

1 ENGROSSED SENATE  
2 BILL NO. 592

By: Ford of the Senate  
and  
Sears of the House

3  
4  
5  
6  
7 [ professions and occupations - State Architectural  
8 and Interior Designers Act - effective date -  
9 emergency ]

10  
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 59 O.S. 2001, Section 46.1, as  
13 amended by Section 1, Chapter 163, O.S.L. 2006 (59 O.S. Supp. 2008,  
14 Section 46.1), is amended to read as follows:

15 Section 46.1 This act shall be known and may be cited as the  
16 "State Architectural and Registered Interior Designers Act".

17 SECTION 2. AMENDATORY 59 O.S. 2001, Section 46.2, as  
18 last amended by Section 1, Chapter 193, O.S.L. 2006 (59 O.S. Supp.  
19 2008, Section 46.2), is amended to read as follows:

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

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

16 SECTION 3. AMENDATORY 59 O.S. 2001, Section 46.3, as  
17 last amended by Section 2, Chapter 193, O.S.L. 2006 (59 O.S. Supp.  
18 2008, Section 46.3), is amended to read as follows:

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

- 21 1. "Architect" means any person who is licensed and engages in  
22 the practice of architecture as hereinafter defined;
- 23 2. "Practice of architecture" means rendering or offering to  
24 render certain services, in connection with the design and

1 construction, enlargement or alteration of a building or a group of  
2 buildings and the space surrounding such buildings, including  
3 buildings which have as their principal purpose human occupancy or  
4 habitation; the services referred to include planning, providing  
5 preliminary studies, designs, drawings, specifications and other  
6 technical submissions, the administration of construction contracts,  
7 and the coordination of any elements of technical submissions  
8 prepared by others including, as appropriate and without limitation,  
9 consulting engineers and landscape architects; provided, that the  
10 practice of architecture shall include such other professional  
11 services as may be necessary for the rendering of or offering to  
12 render architectural services;

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

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

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

23 6. "Certificate of authority" means the authorization granted  
24 by the Board for persons to practice or offer to practice

1 architecture or landscape architecture through a partnership, firm,  
2 association, corporation, limited liability company or limited  
3 liability partnership;

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

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

12 9. "Responsible control" means the amount of control and  
13 detailed knowledge of the content of technical submissions during  
14 their preparation as is ordinarily exercised by licensed architects  
15 or landscape architects applying the required professional standard  
16 of care;

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

20 11. "Landscape architecture" means the performance of  
21 professional services defined as teaching, consultations,  
22 investigations, reconnaissance, research, planning, design,  
23 preparation of construction drawings and specifications, and  
24 construction observation in connection with the planning and

1 arranging of land and the elements thereon for public and private  
2 use and enjoyment, including the design and layout of roadways,  
3 service areas, parking areas, walkways, steps, ramps, pools, the  
4 location and siting of improvements including buildings and other  
5 structures, and the grading of the land, surface and subsoil  
6 drainage, erosion control, planting, reforestation, and the  
7 preservation of the natural landscape, in accordance with accepted  
8 professional standards, and to the extent that the dominant purpose  
9 of such services or creative works is the preservation,  
10 conservation, enhancement, or determination of proper land uses,  
11 natural land features, ground cover and plantings, or naturalistic  
12 and aesthetic values.

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

22 12. "Code" means the nationally recognized building code  
23 adopted by the local, municipal, or county jurisdiction in which a  
24 building is located. Where no building code has been adopted by the

1 local, municipal or county jurisdiction, all buildings shall meet  
2 the requirements of the state building code as adopted by the Office  
3 of the State Fire Marshal;

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

10 14. "Registered interior designer" means a person recognized by  
11 this state who is registered, qualified by education, experience and  
12 examination and meeting all the requirements set forth in the State  
13 Architectural and Registered Interior Designers Act ~~for interior~~  
14 ~~designers~~ and the Board's rules.

15 SECTION 4. AMENDATORY 59 O.S. 2001, Section 46.4, as  
16 last amended by Section 3, Chapter 193, O.S.L. 2006 (59 O.S. Supp.  
17 2008, Section 46.4), is amended to read as follows:

18 Section 46.4 There is hereby re-created, to continue until July  
19 1, 2010, in accordance with the provisions of the Oklahoma Sunset  
20 Law, a board to be known as the "Board of Governors of the Licensed  
21 Architects, Landscape Architects and Registered Interior Designers  
22 of Oklahoma", hereinafter referred to as the Board. The Board shall  
23 be composed of eleven (11) members, including seven persons who have  
24 been duly licensed to practice architecture, and are actively

1 engaged in the practice of architecture in this state or are  
2 teaching professors of architecture and duly licensed to practice  
3 architecture in this state, two persons who have been duly licensed  
4 to practice landscape architecture, and are actively engaged in the  
5 practice of landscape architecture in this state or are teaching  
6 professors of landscape architecture and duly licensed to practice  
7 landscape architecture in this state, one person ~~qualified to become~~  
8 as a registered as an interior designer after the initial  
9 appointment and any new appointees thereafter ~~who shall have been be~~  
10 a registered as interior designers designer and are either actively  
11 engaged as a registered interior designers designer in this state or  
12 ~~are is a registered~~ teaching ~~professors professor~~ of interior design  
13 ~~and are registered as interior designers in this state~~, and one lay  
14 member. Each member of the Board shall be a qualified elector of  
15 this state, and the architect and landscape architect members shall  
16 have had five (5) years' experience in the application or the study  
17 of the principles of ~~architecture~~ their respective profession after  
18 initial ~~registration~~ licensure. The registered interior designer  
19 shall have five (5) years' experience in the application or the  
20 study of the principles of interior design, met the requirements of  
21 Section 46.38 of this title and become registered. After July 1,  
22 2012, the registered interior designer member of the Board shall  
23 have five (5) years of being registered by the Board and shall have  
24 met the requirements of Section 46.38 of this title. Re-creation of

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

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

5 SECTION 5. AMENDATORY 59 O.S. 2001, Section 46.7, as  
6 last amended by Section 4, Chapter 193, O.S.L. 2006 (59 O.S. Supp.  
7 2008, Section 46.7), is amended to read as follows:

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

10 1. Prescribe such rules and to make such orders, as it may deem  
11 necessary or expedient in the performance of its duties;

12 2. Prepare, conduct, and grade examinations of persons who  
13 shall apply for the issuance of licenses to them, and to promulgate  
14 such rules with reference thereto as it may deem proper;

15 3. Contract with nationally recognized registration  
16 organizations to prepare, conduct, and grade examinations, written  
17 or oral, of persons who shall apply for the issuance of licenses;

18 4. Determine the satisfactory passing score on such  
19 examinations and issue licenses to persons who shall have passed  
20 examinations, or who shall otherwise be entitled thereto;

21 5. Determine eligibility for licenses and certificates of  
22 authority;

23 6. Determine eligibility for registration as ~~an~~ a registered  
24 interior designer and for certificate of title;

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

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

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

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

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

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

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

5 14. Initiate disciplinary action, prosecute and seek  
6 injunctions against any person or entity who has violated any of the  
7 provisions of the State Architectural and Registered Interior  
8 Designers Act or any rule of the Board promulgated pursuant to said  
9 act and against the owner/developer of the building type not exempt;

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

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

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

17 18. Whenever it deems it appropriate, confer with the Attorney  
18 General or the Attorney General's assistants in connection with all  
19 legal matters and questions. The Board may also retain an attorney  
20 who is licensed to practice law in this state. The attorney shall  
21 serve at the pleasure of the Board for such compensation as may be  
22 provided by the Board. The attorney shall advise the Board and  
23 perform legal services for the Board with respect to any matters  
24 properly before the Board. In addition to the above, the Board may

1 employ hearing examiners to conduct administrative hearings under  
2 the provisions of the Administrative Procedures Act;

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

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

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

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

19 SECTION 6. AMENDATORY 59 O.S. 2001, Section 46.8a, as  
20 amended by Section 7, Chapter 163, O.S.L. 2006 (59 O.S. Supp. 2008,  
21 Section 46.8a), is amended to read as follows:

22 Section 46.8a A. It shall be unlawful for any person to  
23 directly or indirectly engage in the practice of architecture in  
24 this state or use the title "Architect", "Registered or Licensed

1 Architect", "Architectural Designer", or display or use any words,  
2 letters, figures, titles, signs, cards, advertisements, or other  
3 symbols or devices indicating or tending to indicate that such  
4 person is an architect or is practicing architecture, unless the  
5 person is licensed under the provisions of this act. No person  
6 shall aid or abet any person, not licensed under the provisions of  
7 this act, in the practice of architecture.

8 B. Every person applying to the Board for an initial license  
9 shall submit an application accompanied by the fee established in  
10 accordance with the rules of the Board, with satisfactory evidence  
11 that such person holds an accredited professional degree in  
12 architecture or has completed such other education as the Board  
13 deems equivalent to an accredited professional degree and with  
14 satisfactory evidence that such person has completed such practical  
15 training in architectural work as the Board requires. If an  
16 applicant is qualified in accordance with this subsection, the Board  
17 shall, by means of a written examination, examine the applicant on  
18 such technical and professional subjects as are prescribed by the  
19 Board. None of the examination materials shall be considered public  
20 records. The Board may exempt from such written examination an  
21 applicant who holds a certification issued by the National Council  
22 of Architectural Registration Boards. The Board may adopt as its  
23 own rules governing practical training and education those  
24 guidelines published from time to time by the National Council of

1 Architectural Registration Boards. The Board may also adopt the  
2 examinations and grading procedures of the National Council of  
3 Architectural Registration Boards and the accreditation decisions of  
4 the National Architectural Accrediting Board. The Board shall issue  
5 its license to each applicant who is found to be of good moral  
6 character and who satisfies the requirements set forth in this  
7 section and the Board's rules. Such license shall be effective upon  
8 issuance.

9 C. Pursuant to such rules as it may have adopted, the Board  
10 shall have the power to issue licenses without requiring an  
11 examination to persons who have been licensed to practice  
12 architecture in states other than the State of Oklahoma, in a  
13 territory of the United States, in the District of Columbia, or in a  
14 country other than the United States; provided that the state or  
15 country has a similar reciprocal provision to authorize the issuance  
16 of licenses to persons who have been licensed in this state. If a  
17 person who has been licensed in a state other than the State of  
18 Oklahoma, or in a territory of the United States, in the District of  
19 Columbia, or in a country other than the United States complies with  
20 the rules of the Board, the secretary-treasurer, acting in the  
21 exercise of his or her discretion or upon the order of the Board in  
22 the exercise of its discretion and upon the receipt of the stated  
23 payment to the Board pursuant to the rules of the Board, shall issue  
24 to the person a license to practice architecture in this state.

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

4 Section 46.9 A. The practice of architecture or landscape  
5 architecture or offering to practice these professions for others by  
6 persons licensed under this act through a partnership, firm,  
7 association, corporation, limited liability company or limited  
8 liability partnership as directors, partners, officers,  
9 shareholders, employees, managers, members or principals is  
10 permitted, subject to the provisions of the State Architectural and  
11 Registered Interior Designers Act, provided:

12 1. One or more of the directors, partners, officers,  
13 shareholders, managers, members or principals of said partnership,  
14 firm, association, corporation, limited liability company or limited  
15 liability partnership is designated as being responsible for the  
16 entity's activities and decisions of said partnership, firm,  
17 association, corporation, limited liability company or limited  
18 liability partnership;

19 2. Such director, partner, officer, shareholder, manager,  
20 member or principal is duly licensed under the State Architectural  
21 and Registered Interior Designers Act;

22 3. All personnel of said partnership, firm, association,  
23 corporation, limited liability company or limited liability  
24 partnership which act in behalf of the entity for these professions

1 in the state are licensed under the State Architectural and  
2 Registered Interior Designers Act; and

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

6 B. The Board shall have the power to issue, revoke, deny, or  
7 refuse to renew a certificate of authority for a partnership, firm,  
8 association, corporation, limited liability company or limited  
9 liability partnership as provided for in the State Architectural and  
10 Registered Interior Designers Act.

11 C. A partnership, firm, association, corporation, limited  
12 liability company or limited liability partnership desiring to  
13 practice architecture or landscape architecture shall file with the  
14 Board an application for a certificate of authority on a form  
15 approved by the Board which shall include the names, addresses,  
16 state of licensure and license number of all partners, directors,  
17 officers, members, managers or principals of the partnership, firm,  
18 association, corporation, limited liability company or limited  
19 liability partnership legally responsible for the entity's practice.  
20 The form shall name an individual having the practice of  
21 architecture in such person's charge who is a director, partner,  
22 officer, member, manager or principal. The person shall be duly  
23 licensed as an architect to practice architecture or licensed as a  
24 landscape architect to practice landscape architecture in this state

1 through said partnership, firm, association, corporation, limited  
2 liability company or limited liability partnership legally  
3 responsible for the entity's practice or services offered and other  
4 information required by the Board. In the event there shall be a  
5 change in any of these persons during the term of the certification,  
6 such change shall be filed with the Board within thirty (30) days  
7 after the effective date of said change. If all of the requirements  
8 of this section and the Board's current rules have been met, the  
9 Board shall issue a certificate of authority to such partnership,  
10 firm, association, corporation, limited liability company or limited  
11 liability partnership.

12 D. Any other person licensed pursuant to the State  
13 Architectural and Registered Interior Designers Act, not practicing  
14 these professions as a partnership, firm, association, corporation,  
15 limited liability company or limited liability partnership, shall  
16 practice as an individual.

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

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

3 F. The Secretary of State shall not issue a certificate of  
4 incorporation or register a foreign corporation or any other entity  
5 which includes among the objectives for which it is established any  
6 of the words "Architect", "Architectural", "Architecture",  
7 "Landscape Architect", "Landscape Architecture" or any modification  
8 or derivation of these words, unless the Board has issued for said  
9 applicant either a certificate of authority for an entity, or a  
10 letter indicating the eligibility for an exemption pursuant to the  
11 State Architectural and Registered Interior Designers Act. The  
12 entity applying shall supply such certificate or letter from the  
13 Board with its application for incorporation or registration.

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

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

24

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

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

8           I. The Board shall have the power to issue, revoke, deny or  
9 refuse to renew a certificate of title for a partnership, firm,  
10 association, corporation, limited liability company or limited  
11 liability partnership as provided for in the State Architectural and  
12 Registered Interior Designers Act.

13           J. A partnership, firm, association, corporation, limited  
14 liability company or limited liability partnership shall file with  
15 the Board an application for a certificate of title on a form  
16 approved by the Board which shall include the names, addresses,  
17 state of registration and registration number of all directors,  
18 partners, officers, shareholders, members, managers, or principals  
19 of the partnership, firm, association, corporation, limited  
20 liability company or limited liability partnership. In the event  
21 there shall be a replacement of any of these persons during the term  
22 of certification, the change shall be filed with the Board within  
23 thirty (30) days after the effective date of the change. If all the  
24 requirements of this section and the current rules of the Board have

1 | been met, the Board shall issue a certificate of title to such  
2 | partnership, firm, association, corporation, limited liability  
3 | company or limited liability partnership.

4 |       K. The Secretary of State shall not issue a certificate of  
5 | incorporation or register a foreign corporation or any other entity  
6 | which includes among the objectives for which it is established any  
7 | of the words "Registered Interior Designer", ~~"Interior Design"~~,  
8 | ~~"Interior Designing"~~ or any modification or derivation of these  
9 | words, unless the Board has issued for the applicant either a  
10 | certificate of title for an entity, or a letter indicating the  
11 | eligibility for an exemption pursuant to the State Architectural and  
12 | Registered Interior Designers Act. The firm applying shall supply  
13 | such certificate of title or letter from the Board with its  
14 | application for incorporation or registration.

15 |       L. The Secretary of State shall not register any trade name or  
16 | service mark which includes such words as set forth in subsection K  
17 | of this section, or modification or derivatives thereof in its firm  
18 | name or logotype except those entities or individuals holding  
19 | certificates of title issued under the provisions of this section or  
20 | letters of eligibility issued by the Board.

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

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

5 SECTION 8. AMENDATORY 59 O.S. 2001, Section 46.10, as  
6 last amended by Section 5, Chapter 193, O.S.L. 2006 (59 O.S. Supp.  
7 2008, Section 46.10), is amended to read as follows:

8 Section 46.10 Every licensed architect, landscape architect and  
9 registered interior designer shall pay to the Board a fee as  
10 prescribed by the rules of the Board. Upon receipt of the fee the  
11 Board shall issue a renewal of the license or registration, which  
12 shall authorize the person to practice architecture, landscape  
13 architecture or use the title of ~~an~~ registered interior designer, as  
14 the case may be, in this state. The license of an architect or  
15 landscape architect or the registration of ~~an~~ a registered interior  
16 designer which has been canceled by the Board for nonpayment of dues  
17 may be renewed at any time within three (3) years from the date of  
18 the cancellation, upon payment to the Board of the fees which had  
19 accrued at the time of the cancellation and which would have been  
20 paid at the time of reinstatement had not the license or  
21 registration been suspended, together with payment of the amount of  
22 penalties which may have been prescribed by the Board. If a license  
23 or registration remains canceled for a period exceeding three (3)  
24 consecutive years, it shall not be reinstated unless the licensee or

1 registrant has taken or submitted to a test or a quiz or a Board  
2 review or an examination as the circumstances of the individual case  
3 may warrant and as may be prescribed by the Board in order to  
4 determine continued competency of the licensee or registrant. A  
5 partnership, firm, association, corporation, limited liability  
6 company or limited liability partnership shall pay to the Board the  
7 fee prescribed and in the manner provided by the rules of the Board  
8 for the renewal of the certificate of authority or certificate of  
9 title for such partnership, firm, association, corporation, limited  
10 liability company or limited liability partnership.

11 SECTION 9. AMENDATORY 59 O.S. 2001, Section 46.12, as  
12 amended by Section 11, Chapter 163, O.S.L. 2006 (59 O.S. Supp. 2008,  
13 Section 46.12), is amended to read as follows:

14 Section 46.12 After the expiration of a period of six (6)  
15 months and upon payment to the Board of a fee as prescribed by the  
16 rules of the Board, a person or entity whose license, registration  
17 or certificate of authority has been suspended or revoked for cause,  
18 pursuant to the provisions of the State Architectural and Registered  
19 Interior Designers Act, may file an application with the Board for  
20 the reinstatement of said license, registration, certificate of  
21 authority or certificate of title. After a showing has been made by  
22 the applicant to the Board that the interests of the public will not  
23 suffer by reason of reinstatement, the Board in its discretion may  
24 order the reinstatement of the license, registration, certificate of

1 authority or certificate of title upon the payment of a sum equal to  
2 the fees which would have accrued had not the license, registration,  
3 certificate of authority or certificate of title of the applicant  
4 been suspended or revoked.

5 SECTION 10. AMENDATORY 59 O.S. 2001, Section 46.14, as  
6 amended by Section 12, Chapter 163, O.S.L. 2006 (59 O.S. Supp. 2008,  
7 Section 46.14), is amended to read as follows:

8 Section 46.14 The Board shall have power to suspend, to revoke  
9 or refuse to renew a license, registration, certificate of authority  
10 or certificate of title issued by it, pursuant to the provisions of  
11 the State Architectural and Registered Interior Designers Act, when  
12 the holder thereof:

- 13 1. Shall have been convicted of a felony;
- 14 2. Shall have been guilty of fraud or misrepresentation in the  
15 person's application, whether for an examination or for a license or  
16 registration without examination, or of fraud in the examination;
- 17 3. Shall have been guilty of gross incompetence or recklessness  
18 in the practice of architecture relating to the construction of  
19 buildings or structures, or of dishonest practices;
- 20 4. Shall have been guilty of gross incompetence or recklessness  
21 in the practice of landscape architecture, or of dishonest  
22 practices;
- 23 5. Presents the registration of another as his or her own;
- 24 6. Gives false or forged evidence to the Board;

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

3       8. Shall have been found to be guilty of a violation of a  
4 provision of the State Architectural and Registered Interior  
5 Designers Act or the rules of the Board; provided, that a person or  
6 entity complained of:

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

12           b. shall have the right to be represented by counsel and  
13 an opportunity to respond and present evidence and  
14 argument on all issues involved, by the introduction  
15 of evidence and by the examination and cross-  
16 examination of witnesses, and to compel the attendance  
17 of witnesses and the production of books and papers.  
18 Pursuant to the foregoing, the Board shall have the  
19 power of a court of record, including the power to  
20 issue subpoena and to compel the attendance and  
21 testimony of witnesses. Each member of the Board  
22 shall have the power to administer oaths and to issue  
23 subpoena. Whenever any person who shall have been  
24 subpoenaed to appear to give testimony, or to answer

1 any pertinent or proper question, or to produce books,  
2 papers or documents which shall have been designated  
3 in a subpoena, either on behalf of the prosecution or  
4 on behalf of the accused, shall refuse to appear to  
5 testify before the Board, or to answer any pertinent  
6 or proper questions, or to produce a book, paper or  
7 document which shall have been designated in a  
8 subpoena, the person shall be deemed to be in contempt  
9 of the Board, and it shall be the duty of the  
10 presiding officer of the Board, to report the fact to  
11 the district court of the State of Oklahoma in and for  
12 the county in which such person may be or may reside  
13 whereupon the court shall issue an attachment in the  
14 usual form, directed to the sheriff of the county,  
15 which shall command the sheriff to attach such person  
16 and forthwith bring the person before the court. On  
17 the return of the attachment duly served upon the  
18 accused, or upon the production of the person  
19 attached, the district court shall have jurisdiction  
20 of the matter. The person charged may purge himself  
21 or herself of the contempt in the same way and the  
22 same proceedings shall be had, and the same penalties  
23 may be imposed, as in the case of a witness subpoenaed  
24 to appear and give evidence on the trial of a civil

1 cause before a district court of the State of  
2 Oklahoma. Depositions may be taken and used in the  
3 same manner as in civil cases. The Board shall keep a  
4 record of the evidence in, and a record of each  
5 proceeding for the suspension, revocation of or  
6 refusal to renew a license or certificate of authority  
7 and shall make findings of fact and render a decision  
8 therein. If, after a hearing, the charges shall have  
9 been found to have been sustained by the vote of a  
10 majority of the members of the Board it shall  
11 immediately enter its order of suspension, revocation  
12 or refusal to renew, as the case may be.

13 SECTION 11. AMENDATORY 59 O.S. 2001, Section 46.17, as  
14 amended by Section 13, Chapter 163, O.S.L. 2006 (59 O.S. Supp. 2008,  
15 Section 46.17), is amended to read as follows:

16 Section 46.17 Any person or entity convicted of violating any  
17 provision of the State Architectural and Registered Interior  
18 Designers Act shall be guilty of a misdemeanor. The continued  
19 violation of any provision of the State Architectural and Registered  
20 Interior Designers Act during each day shall be deemed to be a  
21 separate offense. Upon conviction thereof the person or entity  
22 shall be punished by imprisonment in the county jail not to exceed  
23 one (1) year, or by a fine of not more than One Thousand Dollars  
24 (\$1,000.00), or by both such fine and imprisonment for each offense.

1 The Board may request the appropriate district attorney to prosecute  
2 such violation and seek an injunction against such practice.

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

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

17 B. The amount of the penalty shall be assessed by the Board  
18 pursuant to the provisions of subsection A of this section, after  
19 notice and hearing. In determining the amount of the penalty, the  
20 Board shall include but not be limited to consideration of the  
21 nature, circumstances, and gravity of the violation and, with  
22 respect to the person or entity found to have committed the  
23 violation, the degree of culpability, the effect on ability of the  
24 person or entity to continue to do business, and any show of good

1 faith in attempting to achieve compliance with the provisions of the  
2 State Architectural and Registered Interior Designers Act. All  
3 monies collected from such civil penalties shall be deposited with  
4 the State Treasurer of Oklahoma and placed in the Board of  
5 Architects' Fund.

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

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

15 Section 46.19 All monies which shall be paid to the Board  
16 pursuant to the provisions of the State Architectural and Registered  
17 Interior Designers Act shall be deposited with the State Treasurer  
18 of Oklahoma and placed in a separate and distinct fund to be known  
19 as the "Board of Architects' Fund". At the end of each fiscal year  
20 hereafter such unexpended balance remaining in the Board of  
21 Architects' Fund shall be carried over and continued therein. All  
22 sums of money now or hereafter to be or to come into the fund are  
23 hereby appropriated for the purpose of effectuating the purposes of  
24 the State Architectural and Registered Interior Designers Act, and

1 to pay all costs and expenses heretofore and hereafter incurred in  
2 connection therewith.

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

6 Section 46.21 A. The State Architectural and Registered  
7 Interior Designers Act shall not apply to any persons, firms,  
8 corporations, limited liability companies or limited liability  
9 partnerships who prepare plans and specifications for persons,  
10 firms, corporations, limited liability companies or limited  
11 liability partnerships other than such person or entity, for  
12 buildings exempted by the State Architectural and Registered  
13 Interior Designers Act from requiring an architect licensed under  
14 the laws of the State of Oklahoma, providing such persons, firms,  
15 corporations, limited liability companies or limited liability  
16 partnerships shall not, in any manner, represent such person or  
17 entity to be an architect or other title of profession or business  
18 using a form of the word, "Architect", and providing further that  
19 nothing in the State Architectural and Registered Interior Designers  
20 Act shall prevent such persons, firms, corporations, limited  
21 liability companies or limited liability partnerships advertising or  
22 selling such service.

23 B. Nothing in this act shall be construed to prevent:  
24

1           1. The preparation of technical submissions or the  
2 administration of construction contracts by employees of a person or  
3 entity lawfully engaged in the practice of architecture when such  
4 employees are acting under the responsible control of a ~~registered~~  
5 licensed architect;

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

13           a. the person holds a National Council of Architectural  
14 Registration Boards certificate and is not currently  
15 ~~registered~~ licensed in the jurisdiction, but will be  
16 present in the state for the purpose of offering to  
17 render architectural services,

18           b. the person will deliver a copy of such notice to every  
19 potential client to whom the applicant offers to  
20 render architectural services, and

21           c. the person promises to apply immediately to the Board  
22 for registration if selected as the architect for the  
23 project; or  
24

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

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

12           b. the person will deliver a copy of such notice to every  
13 person conducting an architectural design competition  
14 in which the applicant participates, and

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

18           SECTION 15.           AMENDATORY           59 O.S. 2001, Section 46.21b, as  
19 last amended by Section 1, Chapter 50, O.S.L. 2007 (59 O.S. Supp.  
20 2008, Section 46.21b), is amended to read as follows:

21           Section 46.21b A. An architect shall be required to plan,  
22 design and prepare plans and specifications for the following  
23 building types except where specifically exempt from the provisions  
24 of the State Architectural and Registered Interior Designers Act.

1 All use groups in this section are defined by the 2003 International  
2 Building Code.

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

7 1. Code Use Group I – Institutional;

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

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

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

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

13 and

14 6. Buildings for which the designated Code Use Group changes  
15 are not exempt from the State Architectural and Registered Interior  
16 Designers Act.

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

22 1. The construction, addition or alteration of a building no  
23 more than two stories in height and with a code-defined occupancy of  
24

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

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

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

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

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

- 18 a. Code Use Group U - Utility,
- 19 b. Code Use Group F - Factory and Industrial,
- 20 c. Code Use Group H - High hazard,
- 21 d. Code Use Group S - Storage,
- 22 e. Code Use Group R2 - Residential, including apartments  
23 containing no more than thirty-two dwelling units or  
24 thirty-two guest units per building,

- 1 f. Code Use Groups R3 and R4 – Residential,
- 2 g. all buildings used by a municipality, county, state,
- 3 public trust, public agency or the federal government
- 4 with a construction value under One Hundred Fifty-
- 5 eight Thousand Dollars (\$158,000.00),
- 6 h. incidental buildings or appurtenances associated with
- 7 paragraphs 1 through 5 of this subsection, and
- 8 i. all uninhabitable, privately owned agricultural
- 9 buildings.

10 D. The renovation or alteration of a building where the  
11 intended use is exempt as new construction shall be exempt from the  
12 provisions of the State Architectural and Registered Interior  
13 Designers Act.

14 E. Addition, renovation or alteration of buildings where the  
15 intended use is not exempt from the provisions of this act, but  
16 where the planned addition or alteration, as determined by the  
17 applicable building official, does not affect the primary  
18 structural, mechanical, or electrical systems, life-safety systems  
19 or exit passageways shall be exempt from the provisions of the State  
20 Architectural and Registered Interior Designers Act.

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

1 Section 46.24 A. Except as otherwise provided in the State  
2 Architectural and Registered Interior Designers Act, no license  
3 shall be issued to any person to practice architecture in this state  
4 unless the person:

5 1. Is twenty-one (21) years of age or over and is of good moral  
6 character;

7 2. Is an actual bona fide resident of this state, except the  
8 Board may waive this requirement in the case of a bona fide resident  
9 of a foreign country or in any other case when the Board determines  
10 the applicant for a license is not seeking to avoid the requirements  
11 of the state of residence for a license;

12 3. Is the holder of an accredited professional degree in  
13 architecture and shall have had such practical training as the  
14 Board, by rule, shall deem appropriate. In lieu of the requirement  
15 of an accredited professional degree, the Board may register an  
16 applicant who demonstrates in accordance with such standards and  
17 requirements as the Board adopts by rule that the person has such  
18 other educational experience as the Board deems equivalent to an  
19 accredited professional degree in architecture;

20 4. Has paid to the Board a fee as prescribed by the rules of  
21 the Board plus the actual cost of the examination; and

22 5. Has passed the examinations prescribed by the Board for the  
23 issuance of a license.

24

1 B. Upon meeting the requirements of subsection A of this  
2 section and payment of an initial fee as may be prescribed by the  
3 rules of the Board, the Board shall issue to the applicant a license  
4 which shall authorize the applicant to engage in the practice of  
5 architecture in this state.

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

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

21 E. The following Board records and papers are of a confidential  
22 nature and are not public records: Examination material for  
23 examinations before and after they are given, file records of  
24 examination problem solutions, letters of inquiry and reference

1 concerning applicants, Board inquiry forms concerning applicants,  
2 and investigation files.

3 SECTION 17. AMENDATORY 59 O.S. 2001, Section 46.25, as  
4 last amended by Section 7, Chapter 193, O.S.L. 2006 (59 O.S. Supp.  
5 2008, Section 46.25), is amended to read as follows:

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

10 All technical submissions prepared by such architect, or under  
11 the responsible control of the architect, shall be sealed, signed  
12 and dated, which shall mean that the architect was in responsible  
13 control over the content of such technical submissions during their  
14 preparation and has applied the required professional standard of  
15 care. No licensed architect may sign or seal technical submissions  
16 unless they were prepared by or under the responsible control of the  
17 architect; except that:

18 1. The person may sign or seal those portions of the technical  
19 submissions that were prepared by or under the responsible control  
20 of persons who are licensed under the State Architectural and  
21 Registered Interior Designers Act if the architect has reviewed and  
22 adapted in whole or in part such portions and has either coordinated  
23 their preparation or integrated them into the work; and

24

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

7           SECTION 18.           AMENDATORY           59 O.S. 2001, Section 46.28, as  
8 last amended by Section 20, Chapter 163, O.S.L. 2006 (59 O.S. Supp.  
9 2008, Section 46.28), is amended to read as follows:

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

14           1. A professional civil engineer, as defined in Section 475.2  
15 of this title, certified to practice the profession in this state  
16 under any act to regulate the practice of that profession. Nothing  
17 contained in the State Architectural and Registered Interior  
18 Designers Act shall be construed as precluding an architect or  
19 engineer from performing services included within the definition of  
20 "landscape architecture" when incidental to the performance of his  
21 normal practice as an architect or engineer;

22           2. A landscape contractor building or installing what was  
23 designed by a landscape architect;

24

1           3. An agriculturist, horticulturist, forester as defined in  
2 Section 1202 of this title, nursery operator, gardener, landscape  
3 gardener, garden or lawn caretaker and grader or cultivator of land  
4 involved in the selection, placement, planting and maintenance of  
5 plant material;

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

10          5. Regional planners or urban planners, who evaluate and  
11 develop land-use plans to provide for community and municipal  
12 projections of growth patterns based on demographic needs;

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

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

23          8. Builders or their superintendents in the supervision of  
24 landscape architectural projects; and

1           9. Persons in the occupations set forth in this section shall  
2 not use the title "landscape architect" or hold themselves out to  
3 practice "landscape architecture" without complying with the  
4 provisions of the State Architectural and Registered Interior  
5 Designers Act and the rules ~~and regulations~~ of the Board.

6           SECTION 19.           AMENDATORY           59 O.S. 2001, Section 46.31, as  
7 last amended by Section 8, Chapter 193, O.S.L. 2006 (59 O.S. Supp.  
8 2008, Section 46.31), is amended to read as follows:

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

1 B. The Board shall establish rules for examination of landscape  
2 architects and may elect to follow the recommendations of the  
3 Council of Landscape Architects Registration Board (CLARB) or its  
4 successor. The examinations shall be designed to determine the  
5 qualifications of the applicant to practice landscape architecture.  
6 The examination shall cover such technical, professional and  
7 practical subjects as relate to the practice of the profession of  
8 landscape architecture. The examination shall also cover the basic  
9 arts and sciences and knowledge of material which is necessary to  
10 the proper understanding, application and qualification for practice  
11 of the profession of landscape architecture. The minimum passing  
12 grade in all subjects of the examination shall be as established by  
13 the Board. An applicant receiving a passing grade on a subject  
14 included in the examination will be given credit, subject to the  
15 rules of the Board. Applicants for readmittance to the examination  
16 shall pay the full examination fee for each testing.

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

22 C. Pursuant to such rules as it may have adopted, the Board  
23 shall have the power to issue licenses without requiring an  
24 examination to persons who have been licensed to practice landscape

1 architecture in states other than the State of Oklahoma, in a  
2 territory of the United States, in the District of Columbia, or in a  
3 country other than the United States provided that the state,  
4 territory, district or country has a similar reciprocal provision to  
5 authorize the issuance of licenses to persons who have been licensed  
6 in this state. If a person who has been licensed in a state other  
7 than the State of Oklahoma, or in a territory of the United States,  
8 in the District of Columbia, or in a country other than the United  
9 States complies with this act and rules of the Board, the secretary-  
10 treasurer, in the exercise of his or her discretion, or upon the  
11 order of the Board and upon the receipt of the stated fee by the  
12 Board, shall issue to the person a license to practice landscape  
13 architecture in this state.

14 SECTION 20. AMENDATORY 59 O.S. 2001, Section 46.34, as  
15 last amended by Section 9, Chapter 193, O.S.L. 2006 (59 O.S. Supp.  
16 2008, Section 46.34), is amended to read as follows:

17 Section 46.34 A. Each licensed landscape architect shall have  
18 a seal, the image of which shall contain the name of the landscape  
19 architect, the person's license number and the words, "Licensed  
20 Landscape Architect, State of Oklahoma". All technical submissions  
21 prepared by such landscape architect, or under the responsible  
22 control of the landscape architect, shall be sealed, signed and  
23 dated, which shall mean that the landscape architect was in  
24 responsible control over the content of such technical submissions

1 during their preparation and has applied the required professional  
2 standard of care. No licensed landscape architect may sign or seal  
3 technical submissions unless they were prepared by or under the  
4 responsible control of the landscape architect, except that:

5 1. The person may sign or seal those portions of the technical  
6 submissions that were prepared by or under the responsible control  
7 of persons who are licensed under the State Architectural and  
8 Registered Interior Designers Act if the landscape architect has  
9 reviewed and adapted in whole or in part such portions and has  
10 either coordinated their preparation or integrated them into the  
11 work; and

12 2. The person may sign or seal those portions of the technical  
13 submissions that are not required to be prepared by or under the  
14 responsible control of a landscape architect if the landscape  
15 architect has reviewed and adapted in whole or in part such  
16 submissions and integrated them into the work. The seal may be a  
17 rubber stamp or may be generated electronically.

18 B. All drawings, specifications, plans, reports or other papers  
19 or documents involving the practice of landscape architecture, shall  
20 be dated and bear the signature and seal of the landscape architect  
21 or landscape architects who prepared or approved them. It is  
22 permissible to only sign, seal and date documents on the first sheet  
23 of bound sets of drawings, with index of drawings included, title  
24

1 page of specifications, and other drawings and contract documents in  
2 a manner consistent with this act and rules of the Board.

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

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

16 SECTION 21. AMENDATORY Section 27, Chapter 163, O.S.L.  
17 2006, as amended by Section 10, Chapter 193, O.S.L. 2006 (59 O.S.  
18 Supp. 2008, Section 46.38), is amended to read as follows:

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

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

1 ~~"interior design"~~, unless the person pays to the Board the required  
2 fees and/or penalties if applicable as established by the rules of  
3 the Board and:

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

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

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

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

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

24

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

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

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

11 a. one or more of the directors, partners, officers,  
12 shareholders, members, managers, or principals is a  
13 registered ~~with the Board as an~~ interior designer and  
14 is in good standing with the Board, and

15 b. the partnership, firm, association, corporation,  
16 limited liability company or limited liability  
17 partnership has been issued a certificate of title by  
18 the Board;

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

23 3. A partnership, firm, association, corporation, limited  
24 liability company or limited liability partnership shall file with

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

14 4. The Secretary of State shall not issue a certificate of  
15 incorporation or register a foreign corporation or any other entity  
16 which includes among the objectives for which it is established the  
17 words "Registered Interior Designer" or "~~Interior Design~~" or any  
18 modification or derivation of these words, unless the Board has  
19 issued for the applicant either a certificate of title for an  
20 entity, or a letter indicating the eligibility for an exemption  
21 pursuant to the requirements of this act. The firm applying shall  
22 supply the certificate of title or letter from the Board with its  
23 application for incorporation or registration;

24

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

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

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

22          SECTION 22.           AMENDATORY           Section 28, Chapter 163, O.S.L.  
23 2006 (59 O.S. Supp. 2008, Section 46.39), is amended to read as  
24 follows:

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

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

13 2. In lieu of the requirement of any professional degree, an  
14 applicant ~~provides~~ may provide documented proof of diversified and  
15 appropriate experience in the practice of interior design for a  
16 period of six (6) years and the applicant has passed the examination  
17 of the National Council for Interior Design Qualification, or its  
18 successor; or

19 3. The applicant is a licensed architect.

20 SECTION 23. AMENDATORY Section 29, Chapter 163, O.S.L.  
21 2006, as amended by Section 2, Chapter 50, O.S.L. 2007 (59 O.S.  
22 Supp. 2008, Section 46.40), is amended to read as follows:

23 Section 46.40 A. The Board of Governors of the Licensed  
24 Architects, Landscape Architects and Registered Interior Designers

1 of Oklahoma may waive the educational and examination requirements  
2 of the State Architectural and Registered Interior Designers Act ~~for~~  
3 ~~registration as an interior designer~~ for persons with diversified  
4 and appropriate experience in the practice of interior design for a  
5 period of fifteen (15) years prior to July 1, 2007, if the person is  
6 not registered under the State Architectural and Registered Interior  
7 Designers Act and not exempt from the requirement for registration  
8 in order to use the title "Registered Interior Designer".

9 B. The State Architectural and Registered Interior Designers  
10 Act shall not be construed to prohibit or interfere with the ability  
11 of a licensed architect to perform those activities that are  
12 associated with his or her practice as provided under the provisions  
13 of the State Architectural and Registered Interior Designers Act,  
14 ~~and therefore, a licensed architect is granted the use of the term~~  
15 ~~interior design.~~

16 SECTION 24. AMENDATORY Section 30, Chapter 163, O.S.L.  
17 2006, as amended by Section 11, Chapter 193, O.S.L. 2006 (59 O.S.  
18 Supp. 2008, Section 46.41), is amended to read as follows:

19 Section 46.41 A. It shall be unlawful for any person or entity  
20 to use the title "Registered Interior Designer" or any other  
21 derivation of ~~the~~ these words to indicate that the person or entity  
22 is registered under the provisions of this act, if the person is not  
23 registered under this act and not exempt from the requirement for  
24 registration.

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

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

10 SECTION 26. It being immediately necessary for the preservation  
11 of the public peace, health and safety, an emergency is hereby  
12 declared to exist, by reason whereof this act shall take effect and  
13 be in full force from and after its passage and approval.

14 Passed the Senate the 9th day of March, 2009.

15

16

\_\_\_\_\_  
Presiding Officer of the Senate

17

18 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
19 2009.

20

21

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

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