



1 retain application materials electronically;  
2 directing Board to destroy certain application  
3 materials; updating language; prohibiting competitive  
4 bid for interested persons; modifying license  
5 exceptions for landscape architects; proscribing use  
6 of derivations of certain terms by an unlicensed  
7 person; clarifying landscape architect license  
8 requirements; permitting Board to issue temporary  
9 landscape architect license; modifying landscape  
10 architect license qualifications; authorizing  
11 computer examinations; setting minimum frequency for  
12 examinations; providing for notice of examinations;  
13 setting procedure for design competitions; requiring  
14 submission of fee at time of application for  
15 reissuance; prohibiting competitive bid for  
16 interested persons; changing name of interior design  
17 professional accreditation authority; authorizing  
18 issuance of temporary interior designer license;  
19 modifying who can use certain professional title;  
20 providing an effective date; and declaring an  
21 emergency.

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

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

Section 46.1 ~~This act~~ Section 46.1 et seq. of this title shall  
be known and may be cited as the "State Architectural and Registered  
Interior Designers Act".

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

Section 46.2 In order to safeguard life, health and property  
and to promote the public welfare, the professions of architecture  
~~or~~ and landscape architecture are declared to be subject to

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

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

22 Section 46.3 As used in the State Architectural and Registered  
23 Interior Designers Act:

24

1 1. "Architect" means any person who is licensed ~~and engages~~ in  
2 the practice of architecture in the State of Oklahoma as hereinafter  
3 defined;

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

19 3. "Registration or license" means a certificate of  
20 registration or license issued by the Board. The definition of  
21 "license" shall apply to those persons licensed under a practice  
22 act. The definition of "registration" shall apply to those persons  
23 registered under ~~a~~ the title registered interior designer under this  
24 act;

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

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

6 6. "Certificate of authority" means the authorization granted  
7 by the Board for persons to practice or offer to practice  
8 architecture, or landscape architecture, through a partnership,  
9 firm, association, corporation, limited liability company or limited  
10 liability partnership;

11 7. "Certificate of title" means the authorization granted by  
12 the Board for a partnership, firm, association, corporation, limited  
13 liability company or limited liability partnership to use the title  
14 "registered interior designer" or any modification or derivation of  
15 these terms;

16 8. "Technical submissions" means ~~designs,~~ drawings, plans,  
17 specifications, studies and any other technical reports prepared or  
18 documents which are issued in the course of practicing architecture  
19 or landscape architecture with the intent that they be considered as  
20 formal or final documents but shall not include record drawings.  
21 Prototypical plans are not technical submissions;

22 9. "Responsible control" means the amount of direct control and  
23 personal supervision of architectural, landscape architectural or  
24 registered interior designer's work and detailed knowledge of the

1 content of tactical and technical submissions during their  
2 preparation as is ordinarily exercised by licensed architects or  
3 landscape architects applying the required professional standard of  
4 care. The terms direct control and personal supervision, whether  
5 used separately or together, mean active and personal management of  
6 the firm's personnel and practice to maintain charge of, and  
7 concurrent direction over, architecture, landscape architecture or  
8 the work of a registered interior designer's decisions and the  
9 instruments of professional services to which the licensee or  
10 registrant affixes the seal, signature, and date;

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

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

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

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

18 12. "Code" means the nationally recognized ~~building code~~ codes  
19 adopted by the ~~local, municipal, or county jurisdiction in which a~~  
20 ~~building is located. Where no building code has been adopted by the~~  
21 ~~local, municipal or county jurisdiction, all buildings shall meet~~  
22 ~~the requirements of the state building code as adopted by the Office~~  
23 ~~of the State Fire Marshal~~ Uniform Building Code Commission of the  
24 State of Oklahoma;

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

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

12 15. "Plans" means technical documents issued by the licensed  
13 and/or registered professionals intended to meet all current and  
14 applicable codes as adopted by the Uniform Building Code Commission  
15 of the State of Oklahoma, other statutory codes and applicable  
16 federal codes and which shall be submitted to all required building  
17 code and/or permit offices required by the State of Oklahoma,  
18 county, municipal and/or federal government; and

19 16. "Equivalent standards" means those standards adopted by the  
20 Board intended to be used as alternative equivalents to determine  
21 competency for education, training and testing for licensing  
22 architects and/or landscape architects and registering interior  
23 designers and for complying with the Post-Military Service  
24

1 Occupation, Education and Credentialing Act for military personnel  
2 and their spouses.

3 The definitions in the State Architectural and Registered  
4 Interior Designers Act shall have the same meaning when applicable  
5 to any rule promulgated pursuant to such act.

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

8 Section 46.4 There is hereby re-created, to continue until July  
9 1, ~~2014~~ 2020, in accordance with the provisions of the Oklahoma  
10 Sunset Law, a board to be known as the "Board of Governors of the  
11 Licensed Architects, Landscape Architects and Registered Interior  
12 Designers of Oklahoma", hereinafter referred to as the Board. The  
13 Board shall be composed of eleven (11) members, including seven  
14 persons who ~~have been~~ are duly licensed to practice architecture and  
15 ~~are actively engaged in the practice of architecture~~ in good  
16 standing in this state ~~or are teaching professors of architecture~~  
17 ~~and duly licensed to practice architecture in this state, two~~  
18 persons who ~~have been~~ are duly licensed to practice landscape  
19 architecture and ~~are actively engaged in the practice of landscape~~  
20 architecture in good standing in this state ~~or are teaching~~  
21 ~~professors of landscape architecture and duly licensed to practice~~  
22 ~~landscape architecture in this state, one person as a registered~~  
23 interior designer ~~after the initial appointment and any new~~  
24 ~~appointees thereafter shall be a registered interior designer and~~

1 ~~either actively engaged as a registered interior designer in this~~  
2 ~~state or is a registered teaching professor of interior design, and~~  
3 ~~is active and in good standing~~ and one lay member. Each member of  
4 the Board shall be a qualified elector of this state, and the  
5 architect ~~and,~~ landscape architect and registered interior designer  
6 members shall have had five (5) years' licensing or registration  
7 ~~experience in the application or the study of the principles of~~  
8 ~~their respective profession after initial licensure.~~ The registered  
9 ~~interior designer shall have five (5) years' experience in the~~  
10 ~~application or the study of the principles of interior design, met~~  
11 ~~the requirements of Section 46.38 of this title and become~~  
12 ~~registered.~~ After July 1, 2012, the registered interior designer  
13 member of the Board shall have five (5) years of being registered by  
14 the Board and shall have met the requirements of Section 46.38 of  
15 this title as the professional position requires in this state. Re-  
16 creation of the Board shall not alter existing staggered terms.  
17 Board members, other than the lay member, shall be appointed for a  
18 period of five (5) years thereafter; provided that nothing herein  
19 shall affect the tenure of office of anyone who is a member of the  
20 Board on ~~the effective date of this act~~ May 31, 1957. A member may  
21 be reappointed to succeed such membership. The licensed persons  
22 ~~engaged in the practice of architecture or landscape architecture~~  
23 architect, landscape architect or the registered interior designer,  
24 ~~or the persons who are licensed teaching professors of architecture,~~

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

21 SECTION 5. AMENDATORY 59 O.S. 2011, Section 46.7, is  
22 amended to read as follows:

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

- 1           1. Prescribe such rules and to make such orders, as it may deem  
2 necessary or expedient in the performance of its duties;
- 3           2. Prepare, conduct, and grade examinations of persons who  
4 shall apply for the issuance of licenses and registrations to them,  
5 and to promulgate such rules with reference thereto as it may deem  
6 proper as a portion used to determine competency for the issuance of  
7 licenses or registrations;
- 8           3. ~~Contract~~ Work with nationally recognized licensing and  
9 registration organizations to prepare, conduct, and grade  
10 examinations, written or oral, of persons who shall apply for the  
11 issuance of licenses or registrations;
- 12           4. Determine the satisfactory passing score on ~~such~~  
13 examinations and issue licenses and registrations to persons who  
14 shall have passed examinations, or who shall otherwise be entitled  
15 thereto;
- 16           5. Determine eligibility for licenses and certificates of  
17 authority and issue them;
- 18           6. Determine eligibility for registration as a registered  
19 interior designer and for certificate of title and issue them;
- 20           7. Promulgate rules to govern the issuing of reciprocal  
21 licenses and registrations;
- 22           8. Upon good cause shown, as hereinafter provided, deny the  
23 issuance of a license, registration, certificate of authority or  
24 certificate of title or suspend, revoke ~~or~~, refuse to renew or issue

1 probation orders for licenses or registrations, and/or require  
2 additional educational course work and determine when the objectives  
3 have been met;

4 9. Upon proper showing, reinstate or conditionally reinstate  
5 licenses, registrations, certificates of title or certificates of  
6 authority previously issued, ~~and upon proper showing, to reinstate~~  
7 ~~them;~~

8 ~~9.~~ 10. Review, affirm, reverse, vacate or modify its order with  
9 respect to any such denial, suspension, revocation, probation and/or  
10 educational course work requirements or refusal to renew;

11 ~~10.~~ 11. Prescribe rules governing proceedings for the denial of  
12 issuance of a license, registration, certificate of authority or  
13 certificate of title, suspension, revocation or refusal to renew, to  
14 issue probation orders and/or require additional educational course  
15 work and determine when the objectives have been met for cause, ~~of~~  
16 ~~licenses, registrations, certificates of authority or certificates~~  
17 ~~of title heretofore issued and the reinstatement thereof~~ reinstate  
18 them;

19 ~~11.~~ 12. Prescribe such penalties, as it may deem proper, to be  
20 assessed against holders of licenses, registrations, certificates of  
21 authority or certificates of title for the failure to pay the  
22 biennial fee hereinafter provided for;

23 ~~12.~~ 13. Levy civil penalties plus the legal costs incurred by  
24 the Board to prosecute the case against any person or entity who

1 shall violate any of the provisions of the State Architectural and  
2 Registered Interior Designers Act, or any rule promulgated pursuant  
3 thereto;

4 ~~13.~~ 14. Obtain an office, secure such facilities, and employ,  
5 direct, discharge and define the duties and set the salaries of such  
6 office personnel and set the salaries of such unclassified and  
7 exempt office personnel as deemed necessary by the Board;

8 ~~14.~~ 15. Initiate disciplinary action, prosecute and seek  
9 injunctions against any person or entity who has violated any of the  
10 provisions of the State Architectural and Registered Interior  
11 Designers Act or any rule of the Board promulgated pursuant to said  
12 act and against the owner/developer of the building type not exempt;

13 ~~15.~~ 16. Investigate alleged violations of the State  
14 Architectural and Registered Interior Designers Act or of the rules,  
15 orders or final decisions of the Board;

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

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

20 ~~18.~~ 19. Whenever it deems it appropriate, confer with the  
21 Attorney General or the Attorney General's assistants in connection  
22 with all legal matters and questions. The Board may also retain an  
23 attorney who is licensed to practice law in this state. The  
24 attorney shall serve at the pleasure of the Board for such

1 compensation as may be provided by the Board. The attorney shall  
2 advise the Board and perform legal services for the Board with  
3 respect to any matters properly before the Board. In addition to  
4 the above, the Board may employ hearing examiners to conduct  
5 administrative hearings under the provisions of the Administrative  
6 Procedures Act;

7 ~~19.~~ 20. Prescribe by rules, fees to be charged as required by  
8 this act;

9 ~~20.~~ 21. Adopt rules providing for a program of continuing  
10 education in order to ~~insure~~ ensure that all licensed architects or  
11 landscape architects and registered interior designers remain  
12 informed of those technical and professional subjects ~~which~~ that the  
13 Board deems appropriate ~~to professional architect or landscape~~  
14 ~~architect practice.~~ The Board may by rule describe the methods by  
15 which the requirements of such program may be satisfied. Failure to  
16 meet such requirements of continuing education shall result in  
17 nonrenewal of the license issued to the architect or landscape  
18 architect or nonrenewal of the registration issued to the registered  
19 interior designer;

20 ~~21.~~ 22. Adopt rules regarding requirements for intern  
21 development as a prerequisite for licensure or registration; ~~and~~

22 ~~22.~~ 23. Give scholarships, as determined by the Board, to an  
23 individual or individuals advancing toward obtaining an accredited  
24 National Architectural Accreditation Board, Landscape Architectural

1 Accreditation Board or Council for Interior Design Accreditation  
2 degree in one of these three professions in an Oklahoma higher  
3 education institution; and

4 24. Take such other action as may be reasonably necessary or  
5 appropriate to effectuate the State Architectural and Registered  
6 Interior Designers Act.

7 SECTION 6. AMENDATORY 59 O.S. 2011, Section 46.8a, is  
8 amended to read as follows:

9 Section 46.8a A. It shall be unlawful for any person to  
10 directly or indirectly engage in the practice of architecture in  
11 this state or use the title "Architect", "Registered or Licensed  
12 Architect", "Architectural Designer", or display or use any words,  
13 letters, figures, titles, signs, cards, advertisements, or other  
14 symbols or devices indicating or tending to indicate that such  
15 person is an architect or is practicing architecture, unless the  
16 person is licensed under the provisions of this act. No person  
17 shall aid or abet any person, not licensed under the provisions of  
18 this act, in the practice of architecture.

19 B. Every person applying to the Board for an initial license  
20 shall submit an application accompanied by the fee established in  
21 accordance with the rules of the Board, with satisfactory evidence  
22 that such person holds an accredited professional degree in  
23 architecture or has completed such other education as the Board  
24 deems equivalent to an accredited professional degree and with

1 satisfactory evidence that such person has completed such practical  
2 training in architectural work as the Board requires. If an  
3 applicant is qualified in accordance with this subsection, the Board  
4 shall, by means of a written examination, examine the applicant on  
5 such technical and professional subjects as are prescribed by the  
6 Board. None of the examination materials shall be considered public  
7 records. The Board may exempt from such written examination an  
8 applicant who holds a certification issued by the National Council  
9 of Architectural Registration Boards or its successor or in any case  
10 the Board decides the interest of the public will be served and the  
11 person is determined to be qualified and competent by equivalent  
12 standards for education, training and examination.

13 The Board ~~may~~ shall adopt as its own rules governing practical  
14 training and education and may use those guidelines published from  
15 time to time by the National Council of Architectural Registration  
16 Boards or its successor. The Board may also adopt the examinations  
17 and grading procedures of the National Council of Architectural  
18 Registration Boards or its successor and the accreditation decisions  
19 of the National Architectural Accrediting Board or its successor.  
20 The Board shall issue its license to each applicant who is found to  
21 be of good moral character and who satisfies the requirements set  
22 forth in this section and the Board's current rules. Such license  
23 shall be effective upon issuance.

24

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

18 SECTION 7. AMENDATORY 59 O.S. 2011, Section 46.9, is  
19 amended to read as follows:

20 Section 46.9 A. The practice of architecture or landscape  
21 architecture or offering to practice these professions for others by  
22 persons licensed under this act through a partnership, firm,  
23 association, corporation, limited liability company or limited  
24 liability partnership as directors, partners, officers,

1 shareholders, employees, managers, members or principals is  
2 permitted, subject to the provisions of the State Architectural and  
3 Registered Interior Designers Act, provided:

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

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

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

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

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

1 liability partnership as provided for in the State Architectural and  
2 Registered Interior Designers Act.

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

1 of this section and the Board's current rules have been met, the  
2 Board shall issue a certificate of authority to such partnership,  
3 firm, association, corporation, limited liability company or limited  
4 liability partnership.

5 D. Any other person licensed pursuant to the State  
6 Architectural and Registered Interior Designers Act, not practicing  
7 these professions as a partnership, firm, association, corporation,  
8 limited liability company or limited liability partnership, shall  
9 practice as an individual.

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

20 F. The Secretary of State shall not issue a certificate of  
21 incorporation or register a foreign corporation or any other entity  
22 which includes among the objectives for which it is established any  
23 of the words "Architect", "Architectural", "Architecture",  
24 "Landscape Architect", "Landscape Architecture" or any modification

1 or derivation of these words, unless the Board has issued for said  
2 applicant either a certificate of authority for an entity, or a  
3 letter indicating ~~the~~ eligibility for an exemption pursuant to the  
4 State Architectural and Registered Interior Designers Act. The  
5 entity applying shall supply such certificate or letter from the  
6 Board with its application for incorporation or registration.

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

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

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

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

24

1 I. The Board shall have the power to issue, revoke, deny or  
2 refuse to renew a certificate of title for a partnership, firm,  
3 association, corporation, limited liability company or limited  
4 liability partnership as provided for in the State Architectural and  
5 Registered Interior Designers Act.

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

21 K. The Secretary of State shall not issue a certificate of  
22 incorporation or register a foreign corporation or any other entity  
23 which includes among the objectives for which it is established any  
24 of the words "Registered Interior Designer" or any modification or

1 derivation of these words, unless the Board has issued for the  
2 applicant either a certificate of title for an entity, or a letter  
3 indicating the eligibility for an exemption pursuant to the State  
4 Architectural and Registered Interior Designers Act. The firm  
5 applying shall supply such certificate of title or letter from the  
6 Board with its application for incorporation or registration.

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

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

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

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

23 Section 46.11 No license for architects or landscape architects  
24 or a certificate of authority for a partnership, firm, association,

1 corporation, limited liability company or limited liability  
2 partnership, shall be issued or renewed for longer than two (2)  
3 years. A license or certificate may be renewed upon application,  
4 compliance with this act or the rules of the Board, and payment of  
5 fees prior to or on June 30 of alternate years. Every licensed  
6 architect or landscape architect having a place of business or  
7 employment within the state shall display such person's license in a  
8 conspicuous place in such place of business or employment. A new  
9 license to replace a lost, destroyed or mutilated license shall be  
10 issued by the Board upon payment of a fee established in accordance  
11 with the rules of the Board.

12 SECTION 9. AMENDATORY 59 O.S. 2011, Section 46.14, is  
13 amended to read as follows:

14 Section 46.14 The Board shall have power to suspend, to revoke  
15 or refuse to renew a license, registration, certificate of authority  
16 or certificate of title issued by it, pursuant to the provisions of  
17 the State Architectural and Registered Interior Designers Act, when  
18 the holder thereof:

- 19 1. ~~Shall have~~ Has been convicted of a felony;
- 20 2. ~~Shall have~~ Has been guilty of fraud or misrepresentation ~~in~~  
21 ~~the person's application, whether for an examination or for a~~  
22 ~~license or registration without examination, or of fraud in the~~  
23 ~~examination;~~

24

1           3. ~~Shall have~~ Has been guilty of gross incompetence or  
2 reckless in the practice of architecture relating to the  
3 construction of buildings or structures, or of dishonest practices;

4           4. ~~Shall have~~ Has been guilty of gross incompetence or  
5 reckless in the practice of landscape architecture, or of  
6 dishonest practices;

7           5. Presents the license, registration or certification of  
8 another as his or her own;

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

10          7. Conceals information relative to any inquiry, investigation  
11 or violation of this act or rules promulgated under this act;

12          8. ~~Shall have~~ Has been found to be guilty of a violation of a  
13 provision of the State Architectural and Registered Interior  
14 Designers Act, or the rules of the Board; provided, that a person or  
15 entity complained of:

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

21           b. ~~shall have the right to be represented by counsel and~~  
22 ~~an opportunity to respond and present evidence and~~  
23 ~~argument on all issues involved, by the introduction~~  
24 ~~of evidence and by the examination and cross-~~

1 ~~examination of witnesses, and to compel the attendance~~  
2 ~~of witnesses and the production of books and papers.~~  
3 ~~Pursuant to the foregoing, the Board shall have the~~  
4 ~~power of a court of record, including the power to~~  
5 ~~issue subpoena and to compel the attendance and~~  
6 ~~testimony of witnesses. Each member of the Board~~  
7 ~~shall have the power to administer oaths and to issue~~  
8 ~~subpoena. Whenever any person who shall have been~~  
9 ~~subpoenaed to appear to give testimony, or to answer~~  
10 ~~any pertinent or proper question, or to produce books,~~  
11 ~~papers or documents which shall have been designated~~  
12 ~~in a subpoena, either on behalf of the prosecution or~~  
13 ~~on behalf of the accused, shall refuse to appear to~~  
14 ~~testify before the Board, or to answer any pertinent~~  
15 ~~or proper questions, or to produce a book, paper or~~  
16 ~~document which shall have been designated in a~~  
17 ~~subpoena, the person shall be deemed to be in contempt~~  
18 ~~of the Board, and it shall be the duty of the~~  
19 ~~presiding officer of the Board, to report the fact to~~  
20 ~~the district court of the State of Oklahoma in and for~~  
21 ~~the county in which such person may be or may reside~~  
22 ~~whereupon the court shall issue an attachment in the~~  
23 ~~usual form, directed to the sheriff of the county,~~  
24 ~~which shall command the sheriff to attach such person~~

1 ~~and forthwith bring the person before the court. On~~  
2 ~~the return of the attachment duly served upon the~~  
3 ~~accused, or upon the production of the person~~  
4 ~~attached, the district court shall have jurisdiction~~  
5 ~~of the matter. The person charged may purge himself~~  
6 ~~or herself of the contempt in the same way and the~~  
7 ~~same proceedings shall be had, and the same penalties~~  
8 ~~may be imposed, as in the case of a witness subpoenaed~~  
9 ~~to appear and give evidence on the trial of a civil~~  
10 ~~cause before a district court of the State of~~  
11 ~~Oklahoma. Depositions may be taken and used in the~~  
12 ~~same manner as in civil cases shall be afforded the~~  
13 ~~opportunity for a formal hearing carried out as~~  
14 ~~described under the current Administrative Procedures~~  
15 ~~Act or settled by the Board with a consent order or~~  
16 ~~final order approved by the Board.~~

17 The Board shall keep a record of the evidence in, and a record  
18 of each proceeding for the suspension, revocation of or refusal to  
19 renew a license or certificate of authority and shall make findings  
20 of fact and render a decision therein. If, after a hearing, the  
21 charges shall have been found to have been sustained by the vote of  
22 a majority of the members of the Board it shall immediately enter  
23 its order of suspension, revocation, penalties, probation,  
24

1 educational course work and objectives or refusal to renew, as the  
2 case may be.

3 SECTION 10. AMENDATORY 59 O.S. 2011, Section 46.18, is  
4 amended to read as follows:

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

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

1 State Architectural and Registered Interior Designers Act. All  
2 monies collected from such civil penalties shall be deposited with  
3 the State Treasurer of Oklahoma and placed in the Board of  
4 Architects<sup>1</sup> Fund.

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

11 SECTION 11. AMENDATORY 59 O.S. 2011, Section 46.20, is  
12 amended to read as follows:

13 Section 46.20 At the close of each fiscal year, the Board shall  
14 make a full report of its proceedings during the year to the  
15 Governor and shall pay into the General Revenue Fund of the state<sup>7</sup>  
16 ten percent (10%) of all license ~~and~~, registration, certificate of  
17 authority and certificate of title issuance and renewal fees  
18 collected and received during the fiscal year.

19 SECTION 12. AMENDATORY 59 O.S. 2011, Section 46.21, is  
20 amended to read as follows:

21 Section 46.21 A. The State Architectural and Registered  
22 Interior Designers Act shall not apply to any persons, firms,  
23 corporations, limited liability companies or limited liability  
24 partnerships ~~who prepare plans and specifications for persons,~~

1 ~~firms, corporations, limited liability companies or limited~~  
2 ~~liability partnerships other than such person or entity, that do not~~  
3 ~~hold a license, registration or certification in any jurisdiction~~  
4 ~~for buildings exempted Code Use Groups defined by the State~~  
5 ~~Architectural and Registered Interior Designers Act from requiring~~  
6 ~~an architect licensed under the laws of the State of Oklahoma,~~  
7 ~~providing such persons, firms, corporations, limited liability~~  
8 ~~companies or limited liability partnerships and/or entities shall~~  
9 ~~not, in any manner, represent such person or entity to be an~~  
10 ~~architect or other title of profession or business using a form of~~  
11 ~~the word, "Architect", and providing further that nothing in the~~  
12 ~~State Architectural and Registered Interior Designers Act. This act~~  
13 ~~shall not prevent such persons, firms, corporations, limited~~  
14 ~~liability companies or limited liability partnerships advertising or~~  
15 ~~selling such and/or entities from advertising or selling their~~  
16 ~~service.~~

17 Any architect, landscape architect or registered interior  
18 designer from any jurisdiction that contracts, provides or holds out  
19 to the public that they are able to provide professional services in  
20 Oklahoma is required to hold a license, registration or certificate  
21 of authority or certificate of title as needed from the Board, even  
22 on exempt code use groups, and an architect or landscape architect  
23 is required to sign, seal and date all construction documents and  
24 technical submissions.

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

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

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

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

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

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

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

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

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

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

18       C. The following shall govern design competitions in the state:

19       1. Nothing in this act shall prohibit a person or firm from  
20 participating in an architectural design competition involving only  
21 architectural programming, planning, schematic design or design  
22 development information provided to a sponsor; and

23       2. The competition winner, prior to seeking the commission for  
24 architectural services on the proposed project, shall apply for

1 licensing in this state within ten (10) days of notification of  
2 winning the competition and complete the process within thirty (30)  
3 days.

4 SECTION 13. AMENDATORY 59 O.S. 2011, Section 46.21b, is  
5 amended to read as follows:

6 Section 46.21b. A. An architect shall be required to plan,  
7 design and prepare plans and specifications for the following  
8 ~~building types~~ Code Use Groups except where specifically exempt from  
9 the provisions of the State Architectural and Registered Interior  
10 Designers Act. All ~~use-groups~~ Code Use Groups in this section are  
11 defined by the ~~2003~~ current International Building Code.

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

- 16 1. Code Use Group I - Institutional;
- 17 2. Code Use Group R-2 - Residential, limited to dormitories,  
18 fraternities and sororities, and monasteries and convents;
- 19 3. Code Use Group A-1 - Assembly and theaters;
- 20 4. Code Use Group A-4 - Assembly, arenas and courts;
- 21 5. Code Use Group A-5 - Assembly, bleachers and grandstands;

22 and

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

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

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

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

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

- 4 a. Code Use Group U - Utility,
- 5 b. Code Use Group F - Factory and Industrial,
- 6 c. Code Use Group H - High hazard,
- 7 d. Code Use Group S - Storage,
- 8 e. Code Use Group R2 - Residential, including apartments  
9 containing no more than thirty-two dwelling units or  
10 thirty-two guest units per building,
- 11 f. Code Use Groups R3 and R4 - Residential,
- 12 g. all buildings used by a municipality, county, state,  
13 public trust, public agency or the federal government  
14 with a construction value under One Hundred Fifty-  
15 eight Thousand Dollars (\$158,000.00),
- 16 h. incidental buildings or appurtenances associated with  
17 paragraphs 1 through 5 of this subsection, and
- 18 i. all uninhabitable, privately owned agricultural  
19 buildings.

20 D. The addition, renovation or alteration of ~~a building~~  
21 buildings where the ~~intended use is~~ was exempt as new construction  
22 shall ~~be~~ remain exempt ~~from the provisions of the State~~  
23 ~~Architectural and Registered Interior Designers Act~~ if the Code Use  
24 Group does not change.

1 E. ~~Addition, renovation or alteration of buildings where the~~  
2 ~~intended use is not~~ Upgrades, repairs, replacements and changes made  
3 on projects in Code Use Groups found in this title requiring an  
4 architect are exempt from ~~the provisions of this act, but where the~~  
5 ~~planned addition or alteration, as determined by the applicable~~  
6 ~~building official, does~~ hiring an architect if the upgrades,  
7 repairs, replacements or changes do not affect the existing primary  
8 structural, mechanical, or electrical systems, life-safety systems,  
9 fire codes or exit passageways shall be exempt from the provisions  
10 ~~of the State Architectural and Registered Interior Designers Act~~  
11 and/or egress as determined by the applicable building official  
12 having jurisdiction.

13 SECTION 14. AMENDATORY 59 O.S. 2011, Section 46.24, is  
14 amended to read as follows:

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

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

21 2. ~~Is an actual bona fide resident of this state, except the~~  
22 ~~Board may waive this requirement in the case of a bona fide resident~~  
23 ~~of a foreign country or in any other case when the Board determines~~  
24

1 ~~the applicant for a license is not seeking to avoid the requirements~~  
2 ~~of the state of residence for a license;~~

3 ~~3.~~ Is the holder of an accredited professional degree in  
4 architecture and shall have had such practical training as this act  
5 and the Board, by rule, shall deem appropriate. In lieu of the  
6 requirement of an accredited professional degree, the Board may  
7 ~~register~~ license an applicant who demonstrates in accordance with  
8 such standards and requirements as determined by this act and/or the  
9 ~~Board adopts by rule~~ Board's rules that the person has such other  
10 educational experience as the Board deems equivalent to an  
11 accredited professional degree in architecture or in any case the  
12 Board decides the interest of the public will be served and the  
13 person is determined to be qualified and competent by equivalent  
14 standards for architects and in compliance with this act and rules  
15 or in compliance with the Post-Military Service Occupation,  
16 Education and Credentialing Act;

17 ~~4.~~ 3. Has paid to the Board a fee as prescribed by the rules of  
18 the Board plus the actual cost of the examination given by the  
19 Board; and

20 ~~5.~~ 4. Has passed the examinations prescribed by the Board for  
21 the issuance of a license.

22 B. Upon meeting the requirements of subsection A of this  
23 section and payment of an initial fee as may be prescribed by the  
24 rules of the Board, the Board shall issue to the applicant a license

1 which shall authorize the applicant to engage in the practice of  
2 architecture in this state. The Board has the authority to issue  
3 temporary licenses while qualifying the applicant in compliance with  
4 the Post-Military Service Occupation, Education and Credentialing  
5 Act or with any declared state of emergency.

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

16 D. The license certificate shall be in a form prescribed by the  
17 Board. The certificate shall be signed by the chair and by the  
18 secretary-treasurer of the Board and shall bear the impress of the  
19 seal of the Board. All papers received by the Board relating to an  
20 application for a license, to an examination and to the issuance of  
21 a license shall be electronically retained by the Board ~~for three~~  
22 ~~(3) years~~ and originals destroyed. If it was incomplete, it shall  
23 only be retained for one (1) year from the date of submission and  
24 then destroyed.

1 E. The following Board records and papers are of a confidential  
2 nature and are not public records: Examination material for  
3 examinations before and after they are given, file records of  
4 examination problem solutions, letters of inquiry and reference  
5 concerning applicants, Board inquiry forms concerning applicants,  
6 and investigation files.

7 SECTION 15. 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 to accept  
10 or ~~to~~ receive compensation, directly or indirectly, from another  
11 than his or her client in connection with the reparation, alteration  
12 or construction of a building or structure in relation to which he  
13 shall have accepted employment in any manner.

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

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

22 SECTION 17. AMENDATORY 59 O.S. 2011, Section 46.28, is  
23 amended to read as follows:

24

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

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

14 2. A landscape contractor building or installing what was  
15 designed by a landscape architect;

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

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

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

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

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

14 8. Builders or their superintendents in the supervision of  
15 landscape architectural projects; ~~and~~

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

21 SECTION 18. AMENDATORY 59 O.S. 2011, Section 46.29, is  
22 amended to read as follows:

23 Section 46.29 No person shall practice landscape architecture  
24 in this state, or use the title "landscape architect" or derivations

1 of those words on any sign, title, card or device to indicate that  
2 such person is practicing landscape architecture or is a landscape  
3 architect, unless such person shall have secured ~~from the Board~~ a  
4 license from the Board.

5 SECTION 19. AMENDATORY 59 O.S. 2011, Section 46.30, is  
6 amended to read as follows:

7 Section 46.30 The Board shall license, as a landscape  
8 architect, each applicant who demonstrates to the satisfaction of  
9 the Board his or her ~~fitness~~ qualification and competence or in any  
10 case the Board decides the interest of the public will be served for  
11 such license as provided in equivalent standards for education,  
12 training and examination in this act and the Board's current rules  
13 or in compliance with the Post-Military Service Occupation,  
14 Education and Credentialing Act. The Board has the authority to  
15 issue temporary licenses while qualifying the applicant in  
16 compliance with the Post-Military Service Occupation, Education and  
17 Credentialing Act or with any declared state of emergency.

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

21 SECTION 20. AMENDATORY 59 O.S. 2011, Section 46.31, is  
22 amended to read as follows:

23 Section 46.31 A. ~~Any person of good moral character who is a~~  
24 ~~legal resident of the State of Oklahoma and who is twenty-one (21)~~

~~1 years of age or older, with a degree from an approved landscape  
2 architecture program and upon completion of practical training as  
3 the Board, by rule, shall deem appropriate, whose application has  
4 been approved by the Board, and who has fulfilled such other  
5 requirements as determined by the State Architectural and Registered  
6 Interior Designers Act and the rules of the Board, upon the payment  
7 to the Board of a fee as prescribed by the rules of the Board, plus  
8 an amount to be determined by the Board, equal to the cost of the  
9 examination, may take an examination for the purpose of securing a  
10 license to practice landscape architecture in this state.~~

~~11 Examinations shall be held not less than once each year by the Board  
12 or by a committee appointed by it to do so. Notice of the time and  
13 place of the holding of examinations shall be given in manner and  
14 form as prescribed by the Board Except as otherwise provided in the  
15 State Architectural and Registered Interior Designers Act, no  
16 license shall be issued to any person to practice landscape  
17 architecture in this state unless the person:~~

~~18 1. Is twenty-one (21) years of age or older and is of good  
19 moral character;~~

~~20 2. Holds a degree from an accredited landscape architecture  
21 program and has such practical training as this act and the Board's  
22 rules deem appropriate;~~

~~23 3. Has passed the examinations prescribed by the Board  
24 including the Oklahoma Plant Materials Exam; and~~

1       4. Has paid all applicable fees.

2       B. If the Board determines the interest of the public will be  
3 served and the person is deemed by the Board to be qualified and  
4 competent by equivalent standards as the Board sets by rule or in  
5 compliance with the Post-Military Service Occupation, Education and  
6 Credentialing Act, the application shall be approved by the Board  
7 after the person has fulfilled all requirements of this act and  
8 rules of the Board.

9       C. Examinations may be administered by an electronic method and  
10 shall be held not less than once each year. Notices of the time and  
11 place for the holding of examinations shall be given in the manner  
12 and form as prescribed by the Board. All landscape architects are  
13 required to take and pass the Oklahoma Plant Materials Exam.

14       ~~B.~~ D. The Board shall establish rules for examination of  
15 landscape architects and may elect to follow the recommendations of  
16 the Council of Landscape Architects Registration Board (CLARB) or  
17 its successor. The examinations shall be designed to determine the  
18 qualifications of the applicant to practice landscape architecture.  
19 The examination shall cover such technical, professional and  
20 practical subjects as relate to the practice of the profession of  
21 landscape architecture. The examination shall also cover the basic  
22 arts and sciences and knowledge of material which is necessary to  
23 the proper understanding, application and qualification for practice  
24 of the profession of landscape architecture. The minimum passing

1 grade in all subjects of the examination shall be as established by  
2 the Board. An applicant receiving a passing grade on a subject  
3 included in the examination will be given credit, subject to CLARB's  
4 provisions and subject to the rules of the Board. Applicants for  
5 readmittance to the examination shall pay the ~~full examination~~  
6 application fee ~~for each testing~~.

7 Upon passage of the examination, completion of the Board's  
8 requirements as prescribed by this act and rules, and the payment of  
9 ~~a sum as~~ all applicable fees prescribed by the rules of the Board,  
10 the Board shall issue to the applicant a license ~~certificate~~ which  
11 shall authorize the person to engage in the practice of landscape  
12 architecture in this state.

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

1 treasurer, in the exercise of his or her discretion, or upon the  
2 order of the Board and upon the receipt of ~~the stated fee~~ all  
3 applicable fees prescribed by the Board, shall issue to the person a  
4 license to practice landscape architecture in this state.

5 F. The Board has the authority to issue temporary licenses  
6 while qualifying the applicant in compliance with Section 4100 et  
7 seq. of this title or with any declared state of emergency.

8 G. The following shall govern design competitions in the state:

9 1. Nothing in this act shall prohibit a person or firm from  
10 participating in a landscape architectural design competition  
11 involving only programming, planning, schematic design or design  
12 development information provided to a sponsor; and

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

17 SECTION 21. AMENDATORY 59 O.S. 2011, Section 46.32, is  
18 amended to read as follows:

19 Section 46.32 The privilege of engaging in the practice of  
20 landscape architecture is personal, based upon the qualifications of  
21 the individual and evidenced by the individual's ~~registration, and~~  
22 license. The license is not transferable.

23 SECTION 22. AMENDATORY 59 O.S. 2011, Section 46.33, is  
24 amended to read as follows:

1 Section 46.33 The Board may restore a license to any person  
2 whose license has lapsed or has been revoked or suspended.  
3 Application for the reissuance of a license ~~and fees~~ shall be made  
4 in ~~such~~ the manner as the Board may direct. The fees prescribed by  
5 the rules shall accompany the application for reissuance.

6 SECTION 23. AMENDATORY 59 O.S. 2011, Section 46.34, is  
7 amended to read as follows:

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

- 20 1. The person may sign or seal those portions of the technical  
21 submissions ~~that were prepared by or~~ under the responsible control  
22 of persons who are licensed under the State Architectural and  
23 Registered Interior Designers Act if the landscape architect has  
24 reviewed and adapted in whole or in part such portions and has

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 either coordinated their preparation or integrated them into the  
2 work; and

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

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

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

22 D. The license of a landscape architect shall not permit the  
23 practice of architecture, engineering or land surveying, except that  
24 which is incidental, meaning less than ten percent (10%) of the

1 total cost of the project, to the practice of landscape  
2 architecture. No landscape architect shall permit his or her seal  
3 to be affixed to any plans, specifications or drawings if such  
4 portions thereof as are involved in the practice of his or her  
5 particular profession were not prepared by or under the landscape  
6 architect's ~~personal and direct supervision by a regularly employed~~  
7 subordinate responsible control.

8 SECTION 24. AMENDATORY 59 O.S. 2011, Section 46.36, is  
9 amended to read as follows:

10 Section 46.36 It shall be unlawful for a landscape architect,  
11 at any time, to bid or hold a financial interest in any entity  
12 competitively bidding for a contract for the reparation, alteration,  
13 or ~~construction~~ erection of a ~~project~~ building or other structure  
14 for which ~~the landscape architect~~ he or she has prepared  
15 ~~construction documents~~ the plans and specifications unless the  
16 contract is a design/build contract.

17 SECTION 25. AMENDATORY 59 O.S. 2011, Section 46.38, is  
18 amended to read as follows:

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

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

1 person pays to the Board the required fees and/or penalties if  
2 applicable as established by the rules of the Board and:

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

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

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

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

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

24

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

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

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

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

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

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

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

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

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

24

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

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

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

22          SECTION 26.           AMENDATORY           59 O.S. 2011, Section 46.39, is  
23 amended to read as follows:

24

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

6 1. In lieu of the requirement of an accredited professional  
7 degree, an applicant demonstrates, in accordance with ~~such standards~~  
8 this act, or in compliance with the Post-Military Service  
9 Occupation, Education and Credentialing Act and requirements as the  
10 Board adopts by rule, that the applicant has the interior design  
11 education and training that the Board deems equivalent to an  
12 accredited professional degree in interior design and the applicant  
13 has passed the examination of the ~~National~~ Council for Interior  
14 Design Qualification~~7~~ or its successor, or an equivalent examination  
15 as determined by the Board; and

16 2. In lieu of the requirement of any professional degree, an  
17 applicant may provide documented proof of diversified and  
18 appropriate experience in the practice of interior design for a  
19 period of six (6) years and the applicant has passed the examination  
20 of the ~~National~~ Council for Interior Design Qualification~~7~~ or its  
21 successor~~7~~, or an equivalent examination as determined by the Board.

22 3. ~~The applicant is a licensed architect~~ The Board has the  
23 authority to issue temporary registrations while qualifying the  
24

1 applicant in compliance with the Post-Military Service Occupation,  
2 Education and Credentialing Act.

3 SECTION 27. AMENDATORY 59 O.S. 2011, Section 46.41, is  
4 amended to read as follows:

5 Section 46.41 A. It shall be unlawful for any person or entity  
6 to use the title "Registered Interior Designer" or any other  
7 derivation of these words to indicate that the person or entity is  
8 registered under the provisions of this act, if the person is not  
9 registered under this act ~~and not exempt from the requirement for~~  
10 ~~registration.~~

11 B. Any person who, ~~for a fee or other direct compensation,~~  
12 holds himself or herself out as a registered interior designer,  
13 advertises, puts out any sign, card or drawings in this state  
14 designating himself or herself as a "Registered Interior Designer"  
15 or uses some form of the term in the title of a profession or  
16 business without first having complied with the provisions of the  
17 State Architectural and Registered Interior Designers Act shall be  
18 deemed guilty of a misdemeanor.

19 SECTION 28. This act shall become effective July 1, 2014.

20 SECTION 29. It being immediately necessary for the preservation  
21 of the public peace, health and safety, an emergency is hereby  
22  
23  
24

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3

4 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND FINANCIAL  
5 SERVICES, dated 04/07/2014 - DO PASS, As Amended.

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