ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 592 By: Ford of the Senate

and

Sears of the House

(professions and occupations - State Architectural and Interior Designers Act - effective date - emergency)

AMENDMENT NO. 1. Strike the stricken title, enacting clause and entire bill and insert

"An act relating to professions and occupations; amending 59 O.S. 2001, Sections 46.1, as amended by Section 1, Chapter 163, O.S.L. 2006, 46.2, 46.3, 46.4 and 46.7, as last amended by Sections 1, 2, 3 and 4, Chapter 193, O.S.L. 2006, 46.8a and 46.9, as amended by Sections 7 and 8, Chapter 163, O.S.L. 2006, 46.10, as last amended by Section 5, Chapter 193, O.S.L. 2006, 46.12, 46.14, 46.17, 46.18, 46.19 and 46.21, as amended by Sections 11, 12, 13, 14, 15 and 16, Chapter 163, O.S.L. 2006, 46.21b, as last amended by Section 1, Chapter 50, O.S.L. 2007, 46.24, as amended by Section 18, Chapter 163, O.S.L. 2006, 46.25, as last amended by Section 7, Chapter 193, O.S.L. 2006, 46.28, as last amended by Section 20, Chapter 163, O.S.L. 2006, 46.31 and 46.34, as last amended by Sections 8 and 9, Chapter 193, O.S.L. 2006, and Sections 27, Chapter 163, O.S.L. 2006, as amended by Section 10, Chapter 193, O.S.L. 2006, 28, Chapter 163, O.S.L. 2006, 29, Chapter 163, O.S.L. 2006, as amended by Section 2, Chapter 50, O.S.L. 2007 and 30, Chapter 163, O.S.L. 2006, as

amended by Section 11, Chapter 193, O.S.L. 2006 (59 O.S. Supp. 2008, Sections 46.1, 46.2, 46.3, 46.4, 46.7, 46.8a, 46.9, 46.10, 46.12, 46.14, 46.17, 46.18, 46.19, 46.21, 46.21b, 46.24, 46.25, 46.28, 46.31, 46.34, 46.38, 46.39, 46.40 and 46.41), which relate to the State Architectural and Interior Designers Act; changing name of act to the State Architectural and Registered Interior Designers Act; changing name of governing board to the Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers of Oklahoma; providing for registered interior designers; requiring compliance with certain rules; modifying powers of the Board of Governors of the Licensed Architects, Landscape Architects, and Registered Interior Designers; modifying title authorized by licensure; authorizing certain acts by licensed architects; 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 46.1, as amended by Section 1, Chapter 163, O.S.L. 2006 (59 O.S. Supp. 2008, Section 46.1), is amended to read as follows:

Section 46.1 This act shall be known and may be cited as the "State Architectural and <u>Registered</u> Interior Designers Act".

SECTION 2. AMENDATORY 59 O.S. 2001, Section 46.2, as last amended by Section 1, Chapter 193, O.S.L. 2006 (59 O.S. Supp. 2008, Section 46.2), 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 registered interior designer, or advertise any title or description tending to convey the impression that the person is a licensed architect or landscape architect or ~~is~~ a 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 registered interior designer, are privileges granted by the state through the Board of Governors of the Licensed Architects, Landscape Architects and Registered 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 3. AMENDATORY 59 O.S. 2001, Section 46.3, as last amended by Section 2, Chapter 193, O.S.L. 2006 (59 O.S. Supp. 2008, Section 46.3), is amended to read as follows:

Section 46.3 As used in the State Architectural and Registered 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 <u>Registered</u> 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 ~~“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 Registered 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. "Registered 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 Registered Interior Designers Act ~~for interior designers~~ and the Board's rules.

SECTION 4. AMENDATORY 59 O.S. 2001, Section 46.4, as last amended by Section 3, Chapter 193, O.S.L. 2006 (59 O.S. Supp. 2008, Section 46.4), 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 Registered 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~~ as a registered ~~as an~~ interior designer after the initial appointment and any new appointees thereafter ~~who~~ shall ~~have been~~ be a registered ~~as~~ interior ~~designers~~ designer and ~~are~~ either actively engaged as a registered interior ~~designers~~ designer in this state or ~~are~~ is a registered teaching ~~professors~~ professor 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~~ their respective profession after initial ~~registration~~ licensure. The registered 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 46.38 of this title and become registered. After July 1,

2012, the registered 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 46.38 of this 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 registered interior designer, or the persons who are licensed teaching professors of architecture, landscape architecture or registered and teaching 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 5. AMENDATORY 59 O.S. 2001, Section 46.7, as last amended by Section 4, Chapter 193, O.S.L. 2006 (59 O.S. Supp. 2008, 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 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~~ a registered 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, registrations, certificates of title 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 Registered 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 Registered 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 Registered 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 Registered Interior Designers Act.

SECTION 6. AMENDATORY 59 O.S. 2001, Section 46.8a, as amended by Section 7, Chapter 163, O.S.L. 2006 (59 O.S. Supp. 2008, 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 <u>or Licensed</u> 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 licensed under the provisions of this act. No person shall aid or abet any person, not licensed under the provisions of this act, in the practice of architecture.

B. Every person applying to the Board for an initial license 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. 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 license to each applicant who is found to be of good moral character and who satisfies the requirements set forth in this section <u>and the Board's rules</u>. Such license shall be effective upon issuance.

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 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, acting in the exercise of his or her discretion or upon the order of the Board in the exercise of its discretion and upon the receipt of the stated payment to the Board pursuant to the rules of the Board, shall issue to the person a license to practice architecture in this state.

SECTION 7. AMENDATORY 59 O.S. 2001, Section 46.9, as amended by Section 8, Chapter 163, O.S.L. 2006 (59 O.S. Supp. 2008, Section 46.9), is amended to read as follows:

Section 46.9 A. The practice of architecture or landscape architecture or offering to practice these professions for others by persons licensed 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 and <u>Registered</u> Interior Designers 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 entity's 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 under the State Architectural and Registered Interior Designers Act;

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

C. A partnership, firm, association, corporation, limited liability company or limited liability partnership desiring to practice architecture or landscape 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 licensure and license number of all partners, directors, officers, members, managers or principals of the partnership, firm, association, corporation, limited liability company or limited

liability partnership legally responsible for the entity’s practice. 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. The person shall be duly licensed as an architect to practice architecture or licensed as a landscape architect to practice landscape architecture in this state through said partnership, firm, association, corporation, limited liability company or limited liability partnership legally responsible for the entity’s practice or services offered 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 and Registered Interior Designers Act, not practicing these professions 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 these professions 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 or register a foreign corporation or any other entity which includes among the objectives for which it is established any of the words "Architect", "Architectural", "Architecture", "Landscape Architect", "Landscape Architecture" or any modification or derivation of these words, unless the Board has issued for said applicant either a certificate of authority for an entity, or a letter indicating the eligibility for an exemption pursuant to the State Architectural and Registered Interior Designers Act. The entity applying shall supply such certificate or letter from the Board with its application for incorporation or registration.

G. The Secretary of State shall not register any trade name or service mark which includes such words, as set forth in subsection F of this section, or modifications or derivatives thereof in its firm name or logotype except those entities or individuals holding

certificates of authority issued under the provisions of this section or letters of eligibility issued by the Board.

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

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

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

I. 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 the State Architectural and Registered Interior Designers Act.

J. 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 replacement of 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 current rules of the Board have been met, the Board shall issue a certificate of title to such partnership, firm, association, corporation, limited liability company or limited liability partnership.

K. 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 any of the words "Registered Interior Designer"~~, "Interior Design", "Interior Designing"~~ 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 State Architectural and Registered Interior Designers Act. The firm applying shall supply such certificate of title or letter from the Board with its application for incorporation or registration.

L. The Secretary of State shall not register any trade name or service mark which includes such words as set forth in subsection K of this section, 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.

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

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

SECTION 8. AMENDATORY 59 O.S. 2001, Section 46.10, as last amended by Section 5, Chapter 193, O.S.L. 2006 (59 O.S. Supp. 2008, Section 46.10), 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 an~~ registered interior designer, as the case may be, in this state. The license of an architect or landscape architect or the registration of ~~an~~ a registered 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 9. AMENDATORY 59 O.S. 2001, Section 46.12, as amended by Section 11, Chapter 163, O.S.L. 2006 (59 O.S. Supp. 2008, Section 46.12), is amended to read as follows:

Section 46.12 After the expiration of a period of six (6) months and upon payment to the Board of a fee as prescribed by the rules of the Board, a person or entity whose license, registration or certificate of authority has been suspended or revoked for cause, pursuant to the provisions of the State Architectural and Registered

Interior Designers Act, may file an application with the Board for the reinstatement of said license, registration, certificate of authority or certificate of title. 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, registration, certificate of authority or certificate of title upon the payment of a sum equal to the fees which would have accrued had not the license, registration, certificate of authority or certificate of title of the applicant been suspended or revoked.

SECTION 10. AMENDATORY 59 O.S. 2001, Section 46.14, as amended by Section 12, Chapter 163, O.S.L. 2006 (59 O.S. Supp. 2008, 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, registration, certificate of authority or certificate of title issued by it, pursuant to the provisions of the State Architectural and <u>Registered</u> Interior Designers 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 or registration without examination, or of fraud in the examination;

3. Shall have been guilty of gross incompetence 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 gross incompetence or recklessness in the practice of landscape architecture, or of dishonest practices;

5. Presents the registration of another as his or her own;

6. Gives false or forged evidence to the Board;

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

8. Shall have been found to be guilty of a violation of a provision of the State Architectural and Registered Interior Designers 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 11. AMENDATORY 59 O.S. 2001, Section 46.17, as amended by Section 13, Chapter 163, O.S.L. 2006 (59 O.S. Supp. 2008, Section 46.17), is amended to read as follows:

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

SECTION 12. AMENDATORY 59 O.S. 2001, Section 46.18, as amended by Section 14, Chapter 163, O.S.L. 2006 (59 O.S. Supp. 2008, Section 46.18), is amended to read as follows:

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

violations plus the legal costs incurred by the Board to prosecute the case.

B. The amount of the penalty shall be assessed by the Board pursuant to the provisions of subsection A of this section, after notice and hearing. In determining the amount of the penalty, the Board shall include but not be limited to consideration of the nature, circumstances, and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business, and any show of good faith in attempting to achieve compliance with the provisions of the State Architectural and Registered Interior Designers Act. All monies collected from such civil penalties shall be deposited with the State Treasurer of Oklahoma and placed in the Board of Architects' Fund.

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

SECTION 13. AMENDATORY 59 O.S. 2001, Section 46.19, as amended by Section 15, Chapter 163, O.S.L. 2006 (59 O.S. Supp. 2008, Section 46.19), is amended to read as follows:

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

SECTION 14. AMENDATORY 59 O.S. 2001, Section 46.21, as amended by Section 16, Chapter 163, O.S.L. 2006 (59 O.S. Supp. 2008, Section 46.21), is amended to read as follows:

Section 46.21 A. The State Architectural and Registered Interior Designers Act shall not apply to any persons, firms, corporations, limited liability companies or limited liability partnerships who prepare plans and specifications for persons, firms, corporations, limited liability companies or limited liability partnerships other than such person or entity, for buildings exempted by the State Architectural and Registered Interior Designers Act from requiring an architect licensed under the laws of the State of Oklahoma, providing such persons, firms,

corporations, limited liability companies or limited liability partnerships shall not, in any manner, represent such person or entity to be an architect or other title of profession or business using a form of the word, "Architect", and providing further that nothing in the State Architectural and Registered Interior Designers Act shall prevent such persons, firms, corporations, limited liability companies or limited liability partnerships advertising or selling such service.

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~~ licensed 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~~ licensed 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~~ licensed 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 to the Board for registration if selected as the architect for the project; or

3. A person, who holds the certification issued by the National Council of Architectural Registration Boards but who is not currently ~~registered~~ licensed 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~~ licensed 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

c. the person promises to apply immediately to the Board for registration if selected as the architect for the project.

SECTION 15. AMENDATORY 59 O.S. 2001, Section 46.21b, as last amended by Section 1, Chapter 50, O.S.L. 2007 (59 O.S. Supp. 2008, Section 46.21b), is amended to read as follows:

Section 46.21b 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 Registered 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 Registered 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 the State Architectural and Registered Interior Designers Act.

C. The following shall be exempt from the provisions of the State Architectural and Registered 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 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 the State Architectural and Registered Interior Designers 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 the State Architectural and Registered Interior Designers Act.

SECTION 16. AMENDATORY 59 O.S. 2001, Section 46.24, as amended by Section 18, Chapter 163, O.S.L. 2006 (59 O.S. Supp. 2008, Section 46.24), is amended to read as follows:

Section 46.24 A. Except as otherwise provided in the State Architectural and Registered Interior Designers 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 Board 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 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 chair 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.

SECTION 17. AMENDATORY 59 O.S. 2001, Section 46.25, as last amended by Section 7, Chapter 193, O.S.L. 2006 (59 O.S. Supp. 2008, Section 46.25), 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 Registered 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 18. AMENDATORY 59 O.S. 2001, Section 46.28, as last amended by Section 20, Chapter 163, O.S.L. 2006 (59 O.S. Supp. 2008, Section 46.28), is amended to read as follows:

Section 46.28 The State Architectural and Registered Interior Designers Act shall not require the registration of practitioners of the following professions and occupations to practice landscape architecture:

1. A professional civil engineer, as defined in Section 475.2 of this title, certified to practice the profession in this state

under any act to regulate the practice of that profession. Nothing contained in the State Architectural and Registered Interior Designers 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, 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 licensed 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 to consult and prepare plans and 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 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 and Registered Interior Designers Act and the rules ~~and regulations~~ of the Board.

SECTION 19. AMENDATORY 59 O.S. 2001, Section 46.31, as last amended by Section 8, Chapter 193, O.S.L. 2006 (59 O.S. Supp. 2008, 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 and Registered 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 20. AMENDATORY 59 O.S. 2001, Section 46.34, as last amended by Section 9, Chapter 193, O.S.L. 2006 (59 O.S. Supp. 2008, Section 46.34), 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 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 Registered 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 21. AMENDATORY Section 27, Chapter 163, O.S.L. 2006, as amended by Section 10, Chapter 193, O.S.L. 2006 (59 O.S. Supp. 2008, Section 46.38), is amended to read as follows:

Section 46.38 A. On July 1, 2007, the effective date of registration of interior designers begins.

B. Except as otherwise provided in the State Architectural and Registered Interior Designers Act, no registration shall be issued to any person to represent that the person is ~~"an~~ a "registered interior designer" nor shall any person be allowed to use the term ~~"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 Registered 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 a registered ~~as~~ interior ~~designers~~ designer 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 "Registered 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 a 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 "Registered 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 registered 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 22. AMENDATORY Section 28, Chapter 163, O.S.L. 2006 (59 O.S. Supp. 2008, Section 46.39), is amended to read as follows:

Section 46.39 Any person who applies ~~for registration as an~~ to become a registered interior designer and remits the application and initial fees within two (2) years after July 1, 2007, shall be registered by the Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers if:

1. In lieu of the requirement of an accredited professional degree, an applicant demonstrates, in accordance with such standards and requirements as the Board adopts by rule, that the applicant has the interior design education that the Board deems equivalent to an accredited professional degree in interior design and the applicant has passed the examination of the National Council for Interior Design Qualification, or its successor;

2. In lieu of the requirement of any professional degree, an applicant ~~provides~~ may provide documented proof of diversified and

appropriate experience in the practice of interior design for a period of six (6) years and the applicant has passed the examination of the National Council for Interior Design Qualification, or its successor; or

3. The applicant is a licensed architect.

SECTION 23. AMENDATORY Section 29, Chapter 163, O.S.L. 2006, as amended by Section 2, Chapter 50, O.S.L. 2007 (59 O.S. Supp. 2008, Section 46.40), is amended to read as follows:

Section 46.40 A. The Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers of Oklahoma may waive the educational and examination requirements of the State Architectural and Registered Interior Designers Act ~~for registration as an interior designer~~ for persons with diversified and appropriate experience in the practice of interior design for a period of fifteen (15) years prior to July 1, 2007, if the person is not registered under the State Architectural and Registered Interior Designers Act and not exempt from the requirement for registration in order to use the title "Registered Interior Designer".

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

~~and therefore, a licensed architect is granted the use of the term interior design~~.

SECTION 24. AMENDATORY Section 30, Chapter 163, O.S.L. 2006, as amended by Section 11, Chapter 193, O.S.L. 2006 (59 O.S. Supp. 2008, Section 46.41), is amended to read as follows:

Section 46.41 A. It shall be unlawful for any person or entity to use the title "Registered Interior Designer" or any other derivation of ~~the~~ these 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~~ a "Registered Interior Designer" or uses some form of the term ~~"Interior Design"~~ in the title of a profession or business without first having complied with the provisions of the State Architectural and Registered Interior Designers Act shall be deemed guilty of a misdemeanor.

SECTION 25. This act shall become effective July 1, 2009.

SECTION 26. 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 31st day of March, 2009.

_____
Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2009.

_____
Presiding Officer of the Senate