

1 **SENATE FLOOR VERSION**

2 February 20, 2014

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1724

By: Newberry and Ford of the
Senate

6 and

7 Echols of the House

8
9 [State Architectural and Registered Interior
10 Designers Act - sunset provision date - civil penalty
11 - technical submissions - nonresident provisions -
Code Use Groups - license - effective date -
emergency]

12
13
14 ~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:~~

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

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

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

22 Section 46.2. In order to safeguard life, health and property
23 and to promote the public welfare, the professions of architecture
24 ~~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, use in connection with the person's name, or
5 otherwise assume the title of architect, landscape architect or
6 registered interior designer, or advertise any title or description
7 tending to convey the impression that the person is a licensed
8 architect or landscape architect or a registered interior designer
9 unless the person is duly licensed or exempt from licensure or
10 registration under the State Architectural and Registered Interior
11 Designers Act. The practice of architecture and landscape
12 architecture and the use of the titles, architect, landscape
13 architect or registered interior designer, are privileges granted by
14 the state through the Board of Governors of the Licensed Architects,
15 Landscape Architects and Registered Interior Designers of Oklahoma
16 based upon the qualifications of the individual as evidenced by a
17 certificate of licensure or registration which shall not be
18 transferable.

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

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

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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 services referred to include planning, providing
10 preliminary studies, designs, drawings, specifications, investigations, reconnaissance and other technical submissions, the
11 administration of construction contracts, and the coordination of
12 any elements of technical submissions prepared by others licensed
13 consultants including, as appropriate and without limitation,
14 consulting engineers and landscape architects; provided, that the
15 practice of architecture shall include such other professional
16 services as may be necessary for the rendering of or offering to
17 render architectural services;

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

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, firm,
9 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 in
18 the course of practicing architecture or landscape architecture
19 technical reports or documents which are issued in the course of
20 practicing architecture or landscape architecture with the intent
21 that they be considered as formal or final documents but shall not
22 include record drawings. Prototypical plans are not technical
23 submissions;
24

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

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

17 11. "Landscape architecture" means the performance of
18 professional services defined as teaching, consultations,
19 investigations, reconnaissance, research, planning, design,
20 preparation of construction drawings and specifications, and
21 construction observation and the coordination of any elements of
22 technical submissions prepared by others in connection with the
23 planning and arranging of land and the elements thereon for public
24 and private use and enjoyment, including the design and layout of

1 roadways, service areas, parking areas, walkways, steps, ramps,
2 pools, parks, parkways, trails and recreation, the location and
3 siting of improvements including buildings and other structures, and
4 the grading of the land, surface and subsoil drainage, erosion
5 control, planting, reforestation, and the preservation of the
6 natural landscape, in accordance with accepted professional
7 standards, and to the extent that the dominant purpose of such
8 services or creative works is the preservation, conservation,
9 enhancement, or determination of proper land uses, natural land
10 features, ground cover and plantings, or naturalistic and aesthetic
11 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~~ codes
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 Uniform Building Code Commission of the~~
3 ~~State of Oklahoma;~~

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

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

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

22 16. "Equivalent standards" means those standards adopted by the
23 Board intended to be used as alternative equivalents to determine
24 competency for education, training and testing for licensing

1 architects and/or landscape architects and registering interior
2 designers and for complying with Section 4100 et seq. of this title
3 for military personnel and their spouses.

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

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

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

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

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

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

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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 and registrations to them,
7 and to promulgate such rules with reference thereto as it may deem
8 proper as a portion used to determine competency for the issuance of
9 licenses or 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. Require all current and future licensees and registrants to
15 take and pass a finger print criminal history background check
16 pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes.
17 Failure to take or pass the finger print criminal history background
18 check will result in the Board investigating the information and
19 determining, in its sole discretion, whether or not the license,
20 registration, certificate of authority or certificate of title is to
21 be issued, renewed, reinstated, denied or revoked. The entity shall
22 replace the individual in direct control within thirty (30) days to
23 a qualified person or persons in order to continue a current and
24 active status in good standing.

1 5. Determine the satisfactory passing score on ~~such~~
2 examinations and issue licenses and registrations to persons who
3 shall have passed examinations, or who shall otherwise be entitled
4 thereto;

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

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

9 ~~7.~~ 8. Promulgate rules to govern the issuing of reciprocal
10 licenses and registrations;

11 ~~8.~~ 9. Upon good cause shown, as hereinafter provided, deny the
12 issuance of a license, registration, certificate of authority or
13 certificate of title or suspend, revoke ~~or~~, refuse to renew, put on
14 probation and/or require additional education course work and
15 determine when the objectives have been met for licenses,
16 registrations, certificates of title or certificates of authority
17 previously issued, and upon proper showing, to reinstate or
18 conditionally reinstate or issue them;

19 ~~9.~~ 10. Review, affirm, reverse, vacate or modify its order with
20 respect to any such denial, suspension, revocation, probation and/or
21 education course work or refusal to renew;

22 ~~10.~~ 11. Prescribe rules governing proceedings for the denial of
23 issuance of a license, registration, certificate of authority or
24 certificate of title, suspension, revocation or refusal to renew,

1 put on probation or require additional educational course work and
2 determine when the objectives have been met for cause, of licenses,
3 registrations, certificates of authority or certificates of title
4 heretofore issued and the reinstatement thereof;

5 ~~11.~~ 12. Prescribe such penalties, as it may deem proper, to be
6 assessed against holders of licenses, registrations, certificates of
7 authority or certificates of title for the failure to pay the
8 biennial fee hereinafter provided for;

9 ~~12.~~ 13. Levy civil penalties plus the legal costs incurred by
10 the Board to prosecute the case against any person or entity who
11 shall violate any of the provisions of the State Architectural and
12 Registered Interior Designers Act, or any rule promulgated thereto;

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

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

22 ~~15.~~ 16. Investigate alleged violations of the State
23 Architectural and Registered Interior Designers Act or of the rules,
24 orders or final decisions of the Board;

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

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

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

16 ~~19.~~ 20. Prescribe by rules, fees to be charged as required by
17 this act;

18 ~~20.~~ 21. Adopt rules providing for a program of continuing
19 education in order to insure that all licensed architects or
20 landscape architects remain informed of those technical and
21 professional subjects ~~which~~ that the Board deems appropriate to
22 professional architect or landscape architect practice. The Board
23 may by rule describe the methods by which the requirements of such
24 program may be satisfied. Failure to meet such requirements of

1 continuing education shall result in nonrenewal of the license
2 issued to the architect or landscape architect;

3 ~~21.~~ 22. Adopt rules regarding requirements for intern
4 development as a prerequisite for licensure or registration; and

5 ~~22.~~ 23. Give scholarships to an individual or individuals
6 enrolled, attending, passing and advancing toward obtaining or
7 obtained an accredited National Architectural Accreditation Board,
8 Landscape Architectural Accreditation Board or Council for Interior
9 Design Accreditation degree in one of these three professions in an
10 Oklahoma higher education institution; and

11 24. Take such other action as may be reasonably necessary or
12 appropriate to effectuate the State Architectural and Registered
13 Interior Designers Act.

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

16 Section 46.8a. A. It shall be unlawful for any person to
17 directly or indirectly engage in the practice of architecture in
18 this state or use the title "Architect", "Registered or Licensed
19 Architect", "Architectural Designer", or display or use any words,
20 letters, figures, titles, signs, cards, advertisements, or other
21 symbols or devices indicating or tending to indicate that such
22 person is an architect or is practicing architecture, unless the
23 person is licensed under the provisions of this act. No person
24

1 shall aid or abet any person, not licensed under the provisions of
2 this act, in the practice of architecture.

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 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. If an
11 applicant is qualified in accordance with this subsection, the Board
12 shall, by means of a written examination, examine the applicant on
13 such technical and professional subjects as are prescribed by the
14 Board. None of the examination materials shall be considered public
15 records. The Board may exempt from such written examination an
16 applicant who holds a certification issued by the National Council
17 of Architectural Registration Boards or its successor or in any case
18 the Board decides the interest of the public will be served and the
19 person is determined to be qualified and competent by equivalent
20 standards for education, training and examination.

21 The Board ~~may~~ shall adopt as its own rules governing practical
22 training and education and may use those guidelines published from
23 time to time by the National Council of Architectural Registration
24 Boards or its successor. The Board may also adopt the examinations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 by reason of such person's employment or relationship with such
2 partnership, firm, association, corporation, limited liability
3 company or limited liability partnership.

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

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

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

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

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

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

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

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

4 K. The Secretary of State shall not issue a certificate of
5 incorporation or register a foreign corporation or any other entity
6 which includes among the objectives for which it is established any
7 of the words "Registered Interior Designer" 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 State
11 Architectural and Registered Interior Designers Act. The firm
12 applying shall supply such certificate of title or letter from the
13 Board with its application for incorporation or registration.

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

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

24

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

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

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

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

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

1 the State Architectural and Registered Interior Designers Act, when
2 the 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 been guilty of gross incompetence or recklessness
12 in the practice of landscape architecture, or of dishonest
13 practices;

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

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

17 7. Conceals information relative to any inquiry, investigation
18 or violation of this act 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 and Registered Interior
21 Designers Act, or the rules of the Board; provided, that a person or
22 entity complained of:

23 a. ~~shall first have been served notice in the same manner~~
24 ~~as provided by law in other civil actions of the~~

1 ~~charges filed against the person or entity and of the~~
2 ~~time, place, and nature of the hearing before the~~
3 ~~Board, and~~

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

1 ~~of the Board, and it shall be the duty of the~~
2 ~~presiding officer of the Board, to report the fact to~~
3 ~~the district court of the State of Oklahoma in and for~~
4 ~~the county in which such person may be or may reside~~
5 ~~whereupon the court shall issue an attachment in the~~
6 ~~usual form, directed to the sheriff of the county,~~
7 ~~which shall command the sheriff to attach such person~~
8 ~~and forthwith bring the person before the court. On~~
9 ~~the return of the attachment duly served upon the~~
10 ~~accused, or upon the production of the person~~
11 ~~attached, the district court shall have jurisdiction~~
12 ~~of the matter. The person charged may purge himself~~
13 ~~or herself of the contempt in the same way and the~~
14 ~~same proceedings shall be had, and the same penalties~~
15 ~~may be imposed, as in the case of a witness subpoenaed~~
16 ~~to appear and give evidence on the trial of a civil~~
17 ~~cause before a district court of the State of~~
18 ~~Oklahoma. Depositions may be taken and used in the~~
19 ~~same manner as in civil cases shall be afforded the~~
20 ~~opportunity for a formal hearing carried out as~~
21 ~~described under the current Administrative Procedures~~
22 ~~Act or settled by the Board with a consent order or~~
23 ~~final order approved by the Board; or~~
24

1 9. Fails to take and/or pass fingerprint-based criminal history
2 background check pursuant to Section 150.9 of Title 74 of the
3 Oklahoma Statutes for initial, reciprocal, reinstating or renewing
4 any license, registration, certificate of authority or certificate
5 of title.

6 The Board shall keep a record of the evidence in, and a record
7 of each proceeding for the suspension, revocation of or refusal to
8 renew a license or certificate of authority and shall make findings
9 of fact and render a decision therein. If, after a hearing, the
10 charges shall have been found to have been sustained by the vote of
11 a majority of the members of the Board it shall immediately enter
12 its order of suspension, revocation, penalties, probation,
13 educational course work and objectives or refusal to renew, as the
14 case may be.

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

17 Section 46.18. A. Any person or entity who has been determined
18 by the Board to have violated any provision of the State
19 Architectural and Registered Interior Designers Act or any rule or
20 order issued pursuant to the provisions of the State Architectural
21 and Registered Interior Designers Act may be liable for a civil
22 penalty of not more than One Hundred Dollars (\$100.00) for each day
23 that said violation continues plus the legal costs incurred by the
24 Board to prosecute the case. The maximum civil penalty shall not

1 exceed Ten Thousand Dollars (\$10,000.00) for any ~~related series of~~
2 ~~violations~~ violation plus the legal costs incurred by the Board to
3 prosecute the case.

4 B. The amount of the penalty shall be assessed by the Board
5 pursuant to the provisions of subsection A of this section, after
6 notice and hearing. In determining the amount of the penalty, the
7 Board shall include but not be limited to consideration of the
8 nature, circumstances, and gravity of the violation and, with
9 respect to the person or entity found to have committed the
10 violation, the degree of culpability, the effect on ability of the
11 person or entity to continue to do business, and any show of good
12 faith in attempting to achieve compliance with the provisions of the
13 State Architectural and Registered Interior Designers Act. All
14 monies collected from such civil penalties shall be deposited with
15 the State Treasurer of Oklahoma and placed in the Board of
16 Architects¹ Fund.

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

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

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

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

9 Section 46.21. A. The State Architectural and Registered
10 Interior Designers Act shall not apply to any persons, firms,
11 corporations, limited liability companies or limited liability
12 partnerships ~~who prepare plans and specifications for persons,~~
13 ~~firms, corporations, limited liability companies or limited~~
14 ~~liability partnerships other than such person or entity,~~ that do not
15 hold a license, registration or certification in any jurisdiction
16 for ~~buildings~~ exempted code use groups defined by the State
17 Architectural and Registered Interior Designers Act ~~from requiring~~
18 ~~an architect licensed under the laws of the State of Oklahoma,~~
19 providing such persons, ~~firms, corporations, limited liability~~
20 ~~companies or limited liability partnerships~~ and/or entities shall
21 not, ~~in any manner,~~ represent such person or entity to be an
22 architect or other title of profession or business using a form of
23 the word, "Architect", ~~and providing further that nothing in the~~
24 ~~State Architectural and Registered Interior Designers Act.~~ This act

1 shall not prevent such persons, ~~firms, corporations, limited~~
2 ~~liability companies or limited liability partnerships advertising or~~
3 ~~selling such~~ and/or entities from advertising or selling their
4 service.

5 Any architect, landscape architect or registered interior
6 designer from any jurisdiction that contracts, provides or holds out
7 to the public that they are able to provide professional services in
8 Oklahoma is required to hold a license, registration or certificate
9 from this Board, in this state, even on exempt code use groups and
10 are required to sign, seal and date all construction documents and
11 technical submissions.

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

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

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

1 ~~a. the person holds a National Council of Architectural~~
2 ~~Registration Boards certificate and is not currently~~
3 ~~licensed in the jurisdiction, but will be present in~~
4 ~~the state for the purpose of offering to render~~
5 ~~architectural services,~~

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

9 ~~c. the person promises to apply immediately to the Board~~
10 ~~for registration if selected as the architect for the~~
11 ~~project; or~~

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

18 ~~a. the person holds a National Council of Architectural~~
19 ~~Registration Boards certificate and is not currently~~
20 ~~licensed in the jurisdiction, but will be present in~~
21 ~~the state for the purpose of participating in an~~
22 ~~architectural design competition,~~

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

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

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

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

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

17 SECTION 13. 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 for the following
21 ~~building types~~ Code Use Groups except where specifically exempt from
22 the provisions of the State Architectural and Registered Interior
23 Designers Act. All ~~use groups~~ Code Use Groups in this section are
24 defined by the ~~2003~~ current International Building Code.

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

5 1. Code Use Group I - Institutional;

6 2. Code Use Group R-2 - Residential, limited to dormitories,
7 fraternities and sororities, and monasteries and convents;

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

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

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

11 and

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

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

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

24

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

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

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

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

- 16 a. Code Use Group U - Utility,
- 17 b. Code Use Group F - Factory and Industrial,
- 18 c. Code Use Group H - High hazard,
- 19 d. Code Use Group S - Storage,
- 20 e. Code Use Group R2 - Residential, including apartments
21 containing no more than thirty-two dwelling units or
22 thirty-two guest units per building,
- 23 f. Code Use Groups R3 and R4 - Residential,

24

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

9 D. The addition, renovation or alteration of ~~a building~~
10 buildings where the ~~intended use is~~ was exempt as new construction
11 ~~shall be exempt from the provisions of the State Architectural and~~
12 ~~Registered Interior Designers Act shall remain exempt if the Code~~
13 Use Group doesn't change.

14 E. ~~Addition, renovation or alteration of buildings where the~~
15 ~~intended use is not exempt from the provisions of this act, but~~
16 ~~where the planned addition or alteration, as determined by the~~
17 ~~applicable building official, does not affect the primary~~
18 ~~structural, mechanical, or electrical systems, life safety systems~~
19 ~~or exit passageways shall be exempt from the provisions of the State~~
20 ~~Architectural and Registered Interior Designers Act~~ Upgrades,
21 repairs, replacements and changes made on projects in Code Use
22 Groups found in this title, requiring an architect are exempt from
23 hiring an architect if the upgrades, repairs, replacements or
24 changes do not affect the existing primary structural, mechanical,

1 electrical systems, life-safety systems, fire codes or exit
2 passageways and/or egress as determined by the applicable building
3 official having jurisdiction.

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

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

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

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

17 3. Is the holder of an accredited professional degree in
18 architecture and shall have had such practical training as this act
19 and the Board, by rule, shall deem appropriate. In lieu of the
20 requirement of an accredited professional degree, the Board may
21 ~~register~~ license an applicant who demonstrates in accordance with
22 such standards and requirements as determined by this act and/or the
23 ~~Board adopts by rule~~ Board's rules that the person has such other
24 educational experience as the Board deems equivalent to an

1 accredited professional degree in architecture or in any case the
2 Board decides the interest of the public will be served and the
3 person is determined to be qualified and competent by equivalent
4 standards for Architects and in compliance with this act and rules
5 or in compliance with Section 4100 et seq. of this title;

6 ~~4.~~ 3. Has paid to the Board a fee as prescribed by the rules of
7 the Board plus the actual cost of the examination given by the
8 Board; and

9 ~~5.~~ 4. Has passed the examinations prescribed by the Board for
10 the issuance of a license.

11 B. Upon meeting the requirements of subsection A of this
12 section and payment of an initial fee as may be prescribed by the
13 rules of the Board, the Board shall issue to the applicant a license
14 which shall authorize the applicant to engage in the practice of
15 architecture in this state. The Board has the authority to issue
16 temporary licenses while qualifying the applicant in compliance with
17 Section 4100 et seq. of this title or with any declared state of
18 emergency.

19 C. The examination for a license to practice architecture in
20 this state shall be held not less than once each year, shall cover
21 such subjects as may be prescribed by the Board and shall be graded
22 on such basis as the Board shall prescribe by rule. The Board may
23 adopt the examinations, requirements for admission to the
24 examinations and the grading procedures of the National Council of

1 Architectural Registration Boards or its successor. Notice of the
2 time and place for the holding of examinations shall be given in the
3 manner and form prescribed by the Board and may be administered
4 electronically.

5 D. The license certificate shall be in a form prescribed by the
6 Board. The certificate shall be signed by the chair and by the
7 secretary-treasurer of the Board and shall bear the impress of the
8 seal of the Board. All papers received by the Board relating to an
9 application for a license, to an examination and to the issuance of
10 a license shall be electronically retained by the Board ~~for three~~
11 ~~(3) years~~ and originals destroyed. If it was incomplete, it shall
12 only be retained for one (1) year from the date of submission and
13 then destroyed.

14 E. The following Board records and papers are of a confidential
15 nature and are not public records: Examination material for
16 examinations before and after they are given, file records of
17 examination problem solutions, letters of inquiry and reference
18 concerning applicants, Board inquiry forms concerning applicants,
19 and investigation files.

20 SECTION 15. AMENDATORY 59 O.S. 2011, Section 46.26, is
21 amended to read as follows:

22 Section 46.26. It shall be unlawful for an architect to accept
23 or ~~to~~ receive compensation, directly or indirectly, from another
24 than his or her client in connection with the reparation, alteration

1 or construction of a building or structure in relation to which he
2 shall have accepted employment in any manner.

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

5 Section 46.27. It shall be unlawful for an architect, at any
6 time, to bid or hold a financial interest in any entity
7 competitively bidding for a contract for the reparation, alteration
8 or erection of a building or other structure for which he or she has
9 prepared the plans and specifications unless the contract is a
10 design/build contract.

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

13 Section 46.28. The State Architectural and Registered Interior
14 Designers Act shall not require the licensing or registration of
15 practitioners of the following professions and occupations to
16 practice landscape architecture:

17 1. A professional civil engineer, as defined in Section 475.2
18 of this title, certified to practice the profession in this state
19 under any act to regulate the practice of that profession. Nothing
20 contained in the State Architectural and Registered Interior
21 Designers Act shall be construed as precluding an architect or
22 engineer from performing services included within the definition of
23 "landscape architecture" when incidental, meaning less than ten
24

1 percent (10%) of the total project cost, to the performance of his
2 or her normal practice as an architect or engineer;

3 2. A landscape contractor building or installing what was
4 designed by a landscape architect;

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

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

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

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

24

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

4 8. Builders or their superintendents in the supervision of
5 landscape architectural projects; and

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

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

13 Section 46.29. No person shall practice landscape architecture
14 in this state, or use the title "landscape architect" on any sign,
15 title, card or device to indicate that such person is practicing
16 landscape architecture or is a landscape architect, unless such
17 person shall have secured ~~from the Board~~ a license from the Board.

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

20 Section 46.30. The Board shall license, as a landscape
21 architect, each applicant who demonstrates to the satisfaction of
22 the Board his or her ~~fitness~~ qualification and competence or in any
23 case the Board decides the interest of the public will be served for
24 such license as provided in equivalent standards for education,

1 training and examination in this act and the Board's current rules
2 or in compliance with Section 4100 et seq. of this title. The Board
3 has the authority to issue temporary licenses while qualifying the
4 applicant in compliance with Section 4100 et seq. of this title or
5 with any declared state of emergency.

6 The Board shall issue to each individual licensed a certificate
7 of qualification and the right to use the title "landscape
8 architect"~~7~~ and to practice landscape architecture in the state.

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

11 Section 46.31. A. Any person of good moral character who is a
12 legal resident of the State of Oklahoma and who is twenty-one (21)
13 years of age or older, with a degree from an ~~approved~~ accredited
14 landscape architecture program and upon, completion of practical
15 training ~~as~~ and passage of examinations, or in any case the Board
16 determines the interest of the public will be served and the person
17 is determined by the Board to be qualified and competent by
18 equivalent standards, the Board, by rule, shall deem appropriate or
19 in compliance with Section 4100 et seq. of this title, whose
20 application has been approved by the Board, and who has fulfilled
21 such other requirements as determined by the State Architectural and
22 Registered Interior Designers Act and the rules of the Board, and
23 upon the payment to the Board of a ~~fee as~~ the fees prescribed by the
24 rules of the Board, plus an amount to be determined by the Board,

1 equal to the cost of the examination, may take an examination for
2 the purpose of securing a license to practice landscape architecture
3 in this state. Examinations ~~shall~~ may be administered by an
4 electronic method and shall be held not less than once each year by
5 ~~the Board or by a committee appointed by it to do so.~~ Notice of the
6 time and place of the holding of examinations shall be given in
7 manner and form as prescribed by the Board. All landscape
8 architects are required to take and pass the Oklahoma Plant Material
9 test and pay applicable examination fees.

10 B. The Board shall establish rules for examination of landscape
11 architects and may elect to follow the recommendations of the
12 Council of Landscape Architects Registration Board (CLARB) or its
13 successor. The examinations shall be designed to determine the
14 qualifications of the applicant to practice landscape architecture.
15 The examination shall cover such technical, professional and
16 practical subjects as relate to the practice of the profession of
17 landscape architecture. The examination shall also cover the basic
18 arts and sciences and knowledge of material which is necessary to
19 the proper understanding, application and qualification for practice
20 of the profession of landscape architecture. The minimum passing
21 grade in all subjects of the examination shall be as established by
22 the Board. An applicant receiving a passing grade on a subject
23 included in the examination will be given credit, subject to CLARB's
24 provisions and subject to the rules of the Board. Applicants for

1 ~~readmittance~~ re-admittance to the examination shall pay the ~~full~~
2 ~~examination~~ application fee for each testing.

3 Upon passage of the examination, completion of the Board's
4 requirements as prescribed by this act or rules, and the payment of
5 a sum as prescribed by the rules of the Board, the Board shall issue
6 to the applicant a license certificate which shall authorize the
7 person to engage in the practice of landscape architecture in this
8 state.

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

1 D. The Board has the authority to issue temporary licenses
2 while qualifying the applicant in compliance with Section 4100 et
3 seq. of this title or with any declared state of emergency.

4 E. The following shall govern design competitions in the state:

5 1. Nothing in this act shall prohibit a person or firm from
6 participating in a landscape architectural design competition
7 involving only programming, planning, schematic design or design
8 development information provided to a sponsor; and

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

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

15 Section 46.32. The privilege of engaging in the practice of
16 landscape architecture is personal, based upon the qualifications of
17 the individual and evidenced by the individual's ~~registration, and~~
18 license. The license is not transferable.

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

21 Section 46.33. The Board may restore a license to any person
22 whose license has lapsed or has been revoked or suspended.

23 Application for the reissuance of a license ~~and fees~~ shall be made
24

1 in ~~such~~ the manner as the Board may direct. The fees prescribed by
2 the rules shall accompany the application for reissuance.

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

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

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

24

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

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

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

20 D. The license of a landscape architect shall not permit the
21 practice of architecture, engineering or land surveying, except that
22 which is incidental, meaning less than ten percent (10%) of the
23 total cost of the project, to the practice of landscape
24 architecture. No landscape architect shall permit his or her seal

1 to be affixed to any plans, specifications or drawings if such
2 portions thereof as are involved in the practice of his or her
3 particular profession were not prepared by or under the landscape
4 architect's ~~personal and direct supervision by a regularly employed~~
5 ~~subordinate~~ responsible control.

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

8 Section 46.36. It shall be unlawful for a landscape architect,
9 at any time, to competitively bid or hold a financial interest in
10 any entity, for a contract for the reparation, alteration, addition
11 or construction of a project for which the landscape architect has
12 prepared construction documents unless the contract is a
13 design/build contract.

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

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

18 B. Except as otherwise provided in the State Architectural and
19 Registered Interior Designers Act, no registration shall be issued
20 to any person to represent that the person is a "registered interior
21 designer" nor shall any person be allowed to use the term unless the
22 person pays to the Board the required fees and/or penalties if
23 applicable as established by the rules of the Board and:
24

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

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

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

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

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

23 E. Nothing in this act shall be construed to authorize the
24 board to regulate or prohibit persons who are rendering interior

1 design services and are not a registered interior designer under the
2 provisions of this act or to adopt regulations that would exceed the
3 powers and responsibilities expressly authorized under this act.

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

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

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

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

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

21 3. A partnership, firm, association, corporation, limited
22 liability company or limited liability partnership shall file with
23 the Board an application for a certificate of title on a form
24 approved by the Board which shall include the names, addresses,

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

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

22 5. The Secretary of State shall not register any trade name or
23 service mark which includes such words as set forth in paragraph 4
24 of this subsection, or modification or derivatives thereof in its

1 firm name or logotype except those entities or individuals holding
2 certificates of title issued under the provisions of this section or
3 letters of eligibility issued by the Board; and

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

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

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

21 Section 46.39. Any person who applies to become a registered
22 interior designer and remits the application and initial fees ~~within~~
23 ~~two (2) years~~ after July 1, 2007, shall be registered by the Board
24

1 of Governors of the Licensed Architects, Landscape Architects and
2 Registered Interior Designers if:

3 1. In lieu of the requirement of an accredited professional
4 degree, an applicant demonstrates, in accordance with ~~such standards~~
5 this act, or in compliance with Section 4100 et seq. of this title
6 and requirements as the Board adopts by rule, that the applicant has
7 the interior design education that the Board deems equivalent to an
8 accredited professional degree in interior design, training and the
9 applicant has passed the examination of the ~~National~~ Council for
10 Interior Design Qualification, or its successor or an equivalent
11 examination as determined by the Board;

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

19 3. ~~The applicant is a licensed architect~~ The Board has the
20 authority to issue temporary registrations while qualifying the
21 applicant in compliance with Section 4100 et seq. of this title.

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

24

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

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

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

16 SECTION 29. It being immediately necessary for the preservation
17 of the public peace, health and safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

20 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
21 February 20, 2014 - DO PASS AS AMENDED
22
23
24