

1 **SENATE FLOOR VERSION**

2 February 21, 2013

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 784

By: Newberry of the Senate

and

Jordan of the House

6  
7  
8  
9 [ State Architectural and Registered Interior  
10 Designers Act - modifying certain Board member  
qualifications - effective date -

emergency ]

11  
12  
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

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

1 or indirectly engage in the practice of or offer to practice  
2 architecture or landscape architecture in this state, as defined in  
3 ~~the provisions of Section 46.1 et seq. of this title~~ Oklahoma  
4 Licensed Architects, Landscape Architects 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 is a registered interior  
10 designer unless the person is duly licensed or registered or exempt  
11 from licensure or registration under the ~~State Architectural~~  
12 Oklahoma Licensed Architects, Landscape Architects and Registered  
13 Interior Designers Act. The practice of architecture and landscape  
14 architecture and the use of the titles, architect, landscape  
15 architect or registered interior designer, are privileges granted by  
16 the state through the Board of Governors of the Oklahoma Licensed  
17 Architects, Landscape Architects and Registered Interior Designers  
18 ~~of Oklahoma~~ based upon the qualifications of the individual as  
19 evidenced by a certificate of licensure or registration which shall  
20 not be transferable.

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

23 Section 46.3. As used in the ~~State Architectural and Registered~~  
24 ~~Interior Designers Act~~ Oklahoma Licensed Architects, Landscape

1 Architects and Registered Interior Designers Act, the following  
2 terms shall have the same meanings when used in the rules of the  
3 Board:

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

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

20 ~~3. "Registration or license" means a certificate of~~  
21 ~~registration or license issued by the Board. The definition of~~  
22 ~~"license" shall apply to those persons licensed under a practice~~  
23 ~~act. The definition of "registration" shall apply to those persons~~  
24 ~~registered under a title 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, 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,~~  
17 ~~specifications, studies and other technical reports prepared in the~~  
18 ~~course of practicing architecture or landscape architecture;~~

19       ~~9. "Responsible control" means the amount of control and~~  
20 ~~detailed knowledge of the content of technical submissions during~~  
21 ~~their preparation as is ordinarily exercised by licensed architects~~  
22 ~~or landscape architects applying the required professional standard~~  
23 ~~of care;~~

24

1       ~~10. "Landscape architect" means a person licensed to practice~~  
2 ~~landscape architecture as provided in the State Architectural and~~  
3 ~~Registered Interior Designers Act;~~

4       ~~11. "Landscape architecture" means the performance of~~  
5 ~~professional services defined as teaching, consultations,~~  
6 ~~investigations, reconnaissance, research, planning, design,~~  
7 ~~preparation of construction drawings and specifications, and~~  
8 ~~construction observation in connection with the planning and~~  
9 ~~arranging of land and the elements thereon for public and private~~  
10 ~~use and enjoyment, including the design and layout of roadways,~~  
11 ~~service areas, parking areas, walkways, steps, ramps, pools, the~~  
12 ~~location and siting of improvements including buildings and other~~  
13 ~~structures, and the grading of the land, surface and subsoil~~  
14 ~~drainage, erosion control, planting, reforestation, and the~~  
15 ~~preservation of the natural landscape, in accordance with accepted~~  
16 ~~professional standards, and to the extent that the dominant purpose~~  
17 ~~of such services or creative works is the preservation,~~  
18 ~~conservation, enhancement, or determination of proper land uses,~~  
19 ~~natural land features, ground cover and plantings, or naturalistic~~  
20 ~~and aesthetic values.~~

21       ~~The practice of landscape architecture shall include the~~  
22 ~~location and arrangement of tangible objects and features as are~~  
23 ~~incidental and necessary to the purpose outlined for landscape~~  
24 ~~architecture. The practice of landscape architecture shall not~~

~~1 include the design of structures or facilities with separate and  
2 self-contained purposes for habitation or industry, or the design of  
3 public streets, highways, utilities, storm and sanitary sewers and  
4 sewage treatment facilities, that are statutorily defined as the  
5 practice of engineering or architecture;~~

~~6 12. "Code" means the nationally recognized building code  
7 adopted by the local, municipal, or county jurisdiction in which a  
8 building is located. Where no building code has been adopted by the  
9 local, municipal or county jurisdiction, all buildings shall meet  
10 the requirements of the state building code as adopted by the Office  
11 of the State Fire Marshal;~~

~~12 13. "Applicable building official" means the official  
13 responsible for the application of the adopted building code as  
14 implemented by the local, municipal or county jurisdiction in which  
15 a building is located. Where no building code has been adopted by  
16 the local, municipal or county jurisdiction, the applicable building  
17 official shall be defined as the State Fire Marshal; and~~

~~18 14. "Registered interior designer" means a person recognized by  
19 this state who is registered, qualified by education, experience and  
20 examination and meeting all the requirements set forth in the State  
21 Architectural and Registered Interior Designers Act and the Board's  
22 rules.~~

~~23 2. "Architectural intern" shall have the same meaning as  
24 "intern architect";~~

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

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

6       5. "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       6. "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";

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

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

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

22       10. "Landscape architecture" means the performance of  
23 professional services in teaching, consultations, investigations,  
24 reconnaissance, research, planning, design, preparation of

1 construction drawings and specifications, and construction  
2 observation and the coordination of any elements of technical  
3 submissions prepared by others in connection with the planning and  
4 arranging of land and the elements thereon for public and private  
5 use and enjoyment, including the design and layout of roadways,  
6 service areas, parking areas, walkways, steps, ramps, pools, parks,  
7 parkways, trails and recreation, the location and citing of  
8 improvements including buildings and other structures, and the  
9 grading of the land, surface and subsoil drainage, erosion control,  
10 planting, reforestation, and the preservation of the natural  
11 landscape, in accordance with accepted professional standards, and  
12 to the extent that the dominant purpose of such services or creative  
13 works is the preservation, conservation, enhancement, or  
14 determination of proper land uses, natural land features, ground  
15 cover and plantings, or naturalistic and aesthetic values.

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

1        11. "Plans" means technical documents issued by the licensed  
2 and/or registered professionals meeting all current and applicable  
3 codes as adopted by the Uniform Building Code Commission of the  
4 State of Oklahoma, other statutory codes and applicable federal  
5 codes and which shall be submitted to all required building code  
6 and/or permit offices required by the State of Oklahoma, county,  
7 municipal and/or federal governments;

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

22        13. "Prototypical building" means any commercial building or  
23 space within a commercial building that is intended to be  
24

1 constructed in multiple locations, and which conveys an owner's  
2 intended uniform business program, plan, or image;

3 14. "Prototypical plans" means the technical submissions for  
4 prototypical buildings that are prepared by or under the responsible  
5 control of an architect licensed in any United States jurisdiction  
6 and not proposed for any specific site. Prototypical building  
7 documents do not comprise a final, comprehensive set of design and  
8 construction documents because a prototypical building also requires  
9 adaptations for local conditions, building code requirements and  
10 other changes as needed to create the whole project at a specific  
11 location, including site conditions, and may require additional  
12 design as well;

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

17 16. "Registration or license" means a certificate of  
18 registration or license issued by the Board. The definition of  
19 "license" shall apply to those persons licensed under a practice  
20 act. The definition of "registration" shall apply to those persons  
21 registered under a title act;

22 17. "Responsible control" means the amount of control over and  
23 detailed professional knowledge of the content of technical  
24 submissions during their preparation as is ordinarily exercised by

1 licensed architects or landscape architects applying the required  
2 professional standard of care, including but not limited to the  
3 licensee's integration of information from manufacturers, suppliers,  
4 installers, consultants, owners, contractors, or other sources that  
5 is incidental to and intended to be incorporated into technical  
6 submissions only if the licensee has coordinated and reviewed such  
7 information. Other review, or review and correction, of technical  
8 submissions after they have been prepared by others does not  
9 constitute the exercise of responsible control because the reviewer  
10 has neither control over nor detailed professional knowledge of the  
11 content of such submissions throughout their preparation; and

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

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

19 Section 46.4. There is hereby re-created, to continue until  
20 July 1, 2014, in accordance with the provisions of the Oklahoma  
21 Sunset Law, a board to be known as the "Board of Governors of the  
22 Oklahoma Licensed Architects, Landscape Architects and Registered  
23 Interior Designers of Oklahoma", hereinafter referred to as the  
24 Board. The Board shall be composed of eleven (11) members,

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

1 Section 46.38 of this title. Re-creation of the Board shall not  
2 alter existing staggered terms. Board members, other than the lay  
3 member, shall be appointed for a ~~period of five (5) years~~  
4 ~~thereafter; provided that nothing herein shall affect the tenure of~~  
5 ~~office of anyone who is a member of the Board on the effective date~~  
6 ~~of this act~~ staggered five-year terms. A member may be reappointed  
7 to succeed such membership; however, no member may serve more than  
8 two (2) terms for appointments made subsequent to July 1, 2013. The  
9 licensed ~~persons engaged in the practice of architecture or~~  
10 ~~landscape architecture~~ architect, landscape architect, or the  
11 registered interior designer, ~~or the persons who are licensed~~  
12 ~~teaching professors of architecture, landscape architecture or~~  
13 ~~registered and teaching interior design,~~ may be appointed by the  
14 Governor from a list of nominees submitted by respective  
15 professional societies of this state. Membership in a professional  
16 society shall not be a prerequisite to appointment to the Board.  
17 The lay member of the Board shall be appointed by the Governor to a  
18 term coterminous with that of the Governor. The lay member shall  
19 serve at the pleasure of the Governor. Provided, the lay member may  
20 continue to serve after the expiration of the term ~~of the member~~  
21 until such time as a successor is appointed. Vacancies which may  
22 occur in the membership of the Board shall be filled by appointment  
23 by the Governor. Each person who has been appointed to fill a  
24 vacancy shall serve for the remainder of the term for which the

1 member ~~the person shall succeed~~ was appointed ~~and~~ or until a  
2 successor, ~~in turn, has been~~ is appointed and ~~shall have~~ qualified.  
3 Each member of the Board, before entering upon the discharge of the  
4 duties of the member, shall make and file with the Secretary of  
5 State a written oath or affirmation for the faithful discharge of  
6 official duties. Each member of the Board and staff shall be  
7 reimbursed for travel expenses pursuant to the State Travel  
8 Reimbursement Act.

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

11 Section 46.6. The Board shall hold regular meetings with the  
12 dates, times and place to be fixed by the Board. The Board shall  
13 hold a regular meeting in June of each year, which meeting shall be  
14 the annual meeting, at which time it shall elect its officers for  
15 the next fiscal year and conduct all other business required under  
16 ~~this act~~ The Oklahoma Licensed Architects, Landscape Architects and  
17 Registered Interior Designers Act. At the regular meeting of the  
18 Board herein in June of each year, the Board shall elect from its  
19 membership a chair, a vice-chair, and a secretary-treasurer, each of  
20 whom shall serve until such officer's respective successor shall  
21 have been elected and ~~shall have~~ qualified. The position of the  
22 secretary-treasurer shall not count against the agency's full-time-  
23 equivalent limits authorized by the Legislature. The chair shall  
24 preside at all meetings of the Board and shall perform such other

1 duties as the Board may prescribe. The secretary-treasurer shall  
2 receive a monthly salary to be fixed by the Board ~~and shall be~~  
3 ~~reimbursed pursuant to the State Travel Reimbursement Act for travel~~  
4 ~~and other expenses which shall have been incurred~~ while in the  
5 performance of the duties of this office. Six Board members shall  
6 constitute a quorum for the transaction of business.

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

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

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

13 2. Prepare, conduct, and grade examinations of persons who  
14 shall apply for the issuance of licenses ~~to them~~ or registrations,  
15 and to promulgate such rules with reference thereto as it may deem  
16 proper to determine competency for the issuance of licenses or  
17 registrations;

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

22 4. Waive all or a portion of the initial license or  
23 registration fee for candidates graduating from accredited  
24 architecture, landscape architecture or interior design programs

1 within the state when the Board has excess funds exceeding its two-  
2 year expense/revenue needs as determined by the Board in its sole  
3 discretion;

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

8 ~~5.~~ 6. Determine eligibility for licenses and certificates of  
9 authority;

10 ~~6.~~ 7. Determine eligibility for registration as a registered  
11 interior designer and for certificate of title;

12 ~~7.~~ 8. Promulgate rules to govern the issuing of reciprocal  
13 licenses and registrations;

14 ~~8.~~ 9. Upon good cause shown, as hereinafter provided, deny the  
15 issuance of a license, registration, certificate of authority or  
16 certificate of title or suspend, revoke or refuse to renew licenses,  
17 registrations, certificates of title or certificates of authority  
18 previously issued, and upon proper showing, to reinstate ~~them~~  
19 licenses, registration or certificates;

20 ~~9.~~ 10. Review, affirm, reverse, vacate or modify its order with  
21 respect to any such denial, suspension, revocation or refusal to  
22 renew;

23 ~~10.~~ 11. Prescribe rules governing proceedings for the denial of  
24 issuance of a license, registration, certificate of authority or

1 certificate of title, suspension, revocation or refusal to renew,  
2 for cause, of licenses, registrations, certificates of authority or  
3 certificates of title heretofore issued and the reinstatement  
4 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~~ administrative fines plus the  
10 legal costs incurred by the Board to prosecute the case against any  
11 person or entity who ~~shall violate~~ violates any of the provisions of  
12 the ~~State Architectural~~ Oklahoma Licensed Architects, Landscape  
13 Architects and Registered Interior Designers Act or any rule  
14 promulgated thereto;

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

19 ~~14.~~ 15. Initiate disciplinary action, prosecute and seek  
20 injunctions against any person or entity who ~~has violated~~ violates  
21 any of the provisions of the ~~State Architectural~~ Oklahoma Licensed  
22 Architects, Landscape Architects and Registered Interior Designers  
23 Act or any rule of the Board promulgated ~~pursuant to said act~~

24

1 thereto, and against the owner/developer of the building type not  
2 exempt;

3 ~~15.~~ 16. Investigate alleged violations of the ~~State~~  
4 ~~Architectural~~ Oklahoma Licensed Architects, Landscape Architects and  
5 Registered Interior Designers Act or of the rules, orders or final  
6 decisions of the Board;

7 ~~16.~~ 17. Promulgate rules of conduct governing the practice of  
8 licensed architects and landscape architects;

9 ~~17.~~ 18. Keep accurate and complete records of proceedings, and  
10 certify the same as may be appropriate;

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

22 ~~19.~~ 20. Prescribe by rules, fees to be charged as required by  
23 ~~this act~~ the Oklahoma Licensed Architects, Landscape Architects and  
24 Registered Interior Designers Act;

1       ~~20.~~ 21. Adopt rules providing for a program of continuing  
2 education in order to ~~insure~~ ensure that all licensed architects ~~or,~~  
3 landscape architects and registered interior designers remain  
4 informed of ~~these~~ technical and professional subjects which the  
5 Board deems appropriate ~~to professional architect or landscape~~  
6 ~~architect practice.~~ The Board may by rule describe the methods by  
7 which the requirements of such program may be satisfied. Failure to  
8 meet such requirements of continuing education shall result in  
9 nonrenewal of the license issued to the architect or landscape  
10 architect;

11       ~~21.~~ 22. Adopt rules regarding requirements for intern  
12 development as a prerequisite for licensure or registration; and

13       ~~22.~~ 23. Take such other action as may be reasonably necessary  
14 or appropriate to effectuate the ~~State Architectural~~ Oklahoma  
15 Licensed Architects, Landscape Architects and Registered Interior  
16 Designers Act.

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

19       Section 46.8a. A. It shall be unlawful for any person to  
20 directly or indirectly engage in the practice of architecture in  
21 this state or use the title "Architect", "Registered or Licensed  
22 Architect", "Architectural Designer", or display or use any words,  
23 letters, figures, titles, signs, cards, advertisements, or other  
24 symbols or devices indicating or tending to indicate that such

1 person is an architect or is practicing architecture, unless the  
2 person is licensed under the provisions of ~~this act~~ the Oklahoma  
3 Licensed Architects, Landscape Architects and Registered Interior  
4 Designers Act. Nothing shall prevent a person qualified as an  
5 intern architect from using the title "intern architect". No person  
6 shall aid or abet any person, not licensed ~~under the provisions of~~  
7 ~~this act~~ as required by law, in the practice of architecture in this  
8 state.

9 B. Every person applying to the Board for an initial license  
10 shall submit an application accompanied by the fee established in  
11 accordance with the rules of the Board, with satisfactory evidence  
12 that ~~such~~ the person holds an accredited professional degree in  
13 architecture or has ~~completed such other education as the Board~~  
14 ~~deems equivalent to an accredited professional degree and with~~  
15 ~~satisfactory evidence that such person has completed such practical~~  
16 ~~training in architectural work as the Board requires~~ met the  
17 equivalent standards set forth in the Broadly Experienced Architect  
18 (BEA) or Broadly Experienced Foreign Architect (BEFA) programs  
19 administrated by the National Council of Architectural Registration  
20 Boards and passes a national criminal history records check. If the  
21 person does not pass a national criminal history records check, the  
22 Board, in its sole discretion, shall determine if the license is to  
23 be issued, renewed, reinstated, rejected or revoked. If an  
24 applicant is qualified in accordance with this subsection, the Board

1 shall, by means of a written examination, examine the applicant on  
2 such technical and professional subjects as are prescribed by the  
3 Board. None of the examination materials shall be considered public  
4 records. The Board may exempt from such written examination an  
5 applicant who holds a ~~certification~~ certificate issued by the  
6 National Council of Architectural Registration Boards. The Board  
7 may adopt as its own rules governing practical training and  
8 education those guidelines published from time to time by the  
9 National Council of Architectural Registration Boards. The Board  
10 may also adopt the examinations and grading procedures of the  
11 National Council of Architectural Registration Boards and the  
12 accreditation decisions of the National Architectural Accrediting  
13 Board. The Board shall issue its license to each applicant who is  
14 found to be of good moral character and who satisfies the  
15 requirements set forth in this section and the Board's rules. Such  
16 license shall be effective upon issuance.

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

1 authorize the issuance of licenses to persons who have been licensed  
2 in this state. If a person who has been licensed in a state other  
3 than the State of Oklahoma, or in a territory of the United States,  
4 in the District of Columbia, or in a country other than the United  
5 States complies with the Oklahoma Licensed Architects, Landscape  
6 Architects and Registered Interior Designers Act and the rules of  
7 the Board, the secretary-treasurer, acting in the exercise of his or  
8 her discretion or upon the order of the Board in the exercise of its  
9 discretion and upon the receipt of the stated payment to the Board  
10 pursuant to the rules of the Board, shall issue to the person a  
11 license to practice architecture in this state. If the person does  
12 not pass a national criminal history records check, the Board, in  
13 its sole discretion, shall determine if the license is to be issued,  
14 renewed, reinstated or rejected.

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

17 Section 46.9. A. The practice of architecture or landscape  
18 architecture or offering to practice these professions for others by  
19 persons licensed under this act through a partnership, firm,  
20 association, corporation, limited liability company or limited  
21 liability partnership as directors, partners, officers,  
22 shareholders, employees, managers, members or principals is  
23 permitted, subject to the provisions of the ~~State Architectural~~  
24

1 Oklahoma Licensed Architects, Landscape Architects and Registered  
2 Interior Designers Act, provided:

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

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

14 3. All personnel of ~~said~~ the 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~~ Oklahoma  
18 Licensed Architects, Landscape Architects and Registered Interior  
19 Designers Act; and

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

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

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

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

1 such change shall be filed with the Board within thirty (30) days  
2 after the effective date of ~~said~~ the change. If all of the  
3 requirements of this section and the Board's current rules have been  
4 met, the Board shall issue a certificate of authority to such  
5 partnership, firm, association, corporation, limited liability  
6 company or limited liability partnership.

7 D. Any other person licensed pursuant to the ~~State~~  
8 ~~Architectural~~ Oklahoma Licensed Architects, Landscape Architects and  
9 Registered Interior Designers Act, not practicing these professions  
10 as a partnership, firm, association, corporation, limited liability  
11 company or limited liability partnership, shall practice as an  
12 individual.

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

23 F. The Secretary of State shall not issue a certificate of  
24 incorporation or register a foreign corporation or any other entity

1 which includes among the objectives for which it is established any  
2 of the words "Architect", "Architectural", "Architecture",  
3 "Landscape Architect", "Landscape Architecture" or any modification  
4 or derivation of these words, unless the Board has issued for ~~said~~  
5 the applicant either a certificate of authority for an entity, or a  
6 letter indicating the eligibility for an exemption pursuant to the  
7 ~~State Architectural~~ Oklahoma Licensed Architects, Landscape  
8 Architects and Registered Interior Designers Act. The entity  
9 applying shall supply such certificate or letter from the Board with  
10 its application for incorporation or registration.

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

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

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

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

4           I. The Board shall have the power to issue, revoke, deny or  
5 refuse to renew a certificate of title for a partnership, firm,  
6 association, corporation, limited liability company or limited  
7 liability partnership as provided for in the ~~State Architectural~~  
8 Oklahoma Licensed Architects, Landscape Architects and Registered  
9 Interior Designers Act.

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

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

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

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

24

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

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

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

1 prescribed by the Board. If a license or registration remains  
2 canceled for a period exceeding three (3) consecutive years, it  
3 shall not be reinstated unless the licensee or registrant has taken  
4 or submitted to a test or a quiz or a Board review or an examination  
5 as the circumstances of the individual case may warrant and as may  
6 be prescribed by the Board in order to determine continued  
7 competency of the licensee or registrant. A partnership, firm,  
8 association, corporation, limited liability company or limited  
9 liability partnership shall pay to the Board the fee prescribed and  
10 in the manner provided by the rules of the Board for the renewal of  
11 the certificate of authority or certificate of title for such  
12 partnership, firm, association, corporation, limited liability  
13 company or limited liability partnership.

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

16 Section 46.11. ~~No~~ Pursuant to the Oklahoma Licensed Architects,  
17 Landscape Architects and Registered Interior Designers Act, no  
18 license for architects or landscape architects or a certificate of  
19 authority for a partnership, firm, association, corporation, limited  
20 liability company or limited liability partnership, shall be issued  
21 or renewed for longer than two (2) years. A license or certificate  
22 may be renewed upon application, compliance with the rules of the  
23 Board, and payment of fees prior to or on June 30 of alternate  
24 years. Every licensed architect or landscape architect having a

1 place of business or employment within the state shall display such  
2 person's license in a conspicuous place in such place of business or  
3 employment. A new license to replace a lost, destroyed or mutilated  
4 license shall be issued by the Board upon payment of a fee  
5 established in accordance with the rules of the Board.

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

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

24

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

3 Section 46.14. The Board shall have power to suspend, to  
4 revoke or refuse to renew a license, registration, certificate of  
5 authority or certificate of title issued by it, pursuant to the  
6 provisions of the ~~State Architectural~~ Oklahoma Licensed Architects,  
7 Landscape Architects and Registered Interior Designers Act, when the  
8 holder thereof:

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

10 2. ~~Shall have~~ Has been guilty of fraud or misrepresentation in  
11 the person's application, whether for an examination or for a  
12 license or registration without examination, or of fraud in the  
13 examination;

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

17 4. ~~Shall have~~ Has been guilty of gross incompetence or  
18 recklessness in the practice of landscape architecture, or of  
19 dishonest practices;

20 5. Presents the license or registration of another as his or  
21 her own;

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

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

1       8. ~~Shall have~~ Has been found ~~to be~~ guilty of a violation of a  
2 provision of the ~~State Architectural~~ Oklahoma Licensed Architects,  
3 Landscape Architects and Registered Interior Designers Act or the  
4 rules of the Board; provided, that such a person or entity  
5 ~~complained of:~~

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

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

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

1           ~~Oklahoma. Depositions may be taken and used in the~~  
2           ~~same manner as in civil cases~~ has been afforded the  
3           opportunity for a formal hearing carried out as  
4           described under the current Administrative Procedures  
5           Act or settled by the Board with a consent order or  
6           final order approved by the Board. The Board shall  
7           keep a record of the evidence in, and a record of each  
8           proceeding for the suspension, revocation of or  
9           refusal to renew a license or certificate of authority  
10          and shall make findings of fact and render a decision  
11          therein. If, after a hearing, the charges shall have  
12          been found to have been sustained by the vote of a  
13          majority of the members of the Board it shall  
14          immediately enter its order of suspension, revocation,  
15          penalties, probation, or refusal to renew, as the case  
16          may be; and

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

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

22          Section 46.15.    Any person or entity aggrieved by a final order  
23          of the Board may appeal from such decision by filing a petition in  
24          the District Court of Oklahoma County within thirty (30) days from

1 the date of such final order. The District Court of Oklahoma County  
2 shall have jurisdiction of an appeal from the Board, ~~and shall have~~  
3 ~~power to affirm, reverse or modify the decisions of the Board. Such~~  
4 ~~appeals shall be subject to the law and practice applicable to other~~  
5 ~~civil actions. Provided, that any.~~ Any party to said appeal may  
6 appeal from the decision of said a district court to the Supreme  
7 Court of Oklahoma in the same manner as provided by law in other  
8 civil actions.

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

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

24

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

3 Section 46.18. A. Any person or entity who has been determined  
4 by the Board to have violated any provision of the ~~State~~  
5 ~~Architectural~~ Oklahoma Licensed Architects, Landscape Architects and  
6 Registered Interior Designers Act or any rule or order issued  
7 pursuant to the provisions of the ~~State Architectural~~ Oklahoma  
8 Licensed Architects, Landscape Architects and Registered Interior  
9 Designers Act may, in addition to the penalties in Section 46.17 of  
10 this title, be liable for ~~a civil penalty of not more than One~~  
11 ~~Hundred Dollars (\$100.00) for each day that said violation continues~~  
12 an administrative fine not exceeding One Hundred Thousand Dollars  
13 (\$100,000.00) per violation or the amount of commissions and/or fees  
14 paid to the person and/or entity for specific associated project(s)  
15 plus the legal costs incurred by the Board to prosecute the case.  
16 ~~The maximum civil penalty shall not exceed Ten Thousand Dollars~~  
17 ~~(\$10,000.00) for any related series of violations plus the legal~~  
18 ~~costs incurred by the Board to prosecute the case.~~

19 B. The amount of the penalty shall be assessed by the Board  
20 pursuant to the provisions of subsection A of this section, after  
21 notice and hearing. In determining the amount of the penalty, the  
22 Board shall include but not be limited to consideration of the  
23 nature, circumstances, and gravity of the violation and, with  
24 respect to the person or entity found to have committed the

1 violation, the degree of culpability, the effect on ability of the  
2 person or entity to continue to do business, and any show of good  
3 faith in attempting to achieve compliance with the provisions of the  
4 ~~State Architectural~~ Oklahoma Licensed Architects, Landscape  
5 Architects and Registered Interior Designers Act. All monies  
6 collected by the Board from ~~such civil penalties~~ administrative fine  
7 shall be deposited with the State Treasurer of Oklahoma and placed  
8 in the Board of Architects' Fund.

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

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

17 Section 46.19. All monies which shall be paid to the Board  
18 pursuant to the provisions of the ~~State Architectural~~ Oklahoma  
19 Licensed Architects, Landscape Architects and Registered Interior  
20 Designers Act shall be deposited with the State Treasurer of  
21 Oklahoma and placed in a separate and distinct fund to be known as  
22 the "Board of Architects' Fund". At the end of each fiscal year  
23 hereafter such unexpended balance remaining in the Board of  
24 Architects' Fund shall be carried over and continued therein. All

1 sums of money now or hereafter to be or to come into the fund are  
2 hereby appropriated for the purpose of effectuating the purposes of  
3 the ~~State Architectural~~ Oklahoma Licensed Architects, Landscape  
4 Architects and Registered Interior Designers Act, and to pay all  
5 costs and expenses heretofore and hereafter incurred in connection  
6 therewith.

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

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

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

17 Section 46.21. A. The ~~State Architectural~~ Oklahoma Licensed  
18 Architects, Landscape Architects and Registered Interior Designers  
19 Act shall not apply to any persons, firms, corporations, limited  
20 liability companies or limited liability partnerships who prepare  
21 plans and specifications ~~for persons, firms, corporations, limited~~  
22 ~~liability companies or limited liability partnerships other than~~  
23 ~~such person or entity,~~ for buildings exempted by the State  
24 ~~Architectural~~ Oklahoma Licensed Architects, Landscape Architects and

1 Registered Interior Designers Act from requiring an architect  
2 licensed under the laws of the State of Oklahoma, providing such  
3 persons, ~~firms, corporations, limited liability companies or limited~~  
4 ~~liability partnerships~~ and/or entities shall not, ~~in any manner,~~  
5 represent such person or entity to be an architect or other title of  
6 profession or business using a form of the word, "Architect", and  
7 providing further that nothing in the ~~State Architectural~~ Oklahoma  
8 Licensed Architects, Landscape Architects and Registered Interior  
9 Designers Act shall prevent such persons, ~~firms, corporations,~~  
10 ~~limited liability companies or limited liability partnerships~~ and/or  
11 entities from advertising or selling ~~such~~ their service.

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

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

20 2. ~~A nonresident, who holds the certification issued by the~~  
21 ~~National Council of Architectural Registration Boards, from offering~~  
22 ~~to render the professional services involved in the practice of~~  
23 ~~architecture; provided, that the person shall not perform any of the~~  
24 ~~professional services involved in the practice of architecture until~~

1 ~~licensed as hereinbefore provided; and further provided, that the~~  
2 ~~person shall notify the Board in writing that:~~

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

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

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

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

20 ~~a. the person holds a National Council of Architectural~~  
21 ~~Registration Boards certificate and is not currently~~  
22 ~~licensed in the jurisdiction, but will be present in~~  
23 ~~the state for the purpose of participating in an~~  
24 ~~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 this  
8 state:

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

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

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

22           Section 46.21b. A. An architect shall be required to plan,  
23 design and prepare plans and specifications and conduct construction  
24 contract administration for the following building types except

1 where specifically exempt from the provisions of the ~~State~~  
2 ~~Architectural~~ Oklahoma Licensed Architects, Landscape Architects and  
3 Registered Interior Designers Act. ~~All use groups in this section~~  
4 ~~are defined by the 2003 International Building Code.~~

5 1. "Construction contract administration" shall comprise at  
6 least the following services:

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

1 architect observes in the course of performing his/her  
2 duties.

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

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

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

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

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

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

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

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

3 and

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

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

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

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

21 ~~3. 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 one hundred thousand (100,000) in the Code Use Group B -~~  
24 ~~Business;~~

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

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

8           a. Code Use Group U - Utility,

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

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

11          ~~d. Code Use Group S - Storage,~~

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

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

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

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

23           ~~±~~

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

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

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

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

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

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

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

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

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

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

22 ~~5.~~ 4. Has passed the examinations prescribed by the Board for  
23 the issuance of a license.

24

1 B. Upon meeting the requirements of subsection A of this  
2 section and payment of an initial fee as may be prescribed by the  
3 rules of the Board, the Board shall issue to the applicant a license  
4 which shall authorize the applicant to engage in the practice of  
5 architecture in this state. The Board has the authority to issue  
6 temporary licenses while qualifying the applicant for three (3)  
7 months from the date the application process was begun. Any  
8 individual licensee or registrant shall be limited to one issuance  
9 of a temporary license.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 3. The applicant is a licensed architect.

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

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

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

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

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

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

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

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

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

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

15 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE  
16 February 21, 2013 - DO PASS AS AMENDED  
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