

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
FOR  
4 SENATE BILL NO. 784

By: Newberry of the Senate

5 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.

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~~ 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~~

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

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

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

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

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

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

3 7. "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" or any modification or derivation of  
7 these terms;

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

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

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

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

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

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

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

1 the requirements of the state building code as adopted by the Office  
2 of the State Fire Marshal;

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

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

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

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

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

21 5. "Certificate of authority" means the authorization granted  
22 by the Board for persons to practice or offer to practice  
23 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;

24

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;

24

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  
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

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.

24

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 ~~or 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.

24

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.

24

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

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

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

b. shall have the right to be represented by counsel and an opportunity to respond and present evidence and argument on all issues involved, by the introduction of evidence and by the examination and cross-examination of witnesses, and to compel the attendance of witnesses and the production of books and papers.

Pursuant to the foregoing, the Board shall have the power of a court of record, including the power to issue subpoena and to compel the attendance and testimony of witnesses. Each member of the Board shall have the power to administer oaths and to issue subpoena. Whenever any person who shall have been subpoenaed to appear to give testimony, or to answer any pertinent or proper question, or to produce books, papers or documents which shall have been designated in a subpoena, either on behalf of the prosecution or on behalf of the accused, shall refuse to appear to

testify before the Board, or to answer any pertinent or proper questions, or to produce a book, paper or document which shall have been designated in a subpoena, the person shall be deemed to be in contempt of the Board, and it shall be the duty of the presiding officer of the Board, to report the fact to the district court of the State of Oklahoma in and for the county in which such person may be or may reside whereupon the court shall issue an attachment in the usual form, directed to the sheriff of the county, which shall command the sheriff to attach such person and forthwith bring the person before the court. On the return of the attachment duly served upon the accused, or upon the production of the person attached, the district court shall have jurisdiction of the matter. The person charged may purge himself or herself of the contempt in the same way and the same proceedings shall be had, and the same penalties may be imposed, as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a district court of the State of Oklahoma. Depositions may be taken and used in the same manner as in civil cases. The Board shall keep a record of the evidence in, and a record of each

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~~

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

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       ‡

- c. all uninhabitable, privately owned agricultural buildings, and
- d. one and two family dwellings and buildings as covered by the codes consisting of three or fewer townhouse units of any size or height.

D. The renovation or alteration of a buildings where the

~~intended use is original Code Use Group was exempt as new construction shall be remain exempt from the provisions of the State Architectural Oklahoma Licensed Architects, Landscape Architects and Registered Interior Designers Act if the Code Use Group does not change.~~

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

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

Section 46.24. A. Except as otherwise provided in the State  
Architectural Oklahoma Licensed Architects, Landscape Architects and  
Registered Interior Designers Act, no license shall be issued to any  
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.

24

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:

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:

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.

15  
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