

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 SENATE BILL 1669

By: Holt

4  
5  
6 AS INTRODUCED

7 An Act relating to architects and interior designers;  
8 amending 59 O.S. 2011, Sections 46.1, 46.2, 46.4,  
9 46.6, 46.7, 46.8a, 46.9, 46.10, 46.11, 46.12, 46.14,  
10 46.15, 46.17, 46.18, 46.19, 46.20, 46.21, 46.21b,  
11 46.24, 46.25, 46.26, 46.29, 46.30, 46.31, 46.32,  
12 46.33, 46.34, 46.35, 46.36, 46.38, 46.39, 46.40, and  
13 46.41, which relate to the State Architectural and  
14 Registered Interior Designers Act; changing name of  
15 act; modifying language; modifying Board membership;  
16 modifying references; modifying authority of Board;  
17 deleting authority for registration of interior  
18 designers; deleting authority for certificate of  
19 title for certain interior design businesses; ceasing  
20 registration of interior designers on certain date;  
21 authorizing refund of certain registration fees;  
22 removing provision for certificate of title for  
23 interior design businesses; prohibiting use of  
24 certain term; providing exception; authorizing Board  
to monitor for certain violations; and providing an  
effective date.

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

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

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

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

3 Section 46.2. In order to safeguard life, health and property  
4 and to promote the public welfare, the professions of architecture  
5 or landscape architecture are declared to be subject to regulation  
6 in the public interest. It is unlawful for any person to practice  
7 or offer to practice architecture or landscape architecture in this  
8 state, as defined in the provisions of ~~Section 46.1 et seq. of this~~  
9 ~~title~~ the State Architectural Act, use in connection with the  
10 person's name, or otherwise assume the title of architect, or  
11 landscape architect ~~or registered interior designer~~, or advertise  
12 any title or description tending to convey the impression that the  
13 person is a licensed architect or landscape architect ~~or a~~  
14 ~~registered interior designer~~ unless the person is duly licensed or  
15 exempt from licensure ~~or registration~~ under the State Architectural  
16 ~~and Interior Designers~~ Act. The practice of architecture and  
17 landscape architecture and the use of the titles, architect, or  
18 landscape architect ~~or registered interior designer~~, are privileges  
19 granted by the state through the Board of Governors of the Licensed  
20 Architects, and Landscape Architects ~~and Registered Interior~~  
21 ~~Designers~~ of Oklahoma based upon the qualifications of the  
22 individual as evidenced by a certificate of licensure ~~or~~  
23 ~~registration~~ which shall not be transferable.

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1 SECTION 3. AMENDATORY 59 O.S. 2011, Section 46.4, is  
2 amended to read as follows:

3 Section 46.4. There is hereby re-created, to continue until  
4 July 1, 2014, in accordance with the provisions of the Oklahoma  
5 Sunset Law, a board to be known as the "Board of Governors of the  
6 Licensed Architects, and Landscape Architects ~~and Registered~~  
7 ~~Interior Designers~~ of Oklahoma", hereinafter referred to as the  
8 Board. The Board shall be composed of eleven (11) members,  
9 including seven persons who have been duly licensed to practice  
10 architecture and are actively engaged in the practice of  
11 architecture in this state or are teaching professors of  
12 architecture and duly licensed to practice architecture in this  
13 state, two persons who have been duly licensed to practice landscape  
14 architecture and are actively engaged in the practice of landscape  
15 architecture in this state or are teaching professors of landscape  
16 architecture and duly licensed to practice landscape architecture in  
17 this state, ~~one person as a registered interior designer after the~~  
18 ~~initial appointment and any new appointees thereafter shall be a~~  
19 ~~registered interior designer and either actively engaged as a~~  
20 ~~registered interior designer in this state or is a registered~~  
21 ~~teaching professor of interior design, and one two lay member~~  
22 members. Each member of the Board shall be a qualified elector of  
23 this state, and the architect and landscape architect members shall  
24 have had five (5) years' experience in the application or the study

1 of the principles of their respective profession after initial  
2 licensure. ~~The registered interior designer shall have five (5)~~  
3 ~~years' experience in the application or the study of the principles~~  
4 ~~of interior design, met the requirements of Section 46.38 of this~~  
5 ~~title and become registered. After July 1, 2012, the registered~~  
6 ~~interior designer member of the Board shall have five (5) years of~~  
7 ~~being registered by the Board and shall have met the requirements of~~  
8 ~~Section 46.38 of this title. Re-creation of the Board shall not~~  
9 alter existing staggered terms. Board members, other than the lay  
10 member, shall be appointed for a period of five (5) years  
11 thereafter; provided that nothing herein shall affect the tenure of  
12 office of anyone who is a member of the Board ~~on the effective date~~  
13 ~~of this act, except when a member's office is terminated by Statute.~~  
14 A member may be reappointed to succeed such membership. The  
15 licensed persons engaged in the practice of architecture or  
16 landscape architecture ~~or the registered interior designer,~~ or the  
17 persons who are licensed teaching professors of architecture, or  
18 landscape architecture ~~or registered and teaching interior design,~~  
19 may be appointed by the Governor from a list of nominees submitted  
20 by respective professional societies of this state. Membership in a  
21 professional society shall not be a prerequisite to appointment to  
22 the Board. The lay ~~member~~ members of the Board shall be appointed  
23 by the Governor to a term coterminous with that of the Governor.  
24 The lay ~~member~~ members shall serve at the pleasure of the Governor.

1 Provided, the lay ~~member~~ members may continue to serve after the  
2 expiration of the term of the member until such time as a successor  
3 is appointed. Vacancies which may occur in the membership of the  
4 Board shall be filled by appointment by the Governor. Each person  
5 who has been appointed to fill a vacancy shall serve for the  
6 remainder of the term for which the member the person shall succeed  
7 was appointed and until a successor, in turn, has been appointed and  
8 shall have qualified. Each member of the Board, before entering  
9 upon the discharge of the duties of the member, shall make and file  
10 with the Secretary of State a written oath or affirmation for the  
11 faithful discharge of official duties. Each member of the Board  
12 shall be reimbursed for travel expenses pursuant to the State Travel  
13 Reimbursement Act.

14 SECTION 4. AMENDATORY 59 O.S. 2011, Section 46.6, is  
15 amended to read as follows:

16 Section 46.6. The Board shall hold regular meetings with the  
17 dates, times and place to be fixed by the Board. The Board shall  
18 hold a regular meeting in June of each year, which meeting shall be  
19 the annual meeting, at which time it shall elect its officers for  
20 the next fiscal year and conduct all other business required under  
21 ~~this act~~ the State Architectural Act. At the regular meeting of the  
22 Board herein in June of each year, the Board shall elect from its  
23 membership a chair, a vice-chair and a secretary-treasurer, each of  
24 whom shall serve until such officer's respective successor shall

1 have been elected and shall have qualified. The position of the  
2 secretary-treasurer shall not count against the agency's full-time-  
3 equivalent limits authorized by the Legislature. The chair shall  
4 preside at all meetings of the Board and shall perform such other  
5 duties as the Board may prescribe. The secretary-treasurer shall  
6 receive a monthly salary to be fixed by the Board and shall be  
7 reimbursed pursuant to the State Travel Reimbursement Act for travel  
8 and other expenses which shall have been incurred while in the  
9 performance of the duties of this office. Six Board members shall  
10 constitute a quorum for the transaction of business.

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

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

- 15 1. Prescribe such rules and to make such orders, as it may deem  
16 necessary or expedient in the performance of its duties;
- 17 2. Prepare, conduct, and grade examinations of persons who  
18 shall apply for the issuance of licenses to them, and to promulgate  
19 such rules with reference thereto as it may deem proper;
- 20 3. Contract with nationally recognized registration  
21 organizations to prepare, conduct, and grade examinations, written  
22 or oral, of persons who shall apply for the issuance of licenses;

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

4 5. Determine eligibility for licenses and certificates of  
5 authority;

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

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

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

15 ~~9.~~ 8. Review, affirm, reverse, vacate or modify its order with  
16 respect to any such denial, suspension, revocation or refusal to  
17 renew;

18 ~~10.~~ 9. Prescribe rules governing proceedings for the denial of  
19 issuance of a license, ~~registration,~~ certificate of authority ~~or~~  
20 ~~certificate of title,~~ suspension, revocation or refusal to renew,  
21 for cause, of licenses, ~~registrations,~~ or certificates of authority  
22 ~~or certificates of title~~ heretofore issued and the reinstatement  
23 thereof;

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1       ~~11.~~ 10. Prescribe such penalties, as it may deem proper, to be  
2 assessed against holders of licenses, ~~registrations,~~ or  
3 certificates of authority ~~or certificates of title~~ for the failure  
4 to pay the biennial fee hereinafter provided ~~for~~;

5       ~~12.~~ 11. Levy civil penalties plus the legal costs incurred by  
6 the Board to prosecute the case against any person or entity who  
7 shall violate any of the provisions of the State Architectural ~~and~~  
8 ~~Registered Interior Designers Act~~ or any rule promulgated thereto;

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

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

18       ~~15.~~ 14. Investigate alleged violations of the State  
19 Architectural ~~and Registered Interior Designers Act~~ or of the rules,  
20 orders or final decisions of the Board;

21       ~~16.~~ 15. Promulgate rules of conduct governing the practice of  
22 licensed architects and landscape architects;

23       ~~17.~~ 16. Keep accurate and complete records of proceedings, and  
24 certify the same as may be appropriate;

1       ~~18.~~ 17. Whenever it deems it appropriate, confer with the  
2 Attorney General or the Attorney General's assistants in connection  
3 with all legal matters and questions. The Board may also retain an  
4 attorney who is licensed to practice law in this state. The  
5 attorney shall serve at the pleasure of the Board for such  
6 compensation as may be provided by the Board. The attorney shall  
7 advise the Board and perform legal services for the Board with  
8 respect to any matters properly before the Board. In addition to  
9 the above, the Board may employ hearing examiners to conduct  
10 administrative hearings under the provisions of the Administrative  
11 Procedures Act;

12       ~~19.~~ 18. Prescribe by rules, fees to be charged as required by  
13 this act;

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

23       ~~21.~~ 20. Adopt rules regarding requirements for intern  
24 development as a prerequisite for licensure; and

1       ~~22.~~ 21. Take such other action as may be reasonably necessary or  
2 appropriate to effectuate the State Architectural ~~and Registered~~  
3 ~~Interior Designers~~ Act.

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

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

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

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

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

1 of licenses to persons who have been licensed in this state. If a  
2 person who has been licensed in a state other than the State of  
3 Oklahoma, or in a territory of the United States, in the District of  
4 Columbia, or in a country other than the United States complies with  
5 the rules of the Board, the secretary-treasurer, acting in the  
6 exercise of his or her discretion or upon the order of the Board in  
7 the exercise of its discretion and upon the receipt of the stated  
8 payment to the Board pursuant to the rules of the Board, shall issue  
9 to the person a license to practice architecture in this state.

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

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

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

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

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

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

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

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

19 C. A partnership, firm, association, corporation, limited  
20 liability company or limited liability partnership desiring to  
21 practice architecture or landscape architecture shall file with the  
22 Board an application for a certificate of authority on a form  
23 approved by the Board which shall include the names, addresses,  
24 state of licensure and license number of all partners, directors,

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

20 D. Any other person licensed pursuant to the State  
21 Architectural ~~and Registered Interior Designers~~ Act, not practicing  
22 these professions as a partnership, firm, association, corporation,  
23 limited liability company or limited liability partnership, shall  
24 practice as an individual.

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

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

22 G. The Secretary of State shall not register any trade name or  
23 service mark which includes such words, as set forth in subsection F  
24 of this section, or modifications or derivatives thereof in its firm

1 name or logotype except those entities or individuals holding  
2 certificates of authority issued under the provisions of this  
3 section or letters of eligibility issued by the Board.

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

8 ~~1. One or more of the directors, partners, officers,~~  
9 ~~shareholders, members, managers or principals is registered with the~~  
10 ~~Board as a registered interior designer and is in good standing with~~  
11 ~~the Board; and~~

12 ~~2. The partnership, firm, association, corporation, limited~~  
13 ~~liability company or limited liability partnership has been issued a~~  
14 ~~certificate of title by the Board.~~

15 ~~I. The Board shall have the power to issue, revoke, deny or~~  
16 ~~refuse to renew a certificate of title for a partnership, firm,~~  
17 ~~association, corporation, limited liability company or limited~~  
18 ~~liability partnership as provided for in the State Architectural and~~  
19 ~~Registered Interior Designers Act.~~

20 ~~J. A partnership, firm, association, corporation, limited~~  
21 ~~liability company or limited liability partnership shall file with~~  
22 ~~the Board an application for a certificate of title on a form~~  
23 ~~approved by the Board which shall include the names, addresses,~~  
24 ~~state of registration and registration number of all directors,~~

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

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

21 ~~L. The Secretary of State shall not register any trade name or~~  
22 ~~service mark which includes such words as set forth in subsection K~~  
23 ~~of this section, or modification or derivatives thereof in its firm~~  
24 ~~name or logotype except those entities or individuals holding~~

1 ~~certificates of title issued under the provisions of this section or~~  
2 ~~letters of eligibility issued by the Board.~~

3 ~~M. Upon application for renewal and upon compliance with the~~  
4 ~~provisions of the State Architectural and Registered Interior~~  
5 ~~Designers Act and the rules of the Board, a certificate of title~~  
6 ~~shall be renewed as provided in this act.~~

7 ~~N. Upon application for renewal and upon compliance with the~~  
8 ~~provisions of the State Architectural and Registered Interior~~  
9 ~~Designers Act and the rules of the Board, a certificate of authority~~  
10 ~~shall be renewed as provided in this act~~ the State Architectural  
11 Act.

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

14 Section 46.10. Every licensed architect, and landscape  
15 architect ~~and registered interior designer~~ shall pay to the Board a  
16 fee as prescribed by the rules of the Board. Upon receipt of the  
17 fee the Board shall issue a renewal of the license ~~or registration,~~  
18 which shall authorize the person to practice architecture, or  
19 landscape architecture ~~or use the title registered interior~~  
20 ~~designer,~~ as the case may be, in this state. The license of an  
21 architect or landscape architect ~~or the registration of a registered~~  
22 ~~interior designer~~ which has been canceled by the Board for  
23 nonpayment of dues may be renewed at any time within three (3) years  
24 from the date of the cancellation, upon payment to the Board of the

1 fees which had accrued at the time of the cancellation and which  
2 would have been paid at the time of reinstatement had not the  
3 license ~~or registration~~ been suspended, together with payment of the  
4 amount of penalties which may have been prescribed by the Board. If  
5 a license ~~or registration~~ remains canceled for a period exceeding  
6 three (3) consecutive years, it shall not be reinstated unless the  
7 licensee or registrant has taken or submitted to a test or a quiz or  
8 a Board review or an examination as the circumstances of the  
9 individual case may warrant and as may be prescribed by the Board in  
10 order to determine continued competency of the licensee ~~or~~  
11 ~~registrant~~. A partnership, firm, association, corporation, limited  
12 liability company or limited liability partnership shall pay to the  
13 Board the fee prescribed and in the manner provided by the rules of  
14 the Board for the renewal of the certificate of authority ~~or~~  
15 ~~certificate of title~~ for such partnership, firm, association,  
16 corporation, limited liability company or limited liability  
17 partnership.

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

20 Section 46.11. ~~No~~ For purposes of the State Architectural Act,  
21 no license for architects or landscape architects or a certificate  
22 of authority for a partnership, firm, association, corporation,  
23 limited liability company or limited liability partnership, shall be  
24 issued or renewed for longer than two (2) years. A license or

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

10 SECTION 10. AMENDATORY 59 O.S. 2011, Section 46.12, is  
11 amended to read as follows:

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

1 ~~registration, or~~ certificate of authority ~~or certificate of title~~ of  
2 the applicant been suspended or revoked.

3 SECTION 11. AMENDATORY 59 O.S. 2011, Section 46.14, is  
4 amended to read as follows:

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

10 1. Shall have been convicted of a felony;

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

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

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

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

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

22 7. Conceals information relative to any violation of ~~this act~~  
23 the State Architectural Act or rules promulgated ~~under this act~~  
24 thereto;

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

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

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

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

1 same manner as in civil cases. The Board shall keep a  
2 record of the evidence in, and a record of each  
3 proceeding for the suspension, revocation of or  
4 refusal to renew a license or certificate of authority  
5 and shall make findings of fact and render a decision  
6 therein. If, after a hearing, the charges shall have  
7 been found to have been sustained by the vote of a  
8 majority of the members of the Board it shall  
9 immediately enter its order of suspension, revocation  
10 or refusal to renew, as the case may be.

11 SECTION 12. AMENDATORY 59 O.S. 2011, Section 46.15, is  
12 amended to read as follows:

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

1 SECTION 13. AMENDATORY 59 O.S. 2011, Section 46.17, is  
2 amended to read as follows:

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

14 SECTION 14. AMENDATORY 59 O.S. 2011, Section 46.18, is  
15 amended to read as follows:

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

1 not exceed Ten Thousand Dollars (\$10,000.00) for any related series  
2 of violations plus the legal costs incurred by the Board to  
3 prosecute the case.

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

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

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

1       Section 46.19. All monies which shall be paid to the Board  
2 pursuant to the provisions of the State Architectural ~~and Registered~~  
3 ~~Interior Designers~~ Act shall be deposited with the State Treasurer  
4 of Oklahoma and placed in a separate and distinct fund to be known  
5 as the "Board of Architects' Fund". At the end of each fiscal year  
6 hereafter such unexpended balance remaining in the Board of  
7 Architects' Fund shall be carried over and continued therein. All  
8 sums of money now or hereafter to be or to come into the fund are  
9 hereby appropriated for the purpose of effectuating the purposes of  
10 the State Architectural ~~and Registered Interior Designers~~ Act, and  
11 to pay all costs and expenses heretofore and hereafter incurred in  
12 connection therewith.

13       SECTION 16.       AMENDATORY       59 O.S. 2011, Section 46.20, is  
14 amended to read as follows:

15       Section 46.20. At the close of each fiscal year, the Board of  
16 Governors of the Licensed Architects and landscape Architects shall  
17 make a full report of its proceedings during the year to the  
18 Governor and shall pay into the General Revenue Fund of the state,  
19 ten percent (10%) of all license and certificate of authority  
20 issuance and renewal fees collected and received during the fiscal  
21 year.

22       SECTION 17.       AMENDATORY       59 O.S. 2011, Section 46.21, is  
23 amended to read as follows:

24

1 Section 46.21. A. The State Architectural ~~and Registered~~  
2 ~~Interior Designers~~ Act shall not apply to any persons, firms,  
3 corporations, limited liability companies or limited liability  
4 partnerships who prepare plans and specifications for persons,  
5 firms, corporations, limited liability companies or limited  
6 liability partnerships other than such person or entity, for  
7 buildings exempted by the State Architectural ~~and Registered~~  
8 ~~Interior Designers~~ Act from requiring an architect licensed under  
9 the laws of the State of Oklahoma, providing such persons, firms,  
10 corporations, limited liability companies or limited liability  
11 partnerships shall not, in any manner, represent such person or  
12 entity to be an architect or other title of profession or business  
13 using a form of the word, "Architect", and providing further that  
14 nothing in the State Architectural ~~and Registered Interior Designers~~  
15 Act shall prevent such persons, firms, corporations, limited  
16 liability companies or limited liability partnerships advertising or  
17 selling such service.

18 B. Nothing in ~~this act~~ the State Architectural Act shall be  
19 construed to prevent:

20 1. The preparation of technical submissions or the  
21 administration of construction contracts by employees of a person or  
22 entity lawfully engaged in the practice of architecture when such  
23 employees are acting under the responsible control of a licensed  
24 architect;

1           2. A nonresident, who holds the certification issued by the  
2 National Council of Architectural Registration Boards, from offering  
3 to render the professional services involved in the practice of  
4 architecture; provided, that the person shall not perform any of the  
5 professional services involved in the practice of architecture until  
6 licensed as hereinbefore provided; and further provided, that the  
7 person shall notify the Board in writing that:

8           a. the person holds a National Council of Architectural  
9           Registration Boards certificate and is not currently  
10           licensed in the jurisdiction, but will be present in  
11           the state for the purpose of offering to render  
12           architectural services,

13           b. the person will deliver a copy of such notice to every  
14           potential client to whom the applicant offers to  
15           render architectural services, and

16           c. the person promises to apply immediately to the Board  
17           for registration if selected as the architect for the  
18           project; or

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

- 1           a.    the person holds a National Council of Architectural  
2                    Registration Boards certificate and is not currently  
3                    licensed in the jurisdiction, but will be present in  
4                    the state for the purpose of participating in an  
5                    architectural design competition,  
6           b.    the person will deliver a copy of such notice to every  
7                    person conducting an architectural design competition  
8                    in which the applicant participates, and  
9           c.    the person promises to apply immediately to the Board  
10                   for registration if selected as the architect for the  
11                   project.

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

14           Section 46.21b. A. An architect shall be required to plan,  
15 design and prepare plans and specifications for the following  
16 building types except where specifically exempt from the provisions  
17 of the State Architectural ~~and Registered Interior Designers~~ Act.  
18 All use groups in this section are defined by the 2003 International  
19 Building Code.

20           B. The construction, addition or alteration of a building of  
21 any size or occupancy in the following Code Use Groups shall be  
22 subject to the provisions of the State Architectural ~~and Registered~~  
23 ~~Interior Designers~~ Act:

- 24           1. Code Use Group I – Institutional;

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

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

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

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

6 and

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

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

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

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

23       3. The construction, addition or alteration of a building no  
24 more than two stories in height and with a gross square footage not

1 exceeding one hundred thousand (100,000) in the Code Use Group B -  
2 Business;

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

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

- 10 a. Code Use Group U - Utility,
- 11 b. Code Use Group F - Factory and Industrial,
- 12 c. Code Use Group H - High hazard,
- 13 d. Code Use Group S - Storage,
- 14 e. Code Use Group R2 - Residential, including apartments  
15 containing no more than thirty-two dwelling units or  
16 thirty-two guest units per building,
- 17 f. Code Use Groups R3 and R4 - Residential,
- 18 g. all buildings used by a municipality, county, state,  
19 public trust, public agency or the federal government  
20 with a construction value under One Hundred Fifty-  
21 eight Thousand Dollars (\$158,000.00),
- 22 h. incidental buildings or appurtenances associated with  
23 paragraphs 1 through 5 of this subsection, and  
24

1 i. all uninhabitable, privately owned agricultural  
2 buildings.

3 D. The renovation or alteration of a building where the  
4 intended use is exempt as new construction shall be exempt from the  
5 provisions of the State Architectural ~~and Registered Interior~~  
6 ~~Designers~~ Act.

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

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

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

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

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

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

3 3. Is the holder of an accredited professional degree in  
4 architecture and shall have had such practical training as the  
5 Board, by rule, shall deem appropriate. In lieu of the requirement  
6 of an accredited professional degree, the Board may register an  
7 applicant who demonstrates in accordance with such standards and  
8 requirements as the Board adopts by rule that the person has such  
9 other educational experience as the Board deems equivalent to an  
10 accredited professional degree in architecture;

11 4. Has paid to the Board a fee as prescribed by the rules of  
12 the Board plus the actual cost of the examination; and

13 5. Has passed the examinations prescribed by the Board for the  
14 issuance of a license.

15 B. Upon meeting the requirements of subsection A of this  
16 section and payment of an initial fee as may be prescribed by the  
17 rules of the Board, the Board shall issue to the applicant a license  
18 which shall authorize the applicant to engage in the practice of  
19 architecture in this state.

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

1 examinations and the grading procedures of the National Council of  
2 Architectural Registration Boards. Notice of the time and place for  
3 the holding of examinations shall be given in the manner and form  
4 prescribed by the Board.

5 D. The license certificate shall be in a form prescribed by the  
6 Board. The certificate shall be signed by the chair and by the  
7 secretary-treasurer of the Board and shall bear the impress of the  
8 seal of the Board. All papers received by the Board relating to an  
9 application for a license, to an examination and to the issuance of  
10 a license shall be retained by the Board for three (3) years.

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

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

19 Section 46.25. Each licensed architect shall have a seal, the  
20 image of which must contain the name of the architect, the person's  
21 license number and the words, "Licensed Architect, State of  
22 Oklahoma".

23 All technical submissions prepared by such architect, or under  
24 the responsible control of the architect, shall be sealed, signed

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

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

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

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

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

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

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

5 Section 46.29. No person shall practice landscape architecture  
6 in this state, or use the title "landscape architect" on any sign,  
7 title, card or device to indicate that such person is practicing  
8 landscape architecture or is a landscape architect, unless such  
9 person shall have secured a license from the Board of Governors of  
10 the Licensed Architects and Landscape Architects ~~a license~~.

11 SECTION 23. AMENDATORY 59 O.S. 2011, Section 46.30, is  
12 amended to read as follows:

13 Section 46.30. The Board shall license, as a landscape  
14 architect, each applicant who demonstrates to the satisfaction of  
15 the Board his or her fitness for such license as provided in ~~this~~  
16 ~~act~~ the State Architectural Act.

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

20 SECTION 24. AMENDATORY 59 O.S. 2011, Section 46.31, is  
21 amended to read as follows:

22 Section 46.31. A. Any person of good moral character who is a  
23 legal resident of the State of Oklahoma and who is twenty-one (21)  
24 years of age or older, with a degree from an approved landscape

1 architecture program and upon completion of practical training as  
2 the Board, by rule, shall deem appropriate, whose application has  
3 been approved by the Board, and who has fulfilled such other  
4 requirements as determined by the State Architectural ~~and Registered~~  
5 ~~Interior Designers~~ Act and the rules of the Board, upon the payment  
6 to the Board of a fee as prescribed by the rules of the Board, plus  
7 an amount to be determined by the Board, equal to the cost of the  
8 examination, may take an examination for the purpose of securing a  
9 license to practice landscape architecture in this state.  
10 Examinations shall be held not less than once each year by the Board  
11 or by a committee appointed by it to do so. Notice of the time and  
12 place of the holding of examinations shall be given in manner and  
13 form as prescribed by the Board.

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

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

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

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

1 Board, shall issue to the person a license to practice landscape  
2 architecture in this state.

3 SECTION 25. AMENDATORY 59 O.S. 2011, Section 46.32, is  
4 amended to read as follows:

5 Section 46.32. ~~The~~ For purposes of the State Architectural Act,  
6 the privilege of engaging in the practice of landscape architecture  
7 is personal, based upon the qualifications of the individual  
8 evidenced by the individual's registration, and is not transferable.

9 SECTION 26. AMENDATORY 59 O.S. 2011, Section 46.33, is  
10 amended to read as follows:

11 Section 46.33. The Board of Governors of the Licensed  
12 Architects and Landscape Architects may restore a license to any  
13 person whose license has lapsed or has been revoked or suspended.  
14 Application for the reissuance of a license and fees shall be made  
15 in such manner as the Board may direct.

16 SECTION 27. AMENDATORY 59 O.S. 2011, Section 46.34, is  
17 amended to read as follows:

18 Section 46.34. A. Each licensed landscape architect shall have  
19 a seal, the image of which shall contain the name of the landscape  
20 architect, the person's license number and the words, "Licensed  
21 Landscape Architect, State of Oklahoma". All technical submissions  
22 prepared by such landscape architect, or under the responsible  
23 control of the landscape architect, shall be sealed, signed and  
24 dated, which shall mean that the landscape architect was in

1 responsible control over the content of such technical submissions  
2 during ~~their~~ the preparation and has applied the required  
3 professional standard of care. No licensed landscape architect may  
4 sign or seal technical submissions unless ~~they~~ the submissions were  
5 prepared by or under the responsible control of the landscape  
6 architect, except that:

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

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

20 B. All drawings, specifications, plans, reports or other papers  
21 or documents involving the practice of landscape architecture, shall  
22 be dated and bear the signature and seal of the landscape architect  
23 or landscape architects who prepared or approved them. It is  
24 permissible to only sign, seal and date documents on the first sheet

1 of bound sets of drawings, with index of drawings included, title  
2 page of specifications, and other drawings and contract documents in  
3 a manner consistent with ~~this act~~ the State Architectural Act and  
4 rules of the Board.

5 C. The seal, signature and date of the landscape architect may  
6 be applied to tracings to produce legible reproduction of the  
7 drawings or to reprints made from the tracings. This provision,  
8 however, does not in any manner modify the requirements of the other  
9 subsections of this section.

10 D. The license of a landscape architect shall not permit the  
11 practice of architecture, engineering or land surveying, except that  
12 which is incidental to the practice of landscape architecture. No  
13 landscape architect shall permit his or her seal to be affixed to  
14 any plans, specifications or drawings if such portions thereof as  
15 are involved in the practice of his or her particular profession  
16 were not prepared by or under the landscape architect's personal and  
17 direct supervision by a regularly employed subordinate.

18 SECTION 28. AMENDATORY 59 O.S. 2011, Section 46.35, is  
19 amended to read as follows:

20 Section 46.35. ~~It~~ For purposes of the State Architectural Act,  
21 it shall be unlawful for a landscape architect to accept or to  
22 receive compensation, directly or indirectly, from any person other  
23 than the client in connection with the reparation, alteration or  
24

1 construction of a project in relation to which the landscape  
2 architect shall have accepted employment in any manner.

3 SECTION 29. AMENDATORY 59 O.S. 2011, Section 46.36, is  
4 amended to read as follows:

5 Section 46.36. ~~It~~ For purposes of the State Architectural Act,  
6 it shall be unlawful for a landscape architect, at any time, to bid  
7 for a contract for the reparation, alteration or construction of a  
8 project for which the landscape architect has prepared construction  
9 documents.

10 SECTION 30. AMENDATORY 59 O.S. 2011, Section 46.38, is  
11 amended to read as follows:

12 Section 46.38. A. On ~~July 1, 2007,~~ the effective date of this  
13 act, the registration of interior designers ~~begins~~ shall cease.

14 B. Except as may otherwise be provided in the State  
15 Architectural ~~and Registered Interior Designers Act, no~~ the  
16 registration ~~shall be~~ issued to any person prior to the effective  
17 date of this act to represent that the person is a "registered  
18 interior designer" ~~nor shall any person be allowed to use the term~~  
19 ~~unless the person pays to the Board the required fees and/or~~  
20 ~~penalties if~~ not be applicable as ~~established by the rules of the~~  
21 ~~Board and:~~

22 ~~1. Holds an accredited professional degree in interior design~~  
23 ~~from an interior design program accredited by the Foundation for~~  
24 ~~Interior Design Education Research, or its successor, or from an~~

1 ~~interior design program determined by the Board to be substantially~~  
2 ~~equivalent to an accredited program;~~

3 ~~2. Provides proof of a minimum of two (2) years of full-time~~  
4 ~~diversified and appropriate experience within established standards~~  
5 ~~as the Board shall prescribe; and~~

6 ~~3. Provides to the Board proof of passage of the examination~~  
7 ~~administered by the National Council for Interior Design~~  
8 ~~Qualification or its successor and is void.~~

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

16 D. ~~This section does not apply to a person licensed to practice~~  
17 ~~architecture pursuant to the laws of this state.~~

18 E. ~~Nothing in this act shall be construed to authorize the~~  
19 ~~board to regulate persons who are rendering interior design services~~  
20 ~~and are not a registered interior designer under the provisions of~~  
21 ~~this act or to adopt regulations that would exceed the powers and~~  
22 ~~responsibilities expressly authorized under this act rebate or~~  
23 ~~refund an interior designer's registration fee paid for the interior~~  
24 ~~designer who is in good standing with the Board if such registration~~

1 term extends beyond the effective date of this act when the  
2 requirement for all interior designer registrations shall cease.

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

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

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

12 ~~b. the partnership, firm, association, corporation,~~  
13 ~~limited liability company or limited liability~~  
14 ~~partnership has been issued a certificate of title by~~  
15 ~~the Board; shall not be applicable on and after the~~  
16 ~~effective date of this act and is void.~~

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

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

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

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

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

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

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

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

19 SECTION 31. AMENDATORY 59 O.S. 2011, Section 46.39, is  
20 amended to read as follows:

21 Section 46.39. Any No person who ~~applies to become a registered~~  
22 ~~interior designer and remits the application and initial fees within~~  
23 ~~two (2) years after July 1, 2007, shall be registered by the Board~~  
24

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

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

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

16 3. ~~The applicant is a licensed architect shall use the term~~  
17 "Registered Interior Designer" on and after the effective date of  
18 this act, unless such registration is applicable and valid in  
19 another state jurisdiction.

20 SECTION 32. AMENDATORY 59 O.S. 2011, Section 46.40, is  
21 amended to read as follows:

22 Section 46.40. A. The Board of Governors of the Licensed  
23 Architects, and Landscape Architects and ~~Registered Interior~~  
24 ~~Designers~~ of Oklahoma may ~~waive the educational and examination~~

1 ~~requirements of the State Architectural and Registered Interior~~  
2 ~~Designers Act for persons with diversified and appropriate~~  
3 ~~experience in the practice of interior design for a period of~~  
4 ~~fifteen (15) years prior to July 1, 2007, if the person is not~~  
5 ~~registered under the State Architectural and Registered Interior~~  
6 ~~Designers Act and not exempt from the requirement for registration~~  
7 ~~in order to use~~ continue to monitor and investigate the use of the  
8 title "Registered Interior Designer" and may take necessary actions  
9 or proceedings for violations.

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

15 SECTION 33. AMENDATORY 59 O.S. 2011, Section 46.41, is  
16 amended to read as follows:

17 Section 46.41. A. It shall be unlawful for any person or  
18 entity to use the title "Registered Interior Designer" or any other  
19 derivation of these words to indicate that the person or entity is  
20 registered ~~under the provisions of this act~~ in this state, if the  
21 person ~~is~~ was not registered ~~under this act and not exempt from the~~  
22 ~~requirement for registration~~ and in good standing with the Board of  
23 Governors of the Licensed Architects and Landscape Architects on the  
24 effective date of this act.

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

10 SECTION 34. This act shall become effective November 1, 2014.

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