ~~height, or to any farm improvements, or industrial or commercial~~
22 ~~buildings not exceeding two stories in height, nor to any school~~
23 ~~building where the reasonably estimated total cost for the~~

1 ~~construction, where structural changes are being made in remodeling~~
2 ~~or repairing of such school building does not exceed the sum of~~
3 ~~Forty Thousand Dollars (\$40,000.00). A basement is not to be~~
4 ~~counted as a story for the purpose of counting stories of a building~~
5 ~~for height regulations. Provided, however, it shall be unlawful for~~
6 ~~any person other than an architect duly licensed as provided in The~~
7 ~~State Architectural Act to engage in the planning, designing and~~
8 ~~preparation of drawings and specifications for the alteration or~~
9 ~~construction of any building to be used as an armory, auditorium,~~
10 ~~assembly hall, convention hall, church, educational building,~~
11 ~~convent, dormitory, gymnasium, hospital, library, bonded warehouse,~~
12 ~~passenger station, power house, municipal building, county building,~~
13 ~~state building, federal building, radio or television station,~~
14 ~~stadium or theater where the reasonably estimated total cost for~~
15 ~~construction, remodeling or repairing of such building exceeds the~~
16 ~~sum of Forty Thousand Dollars (\$40,000.00).~~

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

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

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

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

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

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

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

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

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

20 13. "Applicable building official" means the official
21 responsible for the application of the adopted building code as
22 implemented by the local, municipal or county jurisdiction in which
23 a building is located. Where no building code has been adopted by

1 the local, municipal or county jurisdiction, the applicable building
2 official shall be defined as the State Fire Marshal.

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

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

- 9 1. Code Use Group H - High hazard;
- 10 2. Code Use Group I - Institutional; and
- 11 3. Buildings for which the designated Code Use Group changes to
12 categories not otherwise exempt from this act.

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

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

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

5 a. Code Use Group A – Assembly, and

6 b. Code Use Group E – Education;

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

11 a. Code Use Group F – Factory and Industrial,

12 b. Code Use Group M – Mercantile,

13 c. Code Use Group R1 – Residential, including, but not
14 limited to, hotels and motels, and

15 d. Code Use Group S – Storage;

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

20 a. Code Use Group U – Utility,

21 b. Code Use Group R2 – Residential, including, but not
22 limited to, apartments and dormitories and buildings

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

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

20 SECTION 3. AMENDATORY 59 O.S. 2001, Section 46.4, as
21 amended by Section 1, Chapter 30, O.S.L. 2004 (59 O.S. Supp. 2005,
22 Section 46.4), is amended to read as follows:

1 Section 46.4 There is hereby re-created, to continue until July
2 1, 2010, in accordance with the provisions of the Oklahoma Sunset
3 Law, a Board to be known as "The Board of Governors of the Licensed
4 Architects ~~and,~~ Landscape Architects and Interior Designers of
5 Oklahoma", hereinafter referred to as the Board. The Board shall be
6 composed of ~~nine (9)~~ eleven (11) members, including ~~six~~ seven
7 persons who have been duly licensed to practice architecture, and
8 are actively engaged in the practice of architecture in this state
9 or are teaching professors of architecture and duly licensed to
10 practice architecture in this state, two persons who have been duly
11 licensed to practice landscape architecture, and are actively
12 engaged in the practice of landscape architecture in this state or
13 are teaching professors of landscape architecture and duly licensed
14 to practice landscape architecture in this state, one person who
15 shall become duly registered after the initial appointment and any
16 new appointees thereafter who shall have been duly registered as
17 interior designers and are actively engaged as interior designers in
18 this state or are teaching professors of interior design and duly
19 registered interior designers in this state and one lay member.
20 Each member of the Board shall be a qualified elector of this state,
21 and the architect or interior designer members shall have had five
22 (5) years' experience in the application or the study of the
23 principles of architecture or interior design after initial

1 registration. Re-creation of the Board shall not alter existing
2 staggered terms. Board members, other than the lay member, shall be
3 appointed for a period of five (5) years thereafter; provided that
4 nothing herein shall affect the tenure of office of anyone who is a
5 member of the Board on the effective date of this act. A member may
6 be reappointed to succeed such membership. The persons engaged in
7 the practice of architecture ~~and~~, landscape architecture and
8 interior design, or who are teaching professors of architecture ~~or~~,
9 landscape architecture or interior design, may be appointed by the
10 Governor from a list of nominees submitted by respective
11 professional societies of this state. Membership in a professional
12 society shall not be a prerequisite to appointment to the Board.
13 The lay member of the Board shall be appointed by the Governor to a
14 term coterminous with that of the Governor. The lay member shall
15 serve at the pleasure of the Governor. Provided, the lay member may
16 continue to serve after the expiration of the ~~member's~~ term of the
17 member until such time as a successor is appointed. Vacancies which
18 may occur in the membership of the Board shall be filled by
19 appointment by the Governor. Each person who has been appointed to
20 fill a vacancy shall serve for the remainder of the term for which
21 the member the person shall succeed was appointed and until a
22 successor, in turn, has been appointed and shall have qualified.
23 Each member of the Board, before entering upon the discharge of the

1 duties of the member, shall make and file with the Secretary of
2 State a written oath or affirmation for the faithful discharge of
3 official duties. Each member of the Board shall be reimbursed for
4 travel expenses pursuant to the State Travel Reimbursement Act.

5 SECTION 4. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 47.1 of Title 59, unless there
7 is created a duplication in numbering, reads as follows:

8 Sections 4 through 9 of this act shall be known and may be cited
9 as the "Oklahoma Interior Designers Act".

10 SECTION 5. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 47.2 of Title 59, unless there
12 is created a duplication in numbering, reads as follows:

13 As used in the Oklahoma Interior Designers Act:

14 1. "Interior designer" means a person registered under this act
15 who is a registered design professional qualified by education,
16 experience and examination to affect the function, safety and
17 quality of interior spaces by means of design, consultations,
18 studies, drawings, specifications, and the administration of design
19 construction contracts relating to nonstructural interior elements
20 of a building or structure. Interior designers perform services
21 such as programming, space planning, specifications of finishes and
22 furnishings, the preparation of construction documents for

1 fabrication of nonstructural elements within and surrounding
2 interior spaces of a building and administration of contracts; and
3 2. "Contract administration" means the set of services which
4 may include developing and monitoring schedules and construction
5 costs, ensuring construction is completed in conformance with
6 contracts and design intent, liaison with contractors and
7 consultants throughout the course of construction, reviewing shop
8 drawings and submissions from the contractor, reviewing and
9 commenting on construction progress, monitoring move-in and
10 furniture installation and conducting required post-occupancy
11 evaluations.

12 SECTION 6. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 47.3 of Title 59, unless there
14 is created a duplication in numbering, reads as follows:

15 The Board of Governors of the Licensed Architects, Landscape
16 Architects and Interior Designers of Oklahoma shall be a joint board
17 as prescribed by Section 46.4 of Title 59 of the Oklahoma Statutes
18 and shall abide by the powers and duties pursuant to Sections 46.6
19 and 46.7 of Title 59 of the Oklahoma Statutes.

20 SECTION 7. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 47.4 of Title 49, unless there
22 is created a duplication in numbering, reads as follows:

1 The Board shall waive the requirements of the Oklahoma Interior
2 Designers Act for an individual who holds a current valid
3 registration from another state, jurisdiction or foreign country
4 where the requirements for registration are substantially equivalent
5 to those required for registration in this state, and who holds a
6 current certificate number issued by the National Council for
7 Interior Design Qualification.

8 SECTION 8. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 47.5 of Title 59, unless there
10 is created a duplication in numbering, reads as follows:

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

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

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

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

4 SECTION 9. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 47.6 of Title 59, unless there
6 is created a duplication in numbering, reads as follows:

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

11 1. In lieu of the requirement of an accredited professional
12 degree, the Board may register an applicant who demonstrates, in
13 accordance with such standards and requirements as the Board adopts
14 by rule, that the applicant has the interior design education that
15 the Board deems equivalent to an accredited professional degree in
16 interior design;

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

21 3. The applicant has previously passed the examination of the
22 National Council for Interior Design Qualification or met the

1 qualifications set forth by the National Council Architectural
2 Registration Board.

3 SECTION 10. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 47.7 of Title 59, unless there
5 is created a duplication in numbering, reads as follows:

6 A. The Board of Governors of the Licensed Architects, Landscape
7 Architects and Interior Designers of Oklahoma shall waive the
8 requirements of the Oklahoma Interior Designers Act for persons with
9 diversified and appropriate experience in the practice of interior
10 design for a period of fifteen (15) years prior to the date of this
11 act.

12 B. The Oklahoma Interior Designers Act shall not be construed
13 to prohibit or interfere with the ability of a licensed architect to
14 perform those activities that are associated with their practice as
15 provided under any provisions of the Oklahoma statutes.

16 SECTION 11. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 47.8 of Title 59, unless there
18 is created a duplication in numbering, reads as follows:

19 A. The practice of interior design or offering to practice
20 interior design for others by persons registered under this act
21 through a partnership, firm, association, corporation, limited
22 liability company or limited liability partnership as directors,
23 partners, officers, shareholders, employees, managers, members or

1 principals is permitted, subject to the provisions of the Oklahoma
2 Interior Designers Act, provided:

3 1. One or more of the directors, partners, officers,
4 shareholders, managers, members or principals of such partnership,
5 firm, association, corporation, limited liability company or limited
6 liability partnership is designated as being responsible for the
7 interior design activities and decisions of such partnership, firm,
8 association, corporation, limited liability company or limited
9 liability partnership;

10 2. Such director, partner, officer, shareholder, manager,
11 member or principal is duly registered under the Oklahoma Interior
12 Designers Act;

13 3. All personnel of such partnership, firm, association,
14 corporation, limited liability company or limited liability
15 partnership who act in its behalf as interior designers practicing
16 interior design in the state are registered under the Oklahoma
17 Interior Designers Act; and

18 4. Such partnership, firm, association, corporation, limited
19 liability company or limited liability partnership has been issued a
20 certificate of authority by The Board of Governors of the Licensed
21 Architects, Landscape Architects and Interior Designers of Oklahoma.

22 B. The Board shall have the power to issue, revoke, deny, or
23 refuse to renew a certificate of authority for a partnership, firm,

1 association, corporation, limited liability company or limited
2 liability partnership as provided for in the Oklahoma Interior
3 Designers Act.

4 C. A partnership, firm, association, corporation, limited
5 liability company or limited liability partnership desiring to
6 practice interior design shall file with the Board an application
7 for a certificate of authority on a form approved by the Board which
8 shall include the names, addresses, state of registration and
9 registration number of all partners, directors, officers, members,
10 managers or principals of the partnership, firm, association,
11 corporation, limited liability company or limited liability
12 partnership. The form shall name an individual having the practice
13 of interior design in such person's charge who is a director,
14 partner, officer, member, manager or principal duly registered as an
15 interior designer to practice interior design in this state through
16 such partnership, firm, association, corporation, limited liability
17 company or limited liability partnership and other information
18 required by the Board. In the event there shall be a change in any
19 of these persons during the term of the certification, such change
20 shall be filed with the Board within thirty (30) days after the
21 effective date of such change. If all of the requirements of this
22 section and the Board's current rules have been met, the Board shall
23 issue a certificate of authority to such partnership, firm,

1 association, corporation, limited liability company or limited
2 liability partnership.

3 D. Any other person registered pursuant to the Oklahoma
4 Interior Designers Act, not practicing interior design as a
5 partnership, firm, association, corporation, limited liability
6 company or limited liability partnership, shall practice as an
7 individual.

8 E. No such partnership, firm, association, corporation, limited
9 liability company or limited liability partnership shall be relieved
10 of responsibility for the conduct or acts of its agents, employees,
11 partners, directors, officers, managers, members or principals by
12 reason of its compliance with the provisions of this section; nor
13 shall any individual practicing interior design be relieved of
14 responsibility for professional services performed as an individual
15 by reason of such person's employment or relationship with such
16 partnership, firm, association, corporation, limited liability
17 company or limited liability partnership.

18 F. The Secretary of State shall not issue a certificate of
19 incorporation to an applicant or a registration as a foreign firm to
20 a firm which includes among the objectives for which it is
21 established any of the words "Interior Design", "Interior Designer"
22 or any modification or derivation of the word "Interior Design",
23 unless the Board has issued for such applicant either a certificate

1 of authority for a firm, or a letter indicating the eligibility of
2 such applicant who is registered as an individual to practice
3 pursuant to the Oklahoma Interior Designers Act. The firm applying
4 shall supply such certificate or letter from the Board with its
5 application for incorporation or registration.

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

12 H. Upon application for renewal and upon compliance with the
13 provisions of the Oklahoma Interior Designers Act and the rules of
14 the Board, a certificate of authority shall be renewed as provided
15 in this act.

16 SECTION 12. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 47.9 of Title 59, unless there
18 is created a duplication in numbering, reads as follows:

19 A. A person may not knowingly:

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

23 2. Present the registration of another as their own;

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

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

7 B. Any person who, for a fee or other direct compensation,
8 holds himself or herself out as an interior designer, advertises,
9 puts out any sign, card, or drawings in this state designating
10 himself or herself as an interior designer or uses some form of the
11 term "interior design" in the title of a profession or business
12 without first having complied with the provisions of the Oklahoma
13 Interior Designers Act shall be deemed guilty of a misdemeanor. The
14 continued violation of any provision of the Oklahoma Interior
15 Designers Act shall be deemed to be a separate offense. Upon
16 conviction, the person or entity shall be punished by a fine to be
17 determined by the Board. The Board may request the appropriate
18 district attorney to prosecute the violation and seek an injunction
19 against the activity.

20 SECTION 13. This act shall become effective July 1, 2006.

21 SECTION 14. It being immediately necessary for the preservation
22 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
3 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND LABOR, dated 2-27-06
4 - DO PASS, As Amended and Coauthored.