

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 784

By: Newberry of the Senate

and

6 Jordan of the House

7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to the State Architectural and
11 Registered Interior Designers Act; amending 59 O.S.
12 2011, Sections 46.1, 46.2, 46.3, 46.4, 46.6, 46.7,
13 46.8a, 46.9, 46.10, 46.11, 46.12, 46.14, 46.15,
14 46.17, 46.18, 46.19, 46.20, 46.21, 46.21b, 46.24,
15 46.25, 46.26, 46.27, 46.28, 46.29, 46.30, 46.31,
16 46.32, 46.33, 46.34, 46.35, 46.36, 46.38, 46.39,
17 46.40, and 46.41, which relate to the State
18 Architectural and Registered Interior Designers Act,
19 Board of Governors, licensing, fees, architects,
20 landscape architects, interior designers, and their
21 practices, education and qualifications; changing
22 name of certain act; providing short title; modifying
23 language; including certain definitions for purpose
24 of rulemaking authority; deleting certain
definitions; defining terms; changing name of certain
Board; modifying certain Board member qualifications;
clarifying and limiting terms of office; deleting
certain travel expense reimbursement; modifying
powers of Board; authorizing fee waiver for certain
persons under certain conditions; modifying
references; providing for administrative fee;
deleting obsolete language; allowing use of certain
term; requiring national criminal history records
check for licensure; providing equivalent standards
for licensure; stating certain standards; authorizing
Board to determine license under failure of national
criminal history records check; providing for hearing
on administrative proceedings; deleting proceedings

1 for certain hearings; increasing administrative fines
2 for certain violations; limiting administration fees
3 on certain commission or fees; deleting certain civil
4 penalty; deleting certain actions from Board
5 authority; providing procedures for design
6 competitions; construing certain competitions;
7 directing licensure for certain competition winner;
8 providing for construction contract administration;
9 defining term; exempting architect from certain
10 construction methods and procedures; requiring
11 licensure for construction contract administration;
12 recognizing the Uniform Building Code for certain
13 purpose; making certain building subject to the
14 Oklahoma Licensed Architects, Landscape Architects,
15 and Registered Interior Designers Act; deleting
16 certain construction exemptions; adding certain
17 dwellings as exemptions; deleting certain residential
18 requirement for licensure; providing certain license
19 qualifications; authorizing temporary licenses;
20 setting maximum term for temporary license; making
21 examinations computerized; providing certain period
22 for retention of exams; declaring certain computer
23 records confidential; construing confidentiality for
24 vendors; allowing signing and sealing another
architect's technical submissions under certain
conditions; updating language; providing exception to
prohibition on competitive bids for certain
design/build contracts; interpreting incidental
services allowable for certain professions; requiring
national criminal history records check for landscape
architect license; allowing equivalent standards for
licensure; providing equivalent standards; setting
licensing standards for landscape architects; stating
landscape architects examination deficiencies;
allowing waiver of certain deficiencies; providing
for transition rules; stating education credits for
landscape architects; establishing training credits
for landscape architects; stating conditions for
training credits; defining offices of landscape
architects; clarifying construction activities for
landscape architects; setting general evaluation
criteria; providing for computer examination for
landscape architects; allowing certain temporary
license for certain term; construing incidental
services in practice of landscape architecture;
clarifying competitive bidding; updating name of act;
providing for temporary interior design licenses for

1 certain term; providing certain exemption for passage
2 of national examination; providing an effective date;
3 and declaring an emergency.
4

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

6 SECTION 1. AMENDATORY 59 O.S. 2011, Section 46.1, is
7 amended to read as follows:

8 Section 46.1. This act shall be known and may be cited as the
9 "~~State Architectural~~ Oklahoma Licensed Architects, Landscape
10 Architects and Registered Interior Designers Act".

11 SECTION 2. AMENDATORY 59 O.S. 2011, Section 46.2, is
12 amended to read as follows:

13 Section 46.2. In order to safeguard life, health and property
14 and to promote the public welfare, the professions of architecture
15 or landscape architecture are declared to be subject to regulation
16 in the public interest. It is unlawful for any person to directly
17 or indirectly engage in the practice of or offer to practice
18 architecture or landscape architecture in this state, as defined in
19 the ~~provisions of Section 46.1 et seq. of this title~~ Oklahoma
20 Licensed Architects, Landscape Architects and Registered Interior
21 Designers Act, use in connection with the person's name, or
22 otherwise assume the title of architect, landscape architect or
23 registered interior designer, or advertise any title or description
24 tending to convey the impression that the person is a licensed

1 architect or landscape architect or is a registered interior
2 designer unless the person is duly licensed or registered or exempt
3 from licensure or registration under the ~~State Architectural~~
4 Oklahoma Licensed Architects, Landscape Architects and Registered
5 Interior Designers Act. The practice of architecture and landscape
6 architecture and the use of the titles, architect, landscape
7 architect or registered interior designer, are privileges granted by
8 the state through the Board of Governors of the Oklahoma Licensed
9 Architects, Landscape Architects and Registered Interior Designers
10 ~~of Oklahoma~~ based upon the qualifications of the individual as
11 evidenced by a certificate of licensure or registration which shall
12 not be transferable.

13 SECTION 3. AMENDATORY 59 O.S. 2011, Section 46.3, is
14 amended to read as follows:

15 Section 46.3. As used in the ~~State Architectural and Registered~~
16 ~~Interior Designers Act~~ Oklahoma Licensed Architects, Landscape
17 Architects and Registered Interior Designers Act, the following
18 terms shall have the same meanings when used in the rules of the
19 Board:

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

22 2. ~~"Practice of architecture" means rendering or offering to~~
23 ~~render certain services, in connection with the design and~~
24 ~~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 Registered Interior Designers of Oklahoma;~~

~~6. "Certificate of authority" means the authorization granted by the Board for persons to practice or offer to practice architecture or landscape architecture through a partnership, firm,~~

~~association, corporation, limited liability company or limited liability partnership;~~

~~7. "Certificate of title" means the authorization granted by the Board for a partnership, firm, association, corporation, limited liability company or limited liability partnership to use the title "registered interior 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 and the Board's rules.~~

2. "Architectural intern" shall have the same meaning as "intern architect";

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

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

5. "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,

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

3 6. "Certificate of title" means the authorization granted by
4 the Board for a partnership, firm, association, corporation, limited
5 liability company or limited liability partnership to use the title
6 "registered interior designer";

7 7. "Code" means the building codes adopted by the Uniform
8 Building Code Commission of the State of Oklahoma;

9 8. "Intern architect" means an individual in the process of
10 obtaining training acceptable to the Board in order to complete
11 requirements and/or is currently testing to pursue licensure;

12 9. "Landscape architect" means a person licensed to practice
13 landscape architecture as provided in this act;

14 10. "Landscape architecture" means the performance of
15 professional services in teaching, consultations, investigations,
16 reconnaissance, research, planning, design, preparation of
17 construction drawings and specifications, and construction
18 observation and the coordination of any elements of technical
19 submissions prepared by others in connection with the planning and
20 arranging of land and the elements thereon for public and private
21 use and enjoyment, including the design and layout of roadways,
22 service areas, parking areas, walkways, steps, ramps, pools, parks,
23 parkways, trails and recreation, the location and citing of
24 improvements including buildings and other structures, and the

1 grading of the land, surface and subsoil drainage, erosion control,
2 planting, reforestation, and the preservation of the natural
3 landscape, in accordance with accepted professional standards, and
4 to the extent that the dominant purpose of such services or creative
5 works is the preservation, conservation, enhancement, or
6 determination of proper land uses, natural land features, ground
7 cover and plantings, or naturalistic and aesthetic values.

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

17 11. "Plans" means technical documents issued by the licensed
18 and/or registered professionals meeting all current and applicable
19 codes as adopted by the Uniform Building Code Commission of the
20 State of Oklahoma, other statutory codes and applicable federal
21 codes and which shall be submitted to all required building code
22 and/or permit offices required by the State of Oklahoma, county,
23 municipal and/or federal governments;

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

15 13. "Prototypical building" means any commercial building or
16 space within a commercial building that is intended to be
17 constructed in multiple locations, and which conveys an owner's
18 intended uniform business program, plan, or image;

19 14. "Prototypical plans" means the technical submissions for
20 prototypical buildings that are prepared by or under the responsible
21 control of an architect licensed in any United States jurisdiction
22 and not proposed for any specific site. Prototypical building
23 documents do not comprise a final, comprehensive set of design and
24 construction documents because a prototypical building also requires

1 adaptations for local conditions, building code requirements and
2 other changes as needed to create the whole project at a specific
3 location, including site conditions, and may require additional
4 design as well;

5 15. "Registered interior designer" means a person recognized by
6 this state who is registered, qualified by education, experience and
7 examination and meeting all the requirements set forth in this act
8 and the Board's rules;

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

14 17. "Responsible control" means the amount of control over and
15 detailed professional knowledge of the content of technical
16 submissions during their preparation as is ordinarily exercised by
17 licensed architects or landscape architects applying the required
18 professional standard of care, including but not limited to the
19 licensee's integration of information from manufacturers, suppliers,
20 installers, consultants, owners, contractors, or other sources that
21 is incidental to and intended to be incorporated into technical
22 submissions only if the licensee has coordinated and reviewed such
23 information. Other review, or review and correction, of technical
24 submissions after they have been prepared by others does not

1 constitute the exercise of responsible control because the reviewer
2 has neither control over nor detailed professional knowledge of the
3 content of such submissions throughout their preparation; and

4 18. "Technical submissions" means drawings, plans,
5 specifications, and any other documents which are issued in the
6 course of practicing architecture or landscape architecture with the
7 intent that they be considered as formal or final documents but
8 shall not include "as-built" or "record drawings".

9 SECTION 4. AMENDATORY 59 O.S. 2011, Section 46.4, is
10 amended to read as follows:

11 Section 46.4. There is hereby re-created, to continue until
12 July 1, 2014, in accordance with the provisions of the Oklahoma
13 Sunset Law, a board to be known as the "Board of Governors of the
14 Oklahoma Licensed Architects, Landscape Architects and Registered
15 Interior Designers ~~of Oklahoma~~", hereinafter referred to as the
16 Board. The Board shall be composed of eleven (11) members,
17 including seven persons who have been duly licensed to practice
18 architecture and are actively engaged in the practice of
19 architecture in this state or are teaching professors of
20 architecture and duly licensed to practice architecture in this
21 state, two persons who have been duly licensed to practice landscape
22 architecture and are actively engaged in the practice of landscape
23 architecture in this state or are teaching professors of landscape
24 architecture and duly licensed to practice landscape architecture in

1 this state, one person as a registered interior designer after the
2 initial appointment and any new appointees thereafter shall be a
3 registered interior designer and either actively engaged as a
4 registered interior designer in this state or is a registered
5 teaching professor of interior design, and one lay member. Each
6 member of the Board shall be a qualified elector of this state, and
7 the architect and landscape architect members shall have had five
8 (5) years' experience in the application or the study of the
9 principles of their respective profession after initial licensure in
10 this state. ~~The registered interior designer shall have five (5)~~
11 ~~years' experience in the application or the study of the principles~~
12 ~~of interior design, met the requirements of Section 46.38 of this~~
13 ~~title and become registered. After July 1, 2012, the registered~~
14 interior designer member of the Board shall have five (5) years of
15 being registered by the Board ~~and,~~ shall be active and in good
16 standing with the Board, and shall have met the requirements of
17 Section 46.38 of this title. Re-creation of the Board shall not
18 alter existing staggered terms. Board members, other than the lay
19 member, shall be appointed for ~~a period of five (5) years~~
20 ~~thereafter; provided that nothing herein shall affect the tenure of~~
21 ~~office of anyone who is a member of the Board on the effective date~~
22 ~~of this act~~ staggered five-year terms. A member may be reappointed
23 to succeed such membership; however, no member may serve more than
24 two (2) terms for appointments made subsequent to July 1, 2013. The

1 ~~licensed persons engaged in the practice of architecture or~~
2 ~~landscape architecture~~ architect, landscape architect, or the
3 registered interior designer, ~~or the persons who are licensed~~
4 ~~teaching professors of architecture, landscape architecture or~~
5 ~~registered and teaching interior design,~~ may be appointed by the
6 Governor from a list of nominees submitted by respective
7 professional societies of this state. Membership in a professional
8 society shall not be a prerequisite to appointment to the Board.
9 The lay member of the Board shall be appointed by the Governor to a
10 term coterminous with that of the Governor. The lay member shall
11 serve at the pleasure of the Governor. Provided, the lay member may
12 continue to serve after the expiration of the term ~~of the member~~
13 until such time as a successor is appointed. Vacancies which may
14 occur in the membership of the Board shall be filled by appointment
15 by the Governor. Each person who has been appointed to fill a
16 vacancy shall serve for the remainder of the term for which the
17 member ~~the person shall succeed~~ was appointed ~~and~~ or until a
18 successor, ~~in turn, has been~~ is appointed and ~~shall have~~ qualified.
19 Each member of the Board, before entering upon the discharge of the
20 duties of the member, shall make and file with the Secretary of
21 State a written oath or affirmation for the faithful discharge of
22 official duties. Each member of the Board and staff shall be
23 reimbursed for travel expenses pursuant to the State Travel
24 Reimbursement Act.

1 SECTION 5. AMENDATORY 59 O.S. 2011, Section 46.6, is
2 amended to read as follows:

3 Section 46.6. The Board shall hold regular meetings with the
4 dates, times and place to be fixed by the Board. The Board shall
5 hold a regular meeting in June of each year, which meeting shall be
6 the annual meeting, at which time it shall elect its officers for
7 the next fiscal year and conduct all other business required under
8 ~~this act~~ The Oklahoma Licensed Architects, Landscape Architects and
9 Registered Interior Designers Act. At the regular meeting of the
10 Board herein in June of each year, the Board shall elect from its
11 membership a chair, a vice-chair, and a secretary-treasurer, each of
12 whom shall serve until such officer's respective successor shall
13 have been elected and ~~shall have~~ qualified. The position of the
14 secretary-treasurer shall not count against the agency's full-time-
15 equivalent limits authorized by the Legislature. The chair shall
16 preside at all meetings of the Board and shall perform such other
17 duties as the Board may prescribe. The secretary-treasurer shall
18 receive a monthly salary to be fixed by the Board ~~and shall be~~
19 ~~reimbursed pursuant to the State Travel Reimbursement Act for travel~~
20 ~~and other expenses which shall have been incurred~~ while in the
21 performance of the duties of this office. Six Board members shall
22 constitute a quorum for the transaction of business.

23 SECTION 6. AMENDATORY 59 O.S. 2011, Section 46.7, is
24 amended to read as follows:

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

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

5 2. Prepare, conduct, and grade examinations of persons who
6 shall apply for the issuance of licenses ~~to them~~ or registrations,
7 and to promulgate such rules with reference thereto as it may deem
8 proper to determine competency for the issuance of licenses or
9 registrations;

10 3. ~~Contract~~ Work with nationally recognized licensing and
11 registration organizations to prepare, conduct, and grade
12 examinations, written or oral, of persons who ~~shall~~ apply for the
13 issuance of licenses or registrations;

14 4. Waive all or a portion of the initial license or
15 registration fee for candidates graduating from accredited
16 architecture, landscape architecture or interior design programs
17 within the state when the Board has excess funds exceeding its two-
18 year expense/revenue needs as determined by the Board in its sole
19 discretion;

20 5. Determine the satisfactory passing score on such
21 examinations and issue licenses or registrations to persons who
22 ~~shall~~ have passed examinations, or who ~~shall~~ otherwise ~~be~~ are
23 entitled thereto;

1 ~~5.~~ 6. Determine eligibility for licenses and certificates of
2 authority;

3 ~~6.~~ 7. Determine eligibility for registration as a registered
4 interior designer and for certificate of title;

5 ~~7.~~ 8. Promulgate rules to govern the issuing of reciprocal
6 licenses and registrations;

7 ~~8.~~ 9. Upon good cause shown, as hereinafter provided, deny the
8 issuance of a license, registration, certificate of authority or
9 certificate of title or suspend, revoke or refuse to renew licenses,
10 registrations, certificates of title or certificates of authority
11 previously issued, and upon proper showing, to reinstate ~~them~~
12 licenses, registration or certificates;

13 ~~9.~~ 10. Review, affirm, reverse, vacate or modify its order with
14 respect to any such denial, suspension, revocation or refusal to
15 renew;

16 ~~10.~~ 11. Prescribe rules governing proceedings for the denial of
17 issuance of a license, registration, certificate of authority or
18 certificate of title, suspension, revocation or refusal to renew,
19 for cause, of licenses, registrations, certificates of authority or
20 certificates of title heretofore issued and the reinstatement
21 thereof;

22 ~~11.~~ 12. Prescribe ~~such~~ penalties, as it may deem proper, to be
23 assessed against holders of licenses, registrations, certificates of
24

1 authority or certificates of title for the failure to pay the
2 biennial fee ~~hereinafter provided for~~;

3 ~~12.~~ 13. Levy ~~civil penalties~~ administrative fines plus the
4 legal costs incurred by the Board to prosecute the case against any
5 person or entity who ~~shall violate~~ violates any of the provisions of
6 the ~~State Architectural~~ Oklahoma Licensed Architects, Landscape
7 Architects and Registered Interior Designers Act or any rule
8 promulgated thereto;

9 ~~13.~~ 14. Obtain an office, secure ~~such~~ facilities, and employ,
10 direct, discharge and define the duties and set the salaries of ~~such~~
11 office personnel ~~and set the salaries of such unclassified and~~
12 ~~exempt office personnel~~ as deemed necessary by the Board;

13 ~~14.~~ 15. Initiate disciplinary action, prosecute and seek
14 injunctions against any person or entity who ~~has violated~~ violates
15 any of the provisions of the ~~State Architectural~~ Oklahoma Licensed
16 Architects, Landscape Architects and Registered Interior Designers
17 Act or any rule of the Board promulgated ~~pursuant to said act~~
18 thereto, and against the owner/developer of the building type not
19 exempt;

20 ~~15.~~ 16. Investigate alleged violations of the ~~State~~
21 ~~Architectural~~ Oklahoma Licensed Architects, Landscape Architects and
22 Registered Interior Designers Act or of the rules, orders or final
23 decisions of the Board;

1 ~~16.~~ 17. Promulgate rules of conduct governing the practice of
2 licensed architects and landscape architects;

3 ~~17.~~ 18. Keep accurate and complete records of proceedings, and
4 certify the same as may be appropriate;

5 ~~18.~~ 19. Whenever ~~it deems it~~ appropriate, confer with the
6 Attorney General or the Attorney General's assistants in connection
7 with all legal matters and questions. The Board may also retain an
8 attorney who is licensed to practice law in this state. The
9 attorney shall serve at the pleasure of the Board for such
10 compensation as may be provided by the Board. The attorney shall
11 advise the Board and perform legal services for the Board with
12 respect to any matters properly before the Board. In addition ~~to~~
13 ~~the above,~~ the Board may employ hearing examiners to conduct
14 administrative hearings under the provisions of the Administrative
15 Procedures Act;

16 ~~19.~~ 20. Prescribe by rules, fees to be charged as required by
17 ~~this act~~ the Oklahoma Licensed Architects, Landscape Architects and
18 Registered Interior Designers Act;

19 ~~20.~~ 21. Adopt rules providing for a program of continuing
20 education in order to ~~insure~~ ensure that all licensed architects ~~or,~~
21 landscape architects and registered interior designers remain
22 informed of ~~these~~ technical and professional subjects which the
23 Board deems appropriate ~~to professional architect or landscape~~
24 ~~architect practice.~~ The Board may by rule describe the methods by

1 which the requirements of such program may be satisfied. Failure to
2 meet such requirements of continuing education shall result in
3 nonrenewal of the license issued to the architect or landscape
4 architect;

5 ~~21.~~ 22. Adopt rules regarding requirements for intern
6 development as a prerequisite for licensure or registration; and

7 ~~22.~~ 23. Take such other action as may be reasonably necessary
8 or appropriate to effectuate the ~~State Architectural~~ Oklahoma
9 Licensed Architects, Landscape Architects and Registered Interior
10 Designers Act.

11 SECTION 7. AMENDATORY 59 O.S. 2011, Section 46.8a, is
12 amended to read as follows:

13 Section 46.8a. A. It shall be unlawful for any person to
14 directly or indirectly engage in the practice of architecture in
15 this state or use the title "Architect", "Registered or Licensed
16 Architect", "Architectural Designer", or display or use any words,
17 letters, figures, titles, signs, cards, advertisements, or other
18 symbols or devices indicating or tending to indicate that such
19 person is an architect or is practicing architecture, unless the
20 person is licensed under the provisions of ~~this act~~ the Oklahoma
21 Licensed Architects, Landscape Architects and Registered Interior
22 Designers Act. Nothing shall prevent a person qualified as an
23 intern architect from using the title "intern architect". No person
24 shall aid or abet any person, not licensed ~~under the provisions of~~

1 ~~this act~~ as required by law, in the practice of architecture in this
2 state.

3 B. Every person applying to the Board for an initial license
4 shall submit an application accompanied by the fee established in
5 accordance with the rules of the Board, with satisfactory evidence
6 that ~~such~~ the person holds an accredited professional degree in
7 architecture or has ~~completed such other education as the Board~~
8 ~~deems equivalent to an accredited professional degree and with~~
9 ~~satisfactory evidence that such person has completed such practical~~
10 ~~training in architectural work as the Board requires~~ met the
11 equivalent standards set forth in the Broadly Experienced Architect
12 (BEA) or Broadly Experienced Foreign Architect (BEFA) programs
13 administered by the National Council of Architectural Registration
14 Boards and passes a national criminal history records check. If the
15 person does not pass a national criminal history records check, the
16 Board, in its sole discretion, shall determine if the license is to
17 be issued, renewed, reinstated, rejected or revoked. If an
18 applicant is qualified in accordance with this subsection, the Board
19 shall, by means of a written examination, examine the applicant on
20 such technical and professional subjects as are prescribed by the
21 Board. None of the examination materials shall be considered public
22 records. The Board may exempt from such written examination an
23 applicant who holds a ~~certification~~ certificate issued by the
24 National Council of Architectural Registration Boards. The Board

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

11 C. Pursuant to the Oklahoma Licensed Architects, Landscape
12 Architects and Registered Interior Designers Act and such rules as
13 it may have adopted, the Board shall have the power to issue
14 licenses without requiring an examination to persons who have been
15 licensed to practice architecture in states other than the State of
16 Oklahoma, in a territory of the United States, in the District of
17 Columbia, or in a country other than the United States; provided
18 that the state or country has a similar reciprocal provision to
19 authorize the issuance of licenses to persons who have been licensed
20 in this state. If a person who has been licensed in a state other
21 than the State of Oklahoma, or in a territory of the United States,
22 in the District of Columbia, or in a country other than the United
23 States complies with the Oklahoma Licensed Architects, Landscape
24 Architects and Registered Interior Designers Act and the rules of

1 the Board, the secretary-treasurer, acting in the exercise of his or
2 her discretion or upon the order of the Board in the exercise of its
3 discretion and upon the receipt of the stated payment to the Board
4 pursuant to the rules of the Board, shall issue to the person a
5 license to practice architecture in this state. If the person does
6 not pass a national criminal history records check, the Board, in
7 its sole discretion, shall determine if the license is to be issued,
8 renewed, reinstated or rejected.

9 SECTION 8. AMENDATORY 59 O.S. 2011, Section 46.9, is
10 amended to read as follows:

11 Section 46.9. A. The practice of architecture or landscape
12 architecture or offering to practice these professions for others by
13 persons licensed under this act through a partnership, firm,
14 association, corporation, limited liability company or limited
15 liability partnership as directors, partners, officers,
16 shareholders, employees, managers, members or principals is
17 permitted, subject to the provisions of the ~~State Architectural~~
18 Oklahoma Licensed Architects, Landscape Architects and Registered
19 Interior Designers Act, provided:

20 1. One or more of the directors, partners, officers,
21 shareholders, managers, members or principals of ~~said the~~ the
22 partnership, firm, association, corporation, limited liability
23 company or limited liability partnership is designated as being
24 responsible for the entity's activities and decisions of ~~said the~~ the

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

3 2. Such director, partner, officer, shareholder, manager,
4 member or principal is duly licensed under the ~~State Architectural~~
5 Oklahoma Licensed Architects, Landscape Architects and Registered
6 Interior Designers Act;

7 3. All personnel of ~~said~~ the partnership, firm, association,
8 corporation, limited liability company or limited liability
9 partnership which act in behalf of the entity for these professions
10 in the state are licensed under the ~~State Architectural~~ Oklahoma
11 Licensed Architects, Landscape Architects and Registered Interior
12 Designers Act; and

13 4. ~~Said~~ The partnership, firm, association, corporation,
14 limited liability company or limited liability partnership has been
15 issued a certificate of authority by the Board.

16 B. The Board shall have the power to issue, revoke, deny, or
17 refuse to renew a certificate of authority for a partnership, firm,
18 association, corporation, limited liability company or limited
19 liability partnership as provided for in the ~~State Architectural~~
20 Oklahoma Licensed Architects, Landscape Architects and Registered
21 Interior Designers Act.

22 C. A partnership, firm, association, corporation, limited
23 liability company or limited liability partnership desiring to
24 practice architecture or landscape architecture shall file with the

1 Board an application for a certificate of authority for the office
2 location performing work on Oklahoma projects on a form approved by
3 the Board which shall include the names, addresses, state of
4 licensure and license number of all partners, directors, officers,
5 members, managers or principals of the partnership, firm,
6 association, corporation, limited liability company or limited
7 liability partnership legally responsible for the entity's practice.
8 The form shall name an individual having the practice of
9 architecture in such person's charge who is a director, partner,
10 officer, member, manager or principal. The person shall be duly
11 licensed as an architect to practice architecture or licensed as a
12 landscape architect to practice landscape architecture in this state
13 through ~~said~~ the partnership, firm, association, corporation,
14 limited liability company or limited liability partnership legally
15 responsible for the entity's practice or services offered and other
16 information required by the Board. In the event there shall be a
17 change in any of these persons during the term of the certification,
18 such change shall be filed with the Board within thirty (30) days
19 after the effective date of ~~said~~ the change. If all of the
20 requirements of this section and the Board's current rules have been
21 met, the Board shall issue a certificate of authority to such
22 partnership, firm, association, corporation, limited liability
23 company or limited liability partnership.

1 D. Any other person licensed pursuant to the ~~State~~
2 ~~Architectural~~ Oklahoma Licensed Architects, Landscape Architects and
3 Registered Interior Designers Act, not practicing these professions
4 as a partnership, firm, association, corporation, limited liability
5 company or limited liability partnership, shall practice as an
6 individual.

7 E. No such partnership, firm, association, corporation, limited
8 liability company or limited liability partnership shall be relieved
9 of responsibility for the conduct or acts of its agents, employees,
10 partners, directors, officers, managers, members or principals by
11 reason of its compliance with the provisions of this section, or
12 shall any individual practicing these professions be relieved of
13 responsibility for professional services performed as an individual
14 by reason of such person's employment or relationship with such
15 partnership, firm, association, corporation, limited liability
16 company or limited liability partnership.

17 F. The Secretary of State shall not issue a certificate of
18 incorporation or register a foreign corporation or any other entity
19 which includes among the objectives for which it is established any
20 of the words "Architect", "Architectural", "Architecture",
21 "Landscape Architect", "Landscape Architecture" or any modification
22 or derivation of these words, unless the Board has issued for ~~said~~
23 the applicant either a certificate of authority for an entity, or a
24 letter indicating the eligibility for an exemption pursuant to the

1 ~~State Architectural~~ Oklahoma Licensed Architects, Landscape
2 Architects and Registered Interior Designers Act. The entity
3 applying shall supply such certificate or letter from the Board with
4 its application for incorporation or registration.

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

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

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

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

22 I. The Board shall have the power to issue, revoke, deny or
23 refuse to renew a certificate of title for a partnership, firm,
24 association, corporation, limited liability company or limited

1 liability partnership as provided for in the ~~State Architectural~~
2 Oklahoma Licensed Architects, Landscape Architects and Registered
3 Interior Designers Act.

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

19 K. The Secretary of State shall not issue a certificate of
20 incorporation or register a foreign corporation or any other entity
21 which includes among the objectives for which it is established ~~any~~
22 ~~of the words "Registered Interior Designer" or any modification or~~
23 ~~derivation of these words~~, unless the Board has issued for the
24 applicant either a certificate of title for an entity, or a letter

1 indicating the eligibility for an exemption pursuant to the ~~State~~
2 ~~Architectural~~ Oklahoma Licensed Architects, Landscape Architects and
3 Registered Interior Designers Act. The firm applying shall supply
4 such certificate of title or letter from the Board with its
5 application for incorporation or registration.

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

12 M. Upon application for renewal and upon compliance with the
13 provisions of the ~~State Architectural~~ Oklahoma Licensed Architects,
14 Landscape Architects and Registered Interior Designers Act and the
15 rules of the Board, a certificate of title shall be renewed as
16 provided in ~~this act~~ the Oklahoma Licensed Architects, Landscape
17 Architects and Registered Interior Designers Act.

18 N. Upon application for renewal and upon compliance with the
19 provisions of the ~~State Architectural~~ Oklahoma Licensed Architects,
20 Landscape Architects and Registered Interior Designers Act and the
21 rules of the Board, a certificate of authority shall be renewed as
22 provided in ~~this act~~ the Oklahoma Licensed Architects, Landscape
23 Architects and Registered Interior Designers Act.

1 SECTION 9. AMENDATORY 59 O.S. 2011, Section 46.10, is
2 amended to read as follows:

3 Section 46.10. ~~Every~~ Pursuant to the Oklahoma Licensed
4 Architects, Landscape Architects and Registered Interior Designers
5 Act, every licensed architect, landscape architect and registered
6 interior designer shall pay to the Board a fee as prescribed by the
7 rules of the Board. Upon receipt of the fee the Board shall issue a
8 renewal of the license or registration, which shall authorize the
9 person to practice architecture, landscape architecture or use the
10 title registered interior designer, as the case may be, in this
11 state. The license of an architect or landscape architect or the
12 registration of a registered interior designer which has been
13 canceled by the Board for nonpayment of dues may be renewed at any
14 time within three (3) years from the date of the cancellation, upon
15 payment to the Board of the fees which had accrued at the time of
16 the cancellation and which would have been paid at the time of
17 reinstatement had not the license or registration been suspended,
18 together with payment of the amount of penalties which may have been
19 prescribed by the Board. If a license or registration remains
20 canceled for a period exceeding three (3) consecutive years, it
21 shall not be reinstated unless the licensee or registrant has taken
22 or submitted to a test or a quiz or a Board review or an examination
23 as the circumstances of the individual case may warrant and as may
24 be prescribed by the Board in order to determine continued

1 competency of the licensee or registrant. A partnership, firm,
2 association, corporation, limited liability company or limited
3 liability partnership shall pay to the Board the fee prescribed and
4 in the manner provided by the rules of the Board for the renewal of
5 the certificate of authority or certificate of title for such
6 partnership, firm, association, corporation, limited liability
7 company or limited liability partnership.

8 SECTION 10. AMENDATORY 59 O.S. 2011, Section 46.11, is
9 amended to read as follows:

10 Section 46.11. ~~No~~ Pursuant to the Oklahoma Licensed Architects,
11 Landscape Architects and Registered Interior Designers Act, no
12 license for architects or landscape architects or a certificate of
13 authority for a partnership, firm, association, corporation, limited
14 liability company or limited liability partnership, shall be issued
15 or renewed for longer than two (2) years. A license or certificate
16 may be renewed upon application, compliance with the rules of the
17 Board, and payment of fees prior to or on June 30 of alternate
18 years. Every licensed architect or landscape architect having a
19 place of business or employment within the state shall display such
20 person's license in a conspicuous place in such place of business or
21 employment. A new license to replace a lost, destroyed or mutilated
22 license shall be issued by the Board upon payment of a fee
23 established in accordance with the rules of the Board.

1 SECTION 11. AMENDATORY 59 O.S. 2011, Section 46.12, is
2 amended to read as follows:

3 Section 46.12. After the expiration of a period of six (6)
4 months and upon payment to the Board of a fee as prescribed by the
5 rules of the Board, a person or entity whose license, registration
6 or certificate of authority has been suspended or revoked for cause,
7 pursuant to the provisions of the ~~State Architectural~~ Oklahoma
8 Licensed Architects, Landscape Architects and Registered Interior
9 Designers Act, may file an application with the Board for the
10 reinstatement of ~~said~~ the license, registration, certificate of
11 authority or certificate of title. After a showing has been made by
12 the applicant to the Board that the interests of the public will not
13 suffer by reason of reinstatement, the Board in its discretion may
14 order the reinstatement of the license, registration, certificate of
15 authority or certificate of title upon the payment of a sum equal to
16 the fees which would have accrued had not the license, registration,
17 certificate of authority or certificate of title of the applicant
18 been suspended or revoked.

19 SECTION 12. AMENDATORY 59 O.S. 2011, Section 46.14, is
20 amended to read as follows:

21 Section 46.14. The Board shall have power to suspend, to
22 revoke or refuse to renew a license, registration, certificate of
23 authority or certificate of title issued by it, pursuant to the
24 provisions of the ~~State Architectural~~ Oklahoma Licensed Architects,

1 Landscape Architects and Registered Interior Designers Act, when the
2 holder thereof:

3 1. ~~Shall have~~ Has been convicted of a felony;

4 2. ~~Shall have~~ Has been guilty of fraud or misrepresentation in
5 the person's application, whether for an examination or for a
6 license or registration without examination, or of fraud in the
7 examination;

8 3. ~~Shall have~~ Has been guilty of gross incompetence or
9 recklessness in the practice of architecture relating to the
10 construction of buildings or structures, or of dishonest practices;

11 4. ~~Shall have~~ Has been guilty of gross incompetence or
12 recklessness in the practice of landscape architecture, or of
13 dishonest practices;

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

16 6. Gives false or forged evidence to the Board;

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

19 8. ~~Shall have~~ Has been found ~~to be~~ guilty of a violation of a
20 provision of the ~~State Architectural~~ Oklahoma Licensed Architects,
21 Landscape Architects and Registered Interior Designers Act or the
22 rules of the Board; provided, that such a person or entity
23 ~~complained of:~~ has been afforded the opportunity for a formal
24 hearing carried out as described under the current Administrative

1 Procedures Act or settled by the Board with a consent order or final
2 order approved by the Board.

3 ~~a. shall first have been served notice in the same manner~~
4 ~~as provided by law in other civil actions of the~~
5 ~~charges filed against the person or entity and of the~~
6 ~~time, place, and nature of the hearing before the~~
7 ~~Board, and~~

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

1 proceeding for the suspension, revocation of or
2 refusal to renew a license or certificate of authority
3 and shall make findings of fact and render a decision
4 therein. If, after a hearing, the charges shall have
5 been found to have been sustained by the vote of a
6 majority of the members of the Board it shall
7 immediately enter its order of suspension, revocation,
8 penalties, probation, or refusal to renew, as the case
9 may be; and

10 9. Fails to pass the national criminal history records checks
11 for initial, reciprocal, reinstating or renewing any license,
12 registration, certificate of authority or certificate of title.

13 SECTION 13. AMENDATORY 59 O.S. 2011, Section 46.15, is
14 amended to read as follows:

15 Section 46.15. Any person or entity aggrieved by a final order
16 of the Board may appeal from such decision by filing a petition in
17 the District Court of Oklahoma County within thirty (30) days from
18 the date of such final order. The District Court of Oklahoma County
19 shall have jurisdiction of an appeal from the Board, ~~and shall have~~
20 ~~power to affirm, reverse or modify the decisions of the Board. Such~~
21 ~~appeals shall be subject to the law and practice applicable to other~~
22 ~~civil actions. Provided, that any.~~ Any party ~~to said appeal~~ may
23 appeal from the decision of ~~said~~ a district court to the Supreme
24

1 Court of Oklahoma in the same manner as provided by law in other
2 civil actions.

3 SECTION 14. AMENDATORY 59 O.S. 2011, Section 46.17, is
4 amended to read as follows:

5 Section 46.17. Any person or entity convicted of violating any
6 provision of the ~~State Architectural~~ Oklahoma Licensed Architects,
7 Landscape Architects and Registered Interior Designers Act shall be
8 guilty of a misdemeanor. The continued violation of any provision
9 of the ~~State Architectural~~ Oklahoma Licensed Architects, Landscape
10 Architects and Registered Interior Designers Act during each day
11 shall be deemed to be a separate offense. Upon conviction thereof
12 the person or entity shall be punished by imprisonment in the county
13 jail not to exceed one (1) year, or by a fine of not more than One
14 Thousand Dollars (\$1,000.00), or by both such fine and imprisonment
15 for each offense. The Board may request the appropriate district
16 attorney to prosecute such violation and seek an injunction against
17 such practice.

18 SECTION 15. AMENDATORY 59 O.S. 2011, Section 46.18, is
19 amended to read as follows:

20 Section 46.18. A. Any person or entity who has been determined
21 by the Board to have violated any provision of the ~~State~~
22 ~~Architectural~~ Oklahoma Licensed Architects, Landscape Architects and
23 Registered Interior Designers Act or any rule or order issued
24 pursuant to the provisions of the ~~State Architectural~~ Oklahoma

1 Licensed Architects, Landscape Architects and Registered Interior
2 Designers Act may, in addition to the penalties in Section 46.17 of
3 this title, be liable for a civil penalty of not more than One
4 Hundred Dollars (\$100.00) for each day that said violation continues
5 an administrative fine not exceeding One Hundred Thousand Dollars
6 (\$100,000.00) per violation or the amount of commissions and/or fees
7 paid to the person and/or entity for specific associated project(s)
8 plus the legal costs incurred by the Board to prosecute the case.
9 ~~The maximum civil penalty shall not exceed Ten Thousand Dollars~~
10 ~~(\$10,000.00) for any related series of violations plus the legal~~
11 ~~costs incurred by the Board to prosecute the case.~~

12 B. The amount of the penalty shall be assessed by the Board
13 pursuant to the provisions of subsection A of this section, after
14 notice and hearing. In determining the amount of the penalty, the
15 Board shall include but not be limited to consideration of the
16 nature, circumstances, and gravity of the violation and, with
17 respect to the person or entity found to have committed the
18 violation, the degree of culpability, the effect on ability of the
19 person or entity to continue to do business, and any show of good
20 faith in attempting to achieve compliance with the provisions of the
21 ~~State Architectural~~ Oklahoma Licensed Architects, Landscape
22 Architects and Registered Interior Designers Act. All monies
23 collected by the Board from ~~such civil penalties~~ administrative fine

1 shall be deposited with the State Treasurer of Oklahoma and placed
2 in the Board of Architects' Fund.

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

9 SECTION 16. AMENDATORY 59 O.S. 2011, Section 46.19, is
10 amended to read as follows:

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

1 SECTION 17. AMENDATORY 59 O.S. 2011, Section 46.20, is
2 amended to read as follows:

3 Section 46.20. At the close of each fiscal year, the Board
4 shall make a full report of its proceedings during the year to the
5 Governor and shall pay into the General Revenue Fund of the state,
6 ten percent (10%) of all license, registration, certificate of title
7 and certificate of authority issuance and renewal fees collected and
8 received during the fiscal year.

9 SECTION 18. AMENDATORY 59 O.S. 2011, Section 46.21, is
10 amended to read as follows:

11 Section 46.21. A. The ~~State Architectural~~ Oklahoma Licensed
12 Architects, Landscape Architects and Registered Interior Designers
13 Act shall not apply to any persons, firms, corporations, limited
14 liability companies or limited liability partnerships who prepare
15 plans and specifications ~~for persons, firms, corporations, limited~~
16 ~~liability companies or limited liability partnerships other than~~
17 ~~such person or entity,~~ for buildings exempted by the ~~State~~
18 ~~Architectural~~ Oklahoma Licensed Architects, Landscape Architects and
19 Registered Interior Designers Act from requiring an architect
20 licensed under the laws of the State of Oklahoma, providing such
21 persons, ~~firms, corporations, limited liability companies or limited~~
22 ~~liability partnerships~~ and/or entities shall not, ~~in any manner,~~
23 represent such person or entity to be an architect or other title of
24 profession or business using a form of the word, "Architect", and

1 providing further that nothing in the ~~State Architectural~~ Oklahoma
2 Licensed Architects, Landscape Architects and Registered Interior
3 Designers Act shall prevent such persons, ~~firms, corporations,~~
4 ~~limited liability companies or limited liability partnerships~~ and/or
5 entities from advertising or selling ~~such~~ their service.

6 B. Nothing in ~~this act~~ the Oklahoma Licensed Architects,
7 Landscape Architects and Registered Interior Designers Act shall be
8 construed to prevent:

9 ~~1. The~~ the preparation of technical submissions or the
10 administration of construction contracts by employees of a person or
11 entity lawfully engaged in the practice of architecture when such
12 employees are acting under the responsible control of a licensed
13 architect~~;~~.

14 ~~2. A nonresident, who holds the certification issued by the~~
15 ~~National Council of Architectural Registration Boards, from offering~~
16 ~~to render the professional services involved in the practice of~~
17 ~~architecture; provided, that the person shall not perform any of the~~
18 ~~professional services involved in the practice of architecture until~~
19 ~~licensed as hereinbefore provided; and further provided, that the~~
20 ~~person shall notify the Board in writing that:~~

21 ~~a. the person holds a National Council of Architectural~~
22 ~~Registration Boards certificate and is not currently~~
23 ~~licensed in the jurisdiction, but will be present in~~
24

~~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 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
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~~

1 ~~e. the person promises to apply immediately to the Board~~
2 ~~for registration if selected as the architect for the~~
3 ~~project.~~

4 C. The following shall govern design competitions in this
5 state:

6 1. Nothing in the Oklahoma Licensed Architects, Landscape
7 Architects and Registered Interior Designers Act shall prohibit a
8 person or entity from participating in an architectural design
9 competition involving only architectural programming, planning,
10 schematic design or design development information provided to a
11 sponsor; and

12 2. The competition winner, prior to seeking the commission for
13 architectural services on the proposed project, shall apply for
14 licensure in this state within ten (10) days of notification of
15 winning the competition and must complete the process within thirty
16 (30) days.

17 SECTION 19. AMENDATORY 59 O.S. 2011, Section 46.21b, is
18 amended to read as follows:

19 Section 46.21b. A. An architect shall be required to plan,
20 design and prepare plans and specifications and conduct construction
21 contract administration for the following building types except
22 where specifically exempt from the provisions of the ~~State~~
23 ~~Architectural~~ Oklahoma Licensed Architects, Landscape Architects and
24

1 Registered Interior Designers Act. ~~All use groups in this section~~
2 ~~are defined by the 2003 International Building Code.~~

3 1. "Construction contract administration" shall comprise at
4 least the following services:

- 5 a. making and documenting visits to the construction site
6 on a regular basis as is necessary to determine that
7 the work is proceeding generally in accordance with
8 the technical submissions submitted to the building
9 official issuing the permit,
- 10 b. processing shop drawings, samples, and other
11 submittals required of the contractor by the terms of
12 construction contract documents, and
- 13 c. notifying the Owner and the building permit official
14 of any known code violations, known changes which
15 affect code compliance, the known use of any
16 materials, assemblies, components, or equipment
17 prohibited by a code, major or substantial changes
18 between such technical submissions and the work in
19 progress, or any known deviation from the technical
20 submissions which the architect identifies as
21 constituting a hazard to the public, which the
22 architect observes in the course of performing his/her
23 duties.

1 2. It is not a requirement to make exhaustive or continuous on-
2 site observations to check the quality or quantity of work nor is it
3 intended that the architect be responsible for construction means,
4 methods, techniques, sequences, or procedures, or for safety
5 precautions and programs in connection with the work.

6 3. Responsibilities set forth herein regarding Construction
7 Contract Administration shall be carried out by an architect duly
8 licensed in this state or by persons employed by or under the
9 responsible control of the architect.

10 B. All use groups in this section are defined by the codes
11 currently adopted by the Uniform Building Code Commission of the
12 State of Oklahoma. The construction, addition or alteration of a
13 building of any size ~~or~~ with an occupancy ~~in the following Code Use~~
14 ~~Groups~~ greater than fifty (50) or with more than two (2) stories in
15 height as determined in accordance with the codes shall be subject
16 to the provisions of the ~~State Architectural~~ Oklahoma Licensed
17 Architects, Landscape Architects and Registered Interior Designers
18 Act÷

19 ~~1. Code Use Group I - Institutional;~~

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

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

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

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

3 ~~6. Buildings for which the designated Code Use Group changes~~
4 ~~are not exempt from the State Architectural and Registered Interior~~
5 ~~Designers Act.~~

6 C. The following shall be exempt from the provisions of the
7 ~~State Architectural~~ Oklahoma Licensed Architects, Landscape
8 Architects and Registered Interior Designers Act; ~~provided that, for~~
9 ~~the purposes of this subsection, a basement is not to be counted as~~
10 ~~a story for the purpose of counting stories of a building for height~~
11 ~~regulations:~~

12 ~~1. The construction, addition or alteration of a building no~~
13 ~~more than two stories in height and with a code-defined occupancy of~~
14 ~~no more than fifty (50) persons for the Code Use Groups A-2 and A-3~~
15 ~~- Assembly and Code Use Group E - Education;~~

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

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

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

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

8 a. Code Use Group U — Utility,

9 ~~b. Code Use Group F — Factory and Industrial,~~

10 ~~c. Code Use Group H — High hazard,~~

11 ~~d. Code Use Group S — Storage,~~

12 ~~e. Code Use Group R2 — Residential, including apartments~~
13 ~~containing no more than thirty-two dwelling units or~~
14 ~~thirty-two guest units per building,~~

15 ~~f. Code Use Groups R3 and R4 — Residential,~~

16 ~~g. all buildings used by a municipality, county, state,~~
17 ~~public trust, public agency or the federal government~~
18 ~~with a construction value under One Hundred Fifty-~~
19 ~~eight Thousand Dollars (\$158,000.00),~~

20 ~~h.~~ incidental buildings or appurtenances associated with
21 ~~paragraphs 1 through 5 of this subsection~~ B of Section
22 46.21b of this title, and

23 ±

1 c. all uninhabitable, privately owned agricultural
2 buildings, and

3 d. one and two family dwellings and buildings as covered
4 by the codes consisting of three or fewer townhouse
5 units of any size or height.

6 D. The renovation or alteration of ~~a~~ buildings where the
7 ~~intended use is~~ original Code Use Group was exempt ~~as new~~
8 ~~construction~~ shall ~~be~~ remain exempt from the provisions of the State
9 ~~Architectural~~ Oklahoma Licensed Architects, Landscape Architects and
10 Registered Interior Designers Act if the Code Use Group does not
11 change.

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

19 SECTION 20. AMENDATORY 59 O.S. 2011, Section 46.24, is
20 amended to read as follows:

21 Section 46.24. A. Except as otherwise provided in the State
22 ~~Architectural~~ Oklahoma Licensed Architects, Landscape Architects and
23 Registered Interior Designers Act, no license shall be issued to any
24 person to practice architecture in this state unless the person:

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

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

8 3. Is the holder of an accredited professional degree in
9 architecture or has met the equivalent standards set forth in the
10 Broadly Experienced Architect (BEA) or Broadly Experienced Foreign
11 Architect (BEFA) programs administered by the National Council of
12 Architectural Registration Boards and shall have had such practical
13 training as the Board, by rule, shall deem appropriate. ~~In lieu of~~
14 ~~the requirement of an accredited professional degree, the Board may~~
15 ~~register an applicant who demonstrates in accordance with such~~
16 ~~standards and requirements as the Board adopts by rule that the~~
17 ~~person has such other educational experience as the Board deems~~
18 ~~equivalent to an accredited professional degree in architecture;~~

19 4. 3. Has paid to the Board a fee as prescribed by the rules of
20 the Board plus the actual cost of ~~the~~ any examination given by the
21 Board; and

22 5. 4. Has passed the examinations prescribed by the Board for
23 the 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. The Board has the authority to issue
6 temporary licenses while qualifying the applicant for three (3)
7 months from the date the application process was begun. Any
8 individual licensee or registrant shall be limited to one issuance
9 of a temporary license.

10 C. The examination for a license to practice architecture in
11 this state shall be ~~held not less than once each year, shall cover~~
12 ~~such subjects as may be prescribed by the Board~~ administered by
13 computerized method, except Board administered exams and shall be
14 graded on such basis as the Board shall prescribe by rule. The
15 Board may adopt the examinations, requirements for admission to the
16 examinations and the grading procedures of the National Council of
17 Architectural Registration Boards, or its successor. ~~Notice of the~~
18 ~~time and place for the holding of examinations shall be given in the~~
19 ~~manner and form prescribed by the Board.~~

20 D. The license certificate shall be in a form prescribed by the
21 Board. The certificate shall be signed by the chair and by the
22 secretary-treasurer of the Board and shall bear the impress of the
23 seal of the Board. All papers received by the Board relating to an
24 application for a license, to an examination and to the issuance of

1 a license shall be electronically retained by the Board ~~for three~~
2 ~~(3) years~~ and originals destroyed. If it was incomplete, it shall
3 be retained for one (1) year from the date of submission and then
4 destroyed.

5 E. The following Board records and papers are of a confidential
6 nature and are not public records: Examination material for
7 examinations before and after they are given, file records of
8 examination problem solutions, letters of inquiry and reference
9 concerning applicants, Board inquiry forms concerning applicants,
10 and investigation files. The agency's computer software, hardware
11 and programming codes, documents and all other related issues and
12 documents are not a public record, nor open to the public and shall
13 be confidential property of the agency and State of Oklahoma.
14 Confidential records pursuant to this section shall only be open and
15 available to other governmental entities and/or vendors used by the
16 agency and State of Oklahoma for processing agency, state and/or
17 government business. Vendors used by the agency, state or
18 government entities are still covered by this confidential statute.

19 SECTION 21. AMENDATORY 59 O.S. 2011, Section 46.25, is
20 amended to read as follows:

21 Section 46.25. Each licensed architect shall have a seal, the
22 image of which must contain the name of the architect, the person's
23 license number and the words, "Licensed Architect, State of
24 Oklahoma". All technical submissions prepared by such architect, or

1 under the responsible control of the architect, shall be sealed,
2 signed and dated, which shall mean that the architect was in
3 responsible control over the content of such technical submissions
4 during their preparation and has applied the required professional
5 standard of care. No licensed architect may sign or seal technical
6 submissions unless they were prepared by or under the responsible
7 control of the architect; except that:

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

15 2. The person may sign or seal those portions of the technical
16 submissions that are not required to be prepared by or under the
17 responsible control of an architect if the architect has reviewed
18 and adapted in whole or in part such submissions and integrated them
19 into the work. The seal may be a rubber stamp or may be generated
20 electronically, pursuant to rules adopted by the Board and to the
21 authority having jurisdiction; and

22 3. The person may sign or seal technical submissions prepared
23 by another architect registered in any United States jurisdiction if
24 the signing and sealing architect has reviewed the other architect's

1 technical submissions, integrated the technical submissions into the
2 architect's technical submissions, and the other architect's
3 technical submissions are prototypical plans. In applying his or
4 her seal, the Oklahoma licensed architect assumes full
5 responsibility for the documents as if fully prepared by or under
6 the Oklahoma licensed architect's responsible control.

7 SECTION 22. AMENDATORY 59 O.S. 2011, Section 46.26, is
8 amended to read as follows:

9 Section 46.26. It shall be unlawful for an architect or
10 landscape architect to accept or to receive compensation, directly
11 or indirectly, from ~~another~~ anyone other than ~~his~~ the licensee's
12 client in connection with the reparation, alteration or construction
13 of a building or structure in relation to which ~~he~~ the licensee
14 shall have accepted employment in any manner.

15 SECTION 23. AMENDATORY 59 O.S. 2011, Section 46.27, is
16 amended to read as follows:

17 Section 46.27. It shall be unlawful for an architect, at any
18 time, to competitively bid or hold a financial interest in any
19 entity competitively bidding for a contract for the reparation,
20 alteration or ~~erection~~ construction of a ~~building or other structure~~
21 project for which he has prepared the plans and specifications
22 unless the contract is a design/build contract for an all encompass
23 fee only.

1 SECTION 24. AMENDATORY 59 O.S. 2011, Section 46.28, is
2 amended to read as follows:

3 Section 46.28. The ~~State Architectural~~ Oklahoma Licensed
4 Architects, Landscape Architects and Registered Interior Designers
5 Act shall not require the licensing or registration of practitioners
6 of the following professions and occupations to practice landscape
7 architecture:

8 1. A professional civil engineer, as defined in Section 475.2
9 of this title, certified to practice the profession in this state
10 under any act to regulate the practice of that profession. Nothing
11 contained in the ~~State Architectural~~ Oklahoma Licensed Architects,
12 Landscape Architects and Registered Interior Designers Act shall be
13 construed as precluding an architect or engineer from performing
14 services included within the definition of "landscape architecture"
15 when incidental, meaning less than ten (10) percent of the total
16 project cost, to the performance of his or her normal practice as an
17 architect or engineer;

18 2. A landscape contractor building or installing what was
19 designed by a landscape architect;

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

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

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

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

15 ~~7.~~ 6. Persons other than landscape architects who prepare
16 details and shop drawings for use in connection with the execution
17 of their work;

18 ~~8.~~ 7. Builders or their superintendents in the supervision of
19 landscape architectural projects; and

20 ~~9.~~ 8. Persons in the occupations set forth in this section
21 shall not use the title "landscape architect" or hold themselves out
22 to practice "landscape architecture" without complying with the
23 provisions of the State Architectural and Registered Interior
24 Designers Act and the rules of the Board.

1 SECTION 25. AMENDATORY 59 O.S. 2011, Section 46.29, is
2 amended to read as follows:

3 Section 46.29. ~~No~~ Pursuant to the Oklahoma Licensed Architects,
4 Landscape Architects and Registered Interior Designers Act, no
5 person shall practice landscape architecture in this state, or use
6 the title "landscape architect" on any sign, title, card or device
7 to indicate that such person is practicing landscape architecture or
8 is a landscape architect, unless such person shall have secured from
9 the Board a license.

10 SECTION 26. AMENDATORY 59 O.S. 2011, Section 46.30, is
11 amended to read as follows:

12 Section 46.30. The Board shall license, as a landscape
13 architect, each applicant who demonstrates to the satisfaction of
14 the Board his or her ~~fitness~~ qualification and competence for such
15 license as provided in this act and the Board's current rules after
16 passing a national criminal history records check. The Board shall,
17 in its sole discretion, determine whether or not to issue, renew,
18 reinstate or revoke a license.

19 The Board shall issue to each individual licensed a certificate
20 of qualification and the right to use the title "landscape
21 architect", and to practice landscape architecture in the state.

22 SECTION 27. AMENDATORY 59 O.S. 2011, Section 46.31, is
23 amended to read as follows:

24

1 Section 46.31. A. Any person of good moral character who is a
2 legal resident of the State of Oklahoma and who is twenty-one (21)
3 years of age or older, with a degree from an approved landscape
4 architecture program and upon completion of practical training and
5 passage of examinations as the Board, by rule, shall deem
6 appropriate, whose application has been approved by the Board, and
7 who has fulfilled such other requirements as determined by the ~~State~~
8 ~~Architectural~~ Oklahoma Licensed Architects, Landscape Architects and
9 Registered Interior Designers Act and the rules of the Board, upon
10 the payment to the Board of a fee as prescribed by the rules of the
11 Board, plus an amount to be determined by the Board, equal to the
12 cost of the examination, may take an examination for the purpose of
13 securing a license to practice landscape architecture in this state.
14 Examinations shall be ~~held not less than once each year by the Board~~
15 ~~or by a committee appointed by it to do so. Notice of the time and~~
16 ~~place of the holding of examinations shall be given in manner and~~
17 ~~form as prescribed by the Board~~ administered by computer except for
18 the Board's specific examinations. All landscape architect
19 candidates are required to take and pass the Oklahoma Plant Material
20 test.

21 B. The Board shall establish rules for examination of landscape
22 architects and may elect to follow the recommendations of the
23 Council of Landscape Architects Registration Board (CLARB) or its
24 successor. The examinations shall be designed to determine the

1 qualifications of the applicant to practice landscape architecture.
2 The examination shall cover such technical, professional and
3 practical subjects as relate to the practice of the profession of
4 landscape architecture. The examination shall also cover the basic
5 arts and sciences and knowledge of material which is necessary to
6 the proper understanding, application and qualification for practice
7 of the profession of landscape architecture. The minimum passing
8 grade in all subjects of the examination shall be as established by
9 the Board. An applicant receiving a passing grade on a subject
10 included in the examination will be given credit, subject to CLARB's
11 provisions and subject to the rules of the Board. Applicants for
12 readmittance to the examination shall pay the ~~full examination~~
13 application fee for ~~each~~ testing.

14 Upon passage of the examination, completion of the Board's
15 requirements as prescribed by the Oklahoma Licensed Architects,
16 Landscape Architects and Registered Interior Designers Act and its
17 rules, and the payment of a sum as prescribed by the rules of the
18 Board, the Board shall issue to the applicant a license certificate
19 which shall authorize the person to engage in the practice of
20 landscape architecture in this state.

21 C. Pursuant to such rules as it may have adopted, the Board
22 shall have the power to issue licenses without requiring an
23 examination to persons who have been licensed to practice landscape
24 architecture in states other than the State of Oklahoma, in a

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

13 D. The Board has authority to issue temporary licenses while
14 qualifying the applicant for a maximum of three (3) months from the
15 date the application process is begun.

16 SECTION 28. AMENDATORY 59 O.S. 2011, Section 46.32, is
17 amended to read as follows:

18 Section 46.32. The Pursuant to the Oklahoma Licensed
19 Architects, Landscape Architects and Registered Interior Designers
20 Act, the privilege of engaging in the practice of landscape
21 architecture is personal, based upon the qualifications of the
22 individual evidenced by the individual's registration, and is not
23 transferable.
24

1 SECTION 29. AMENDATORY 59 O.S. 2011, Section 46.33, is
2 amended to read as follows:

3 Section 46.33. ~~The~~ Pursuant to the Oklahoma Licensed
4 Architects, Landscape Architects and Registered Interior Designers
5 Act, the Board may restore a license to any person whose license has
6 lapsed or has been revoked or suspended. Application for the
7 reissuance of a license and fees shall be made in such manner as the
8 Board may direct.

9 SECTION 30. AMENDATORY 59 O.S. 2011, Section 46.34, is
10 amended to read as follows:

11 Section 46.34. A. Each licensed landscape architect shall have
12 a seal, the image of which shall contain the name of the landscape
13 architect, the person's license number and the words, "Licensed
14 Landscape Architect, State of Oklahoma". All technical submissions
15 prepared by ~~such~~ the landscape architect, or under the responsible
16 control of the landscape architect, shall be sealed, signed and
17 dated, which shall mean that the landscape architect was in
18 responsible control over the content of such technical submissions
19 during their preparation and has applied the required professional
20 standard of care. No licensed landscape architect may sign or seal
21 technical submissions unless they were prepared by or under the
22 responsible control of the landscape architect, except that:

23 1. The person may sign or seal those portions of the technical
24 submissions that were prepared by or under the responsible control

1 of persons who are licensed under the ~~State Architectural~~ Oklahoma
2 Licensed Architects, Landscape Architects and Registered Interior
3 Designers Act if the landscape architect has reviewed and adapted in
4 whole or in part such portions and has either coordinated their
5 preparation or integrated them into the work; and

6 2. The person may sign or seal those portions of the technical
7 submissions that are not required to be prepared by or under the
8 responsible control of a landscape architect if the landscape
9 architect has reviewed and adapted in whole or in part such
10 submissions and integrated them into the work. The seal may be a
11 rubber stamp or may be generated electronically.

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

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

1 D. The license of a landscape architect shall not permit the
2 practice of architecture, engineering or land surveying, except that
3 which is incidental, meaning less than ten (10) percent of the total
4 cost of the project, to the practice of landscape architecture. No
5 landscape architect shall permit his or her seal to be affixed to
6 any plans, specifications or drawings if such portions thereof as
7 are involved in the practice of his or her particular profession
8 were not prepared by or under the landscape architect's ~~personal and~~
9 ~~direct supervision by a regularly employed subordinate~~ responsible
10 control.

11 SECTION 31. AMENDATORY 59 O.S. 2011, Section 46.35, is
12 amended to read as follows:

13 Section 46.35. ~~It~~ Pursuant to the Oklahoma Licensed Architects,
14 Landscape Architects and Registered Interior Designers Act, it shall
15 be unlawful for a landscape architect to accept or to receive
16 compensation, directly or indirectly, from any person other than the
17 client in connection with the reparation, alteration or construction
18 of a project in relation to which the landscape architect shall have
19 accepted employment in any manner.

20 SECTION 32. AMENDATORY 59 O.S. 2011, Section 46.36, is
21 amended to read as follows:

22 Section 46.36. It shall be unlawful for a landscape architect,
23 at any time, to competitively bid or hold a financial interest in
24 any entity competitively bidding for a contract for the reparation,

1 alteration or construction of a project for which the landscape
2 architect has prepared ~~construction documents~~ the plans and
3 specifications unless the contract is a design/build contract for
4 all encompass fee only.

5 SECTION 33. AMENDATORY 59 O.S. 2011, Section 46.38, is
6 amended to read as follows:

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

9 B. Except as otherwise provided in the ~~State Architectural~~
10 Oklahoma Licensed Architects, Landscape Architects and Registered
11 Interior Designers Act, no registration shall be issued to any
12 person to represent that the person is a "registered interior
13 designer" nor shall any person be allowed to use the term unless the
14 person pays to the Board the required fees and/or penalties if
15 applicable as established by the rules of the Board and:

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

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

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

4 C. The Board may waive the requirements of the ~~State~~
5 ~~Architectural~~ Oklahoma Licensed Architects, Landscape Architects and
6 Registered Interior Designers Act and its rules for an individual
7 who holds a current valid registration from another state,
8 jurisdiction or foreign country where the requirements for
9 registration are substantially equivalent to those required for
10 registration in this state and pays the required fees and/or
11 penalties, if applicable, to the Board.

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

14 E. Nothing in this act shall be construed to authorize the
15 Board to regulate persons who are rendering interior design services
16 and are not a registered interior designer under the provisions of
17 this act or to adopt regulations that would exceed the powers and
18 responsibilities expressly authorized under this act.

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

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

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

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

13 3. 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 of
19 the partnership, firm, association, corporation, limited liability
20 company or limited liability partnership. In the event there shall
21 be a change in any of these persons during the term of
22 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 Board's current rules have been

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

4 4. 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 the
7 words "Registered Interior Designer" or any modification or
8 derivation of these words, unless the Board has issued for the
9 applicant either a certificate of title for an entity, or a letter
10 indicating the eligibility for an exemption pursuant to the
11 requirements of ~~this act~~ the Oklahoma Licensed Architects, Landscape
12 Architects and Registered Interior Designers Act. The firm applying
13 shall supply the certificate of title or letter from the Board with
14 its application for incorporation or registration;

15 5. The Secretary of State shall not register any trade name or
16 service mark which includes such words as set forth in paragraph 4
17 of this subsection, or modification or derivatives thereof in its
18 firm 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; and

21 6. Upon application for renewal and upon compliance with the
22 provisions of ~~this act~~ the Oklahoma Licensed Architects, Landscape
23 Architects and Registered Interior Designers Act and the rules of
24 the Board, a certificate of title shall be renewed as provided by

1 ~~this act~~ the Oklahoma Licensed Architects, Landscape Architects and
2 Registered Interior Designers Act.

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

15 SECTION 34. AMENDATORY 59 O.S. 2011, Section 46.39, is
16 amended to read as follows:

17 Section 46.39. A. Any person who applies to become a
18 registered interior designer and remits the application and initial
19 fees ~~within two (2) years~~ after July 1, 2007, ~~shall~~ may be
20 registered by the Board ~~of Governors of the Licensed Architects,~~
21 ~~Landscape Architects and Registered Interior Designers~~ if:

22 1. In lieu of the requirement of an accredited professional
23 degree, an applicant demonstrates, in accordance with ~~such standards~~
24 ~~and requirements as the Board adopts by rule~~ the Oklahoma Licensed

1 Architects, Landscape Architects and Registered Interior Designers

2 Act and rules of the Board, that the applicant has the interior
3 design education that the Board deems equivalent to an accredited
4 professional degree in interior design and the applicant has passed
5 the examination of the ~~National~~ Council for Interior Design
6 Qualification, or its successor; or

7 2. In lieu of the requirement of any professional degree, an
8 applicant may provide documented proof of diversified and
9 appropriate experience in the practice of interior design for a
10 period of six (6) years and the applicant has passed the examination
11 of the ~~National~~ Council for Interior Design Qualification, or its
12 successor; or

13 3. The applicant is a licensed architect.

14 B. The Board has the authority to issue temporary licenses
15 while qualifying the applicant for three (3) months from the date
16 the application process was begun.

17 SECTION 35. AMENDATORY 59 O.S. 2011, Section 46.40, is
18 amended to read as follows:

19 Section 46.40. A. The Board of Governors of the Oklahoma
20 Licensed Architects, Landscape Architects and Registered Interior
21 Designers ~~of Oklahoma~~ may waive the educational and examination
22 requirements of the ~~State Architectural~~ Oklahoma Licensed
23 Architects, Landscape Architects and Registered Interior Designers
24 Act for persons with diversified and appropriate experience in the

1 practice of interior design for a period of fifteen (15) years ~~prior~~
2 ~~to July 1, 2007,~~ if the person is not registered under the ~~State~~
3 ~~Architectural~~ Oklahoma Licensed Architects, Landscape Architects and
4 Registered Interior Designers Act and ~~not~~ is exempt from passage of
5 the national examination requirement for registration in order to
6 use the title "Registered Interior Designer".

7 B. The ~~State Architectural~~ Oklahoma Licensed Architects,
8 Landscape Architects and Registered Interior Designers Act shall not
9 be construed to prohibit or interfere with the ability of a licensed
10 architect to perform those activities that are associated with his
11 or her practice as provided under the provisions of the ~~State~~
12 ~~Architectural~~ Oklahoma Licensed Architects, Landscape Architects and
13 Registered Interior Designers Act.

14 SECTION 36. AMENDATORY 59 O.S. 2011, Section 46.41, is
15 amended to read as follows:

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

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

10 SECTION 37. This act shall become effective July 1, 2013.

11 SECTION 38. It being immediately necessary for the preservation
12 of the public peace, health and safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

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