

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3098

By: Osburn

4
5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2011, Sections 46.1, as amended by
9 Section 1, Chapter 234, O.S.L. 2014, 46.2, as amended
10 by Section 2, Chapter 234, O.S.L. 2014, 46.3, as
11 amended by Section 3, Chapter 234, O.S.L. 2014, 46.4,
12 as last amended by Section 4, Chapter 234, O.S.L.
13 2014, 46.7, as last amended by Section 1, Chapter 24,
14 O.S.L. 2015, 46.9, as amended by Section 7, Chapter
15 234, O.S.L. 2014, 46.10, 46.12, 46.14, as last
16 amended by Section 3, Chapter 363, O.S.L. 2019,
17 46.17, 46.18, as amended by Section 10, Chapter 234,
18 O.S.L. 2014, 46.19, 46.21, as amended by Section 12,
19 Chapter 234, O.S.L. 2014, 46.21b, as amended by
20 Section 13, Chapter 234, O.S.L. 2014, 46.24, as last
21 amended by Section 4, Chapter 363, O.S.L. 2019,
22 46.25, 46.28, as amended by Section 17, Chapter 234,
23 O.S.L. 2014, 46.31, as last amended by Section 5,
24 Chapter 363, O.S.L. 2019, 46.34, as amended by
Section 23, Chapter 234, O.S.L. 2014, 46.38, as
amended by Section 25, Chapter 234, O.S.L. 2014,
46.39, as amended by Section 26, Chapter 234, O.S.L.
2014, 46.40 and 46.41, as amended by Section 27,
Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2019,
Sections 46.1, 46.2, 46.3, 46.4, 46.7, 46.9, 46.14,
46.18, 46.21, 46.21b, 46.24, 46.28, 46.31, 46.34,
46.38, 46.39 and 46.41), which relate to the State
Architectural and Registered Interior Designers Act;
modifying short title; modifying purpose of act;
modifying various references to name of act;
modifying definitions; defining terms; re-creating
Board of Governors of the Licensed Architects,
Landscape Architects and Registered Interior
Designers of Oklahoma; extending sunset date;
increasing membership of Board; providing for use of
certain code groups; modifying registration of

1 interior designers; modifying waiver of educational
2 and examination requirements; providing an effective
3 date; and declaring an emergency.
4

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

6 SECTION 1. AMENDATORY 59 O.S. 2011, Section 46.1, as
7 amended by Section 1, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2019,
8 Section 46.1), is amended to read as follows:

9 Section 46.1 Section 46.1 et seq. of this title shall be known
10 and may be cited as the "State Architectural and Registered
11 Commercial Interior Designers Act".

12 SECTION 2. AMENDATORY 59 O.S. 2011, Section 46.2, as
13 amended by Section 2, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2019,
14 Section 46.2), is amended to read as follows:

15 Section 46.2 In order to safeguard life, health and property
16 and to promote the public welfare, the professions of architecture,
17 ~~and~~ landscape architecture and registered commercial interior design
18 are declared to be subject to regulation in the public interest. It
19 is unlawful for any person to practice or offer to practice
20 architecture or landscape architecture in this state, as defined in
21 the provisions of the State Architectural and Registered Commercial
22 Interior Designers Act, use in connection with the person's name, or
23 otherwise assume the title of architect, landscape architect or
24 registered commercial interior designer, or advertise any title or

1 description tending to convey the impression that the person is a
2 licensed architect or landscape architect or registered commercial
3 interior designer unless the person is duly licensed or exempt from
4 licensure or registration under the State Architectural and
5 Registered Commercial Interior Designers Act. The practice of
6 architecture and landscape architecture and the use of the titles
7 architect, landscape architect and registered commercial interior
8 designer are privileges granted by the state through the Board of
9 Governors of the Licensed Architects, Landscape Architects and
10 Registered Commercial Interior Designers of Oklahoma based upon the
11 qualifications of the individual as evidenced by a certificate of
12 licensure or registration which shall not be transferable.

13 SECTION 3. AMENDATORY 59 O.S. 2011, Section 46.3, as
14 amended by Section 3, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2019,
15 Section 46.3), is amended to read as follows:

16 Section 46.3 As used in the State Architectural and Registered
17 Commercial Interior Designers Act:

- 18 1. "Architect" means any person who is licensed in the practice
19 of architecture in the State of Oklahoma as hereinafter defined;
- 20 2. "Practice of architecture" means rendering or offering to
21 render certain services, in connection with the design and
22 construction, enlargement or alteration of a building or a group of
23 buildings and the space surrounding such buildings, including
24 buildings which have as their principal purpose human occupancy or

1 habitation. The services referred to include planning, providing
2 preliminary studies, designs, drawings, specifications,
3 investigations and other technical submissions, the administration
4 of construction contracts, and the coordination of any elements of
5 technical submissions prepared by other consultants including, as
6 appropriate and without limitation, consulting engineers, and
7 landscape architects and registered commercial interior designers;
8 provided, that the practice of architecture shall include such other
9 professional services as may be necessary for the rendering of or
10 offering to render architectural services;

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

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

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

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

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

3 7. "Certificate of title" means the authorization granted by
4 the Board for a partnership, firm, association, corporation, limited
5 liability company or limited liability partnership to use the title
6 registered commercial interior designer or any modification or
7 derivation of ~~these terms~~ this term and to submit interior technical
8 submissions;

9 8. "Technical submissions" means drawings, plans,
10 specifications, studies and any other technical reports or documents
11 which are issued in the course of practicing architecture or
12 landscape architecture with the intent that they be considered as
13 formal or final documents but shall not include record drawings.
14 Prototypical plans are not technical submissions;

15 9. "Responsible control" means the amount of direct control and
16 personal supervision of architectural, landscape architectural or
17 registered commercial interior designer's work and detailed
18 knowledge of the content of tactical and technical submissions
19 during their preparation as is ordinarily exercised by licensed
20 architects, ~~or~~ landscape architects or registered commercial
21 interior designers applying the required professional standard of
22 care. The terms direct control and personal supervision, whether
23 used separately or together, mean active and personal management of
24 the firm's personnel and practice to maintain charge of, and

1 concurrent direction over, architecture, landscape architecture or
2 the work of a registered commercial interior designer's decisions
3 and the instruments of professional services to which the licensee
4 or registrant affixes the seal, signature, and date;

5 10. "Landscape architect" means a person licensed to practice
6 landscape architecture as provided in the State Architectural and
7 Registered Commercial Interior Designers Act;

8 11. "Landscape architecture" means the performance of
9 professional services defined as teaching, consultations,
10 investigations, reconnaissance, research, planning, design,
11 preparation of construction drawings and specifications,
12 construction observation and the coordination of any elements of
13 technical submissions prepared by others in connection with the
14 planning and arranging of land and the elements thereon for public
15 and private use and enjoyment, including the design and layout of
16 roadways, service areas, parking areas, walkways, steps, ramps,
17 pools, parks, parkways, trails and recreational areas, the location
18 and site of improvements including buildings and other structures,
19 and the grading of the land, surface and subsoil drainage, erosion
20 control, planting, reforestation, and the preservation of the
21 natural landscape, in accordance with accepted professional
22 standards, and to the extent that the dominant purpose of such
23 services or creative works is the preservation, conservation,
24 enhancement, or determination of proper land uses, natural land

1 features, ground cover and plantings, or naturalistic and aesthetic
2 values.

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

12 12. "Code" means the nationally recognized codes adopted by the
13 Uniform Building Code Commission of the State of Oklahoma;

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

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

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

8 16. "Equivalent standards" means those standards adopted by the
9 Board intended to be used as alternative equivalents to determine
10 competency for education, training and testing for licensing
11 architects and/or landscape architects and registering interior
12 designers and for complying with the Post-Military Service
13 Occupation, Education and Credentialing Act for military personnel
14 and their spouses;

15 17. "Interior technical submissions" means drawings, plans,
16 specifications, studies and any other technical reports or documents
17 related to nonstructural interior components, which are issued in
18 the course of practicing registered commercial interior design with
19 the intent that they be considered as formal or final documents but
20 shall not include record drawings. Prototypical plans are not
21 technical submissions;

22 18. "Registered commercial interior design" means rendering or
23 offering to render certain services, in connection with the design
24 and construction, enlargement or alteration of a building or a group

1 of buildings, which have as their principal purpose human occupancy
2 or habitation and which the state-adopted International Building
3 Code and International Fire Code are applicable. The services
4 referred to include planning, providing preliminary studies,
5 designs, drawings, specifications, investigations and other interior
6 technical submissions, the administration of construction contracts,
7 and the coordination of any elements of interior technical
8 submissions prepared by other consultants relating to interior
9 construction that do not substantially affect the existing
10 mechanical or structural systems of a building.

11 The definitions in the State Architectural and Registered
12 Commercial Interior Designers Act shall have the same meaning when
13 applicable to any rule promulgated pursuant to such act.

14 SECTION 4. AMENDATORY 59 O.S. 2011, Section 46.4, as
15 last amended by Section 4, Chapter 234, O.S.L. 2014 (59 O.S. Supp.
16 2019, Section 46.4), is amended to read as follows:

17 Section 46.4 There is hereby re-created, to continue until July
18 1, ~~2020~~ 2026, in accordance with the provisions of the Oklahoma
19 Sunset Law, a board to be known as the "Board of Governors of the
20 Licensed Architects, Landscape Architects and Registered Commercial
21 Interior Designers of Oklahoma", hereinafter referred to as the
22 Board. The Board shall be composed of ~~eleven (11)~~ thirteen (13)
23 members, including seven persons who are duly licensed to practice
24 architecture and are in good standing in this state, two persons who

1 are duly licensed to practice landscape architecture and are in good
2 standing in this state, ~~one person as a~~ two persons who are
3 registered commercial interior designer designers and ~~is~~ who are
4 active and in good standing and ~~one~~ two lay ~~member~~ members. Each
5 member of the Board shall be a qualified elector of this state, and
6 the architect, landscape architect and registered commercial
7 interior designer members shall have had five (5) years' licensing
8 or registration experience as the professional position requires in
9 this state. Re-creation of the Board shall not alter existing
10 staggered terms. Board members, other than the lay ~~member~~ members,
11 shall be appointed for a period of five (5) years thereafter;
12 provided that nothing herein shall affect the tenure of office of
13 anyone who is a member of the Board on May 31, 1957. A member may
14 be reappointed to succeed such membership. The licensed architect,
15 landscape architect or the registered commercial interior designer
16 members may be appointed by the Governor from a list of nominees
17 submitted by respective professional societies of this state.
18 Membership in a professional society shall not be a prerequisite to
19 appointment to the Board. The lay ~~member~~ members of the Board shall
20 be appointed by the Governor to a term coterminous with that of the
21 Governor. The lay ~~member~~ members shall serve at the pleasure of the
22 Governor. Provided, the lay ~~member~~ members may continue to serve
23 after the expiration of the term of the ~~member~~ members until such
24 time as a successor is appointed. Vacancies which may occur in the

1 membership of the Board shall be filled by appointment by the
2 Governor. Each person who has been appointed to fill a vacancy
3 shall serve for the remainder of the term for which the member the
4 person shall succeed was appointed and until a successor, in turn,
5 has been appointed and shall have qualified. Each member of the
6 Board, before entering upon the discharge of the duties of the
7 member, shall make and file with the Secretary of State a written
8 oath or affirmation for the faithful discharge of official duties.
9 Each member of the Board and staff shall be reimbursed for travel
10 expenses pursuant to the State Travel Reimbursement Act.

11 SECTION 5. AMENDATORY 59 O.S. 2011, Section 46.7, as
12 last amended by Section 1, Chapter 24, O.S.L. 2015 (59 O.S. Supp.
13 2019, Section 46.7), is amended to read as follows:

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

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

18 2. Prepare, conduct, and grade examinations of persons who
19 shall apply for the issuance of licenses and registrations to them,
20 and to promulgate such rules with reference thereto as it may deem
21 proper as a portion used to determine competency for the issuance of
22 licenses or registrations;

23 3. Work with nationally recognized licensing and registration
24 organizations to prepare, conduct, and grade examinations, written

1 or oral, of persons who shall apply for the issuance of licenses or
2 registrations;

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

6 5. Determine eligibility for licenses and certificates of
7 authority and issue them;

8 6. Determine eligibility for registration as a registered
9 commercial interior designer and for certificate of title and issue
10 them;

11 7. Promulgate rules to govern the issuing of reciprocal
12 licenses and registrations;

13 8. Upon good cause shown, as hereinafter provided, deny the
14 issuance of a license, registration, certificate of authority or
15 certificate of title or suspend, revoke, refuse to renew or issue
16 probation orders for licenses or registrations, and/or require
17 additional educational course work and determine when the objectives
18 have been met;

19 9. Upon proper showing, reinstate or conditionally reinstate
20 licenses, registrations, certificates of title or certificates of
21 authority previously issued;

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

1 11. Prescribe rules governing proceedings for the denial of
2 issuance of a license, registration, certificate of authority or
3 certificate of title, suspension, revocation or refusal to renew, to
4 issue probation orders and/or require additional educational course
5 work and determine when the objectives have been met for cause,
6 and reinstate them;

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

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

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

20 15. Initiate disciplinary action, prosecute and seek
21 injunctions against any person or entity who has violated any of the
22 provisions of the State Architectural and Registered Commercial
23 Interior Designers Act or any rule of the Board promulgated pursuant
24

1 to said act and against the owner/developer of the building type not
2 exempt;

3 16. Investigate alleged violations of the State Architectural
4 and Registered Commercial Interior Designers Act or of the rules,
5 orders or final decisions of the Board;

6 17. Promulgate rules of conduct governing the practice of
7 licensed architects and landscape architects;

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

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

20 20. Prescribe by rules, fees to be charged as required by this
21 act;

22 21. Adopt rules providing for a program of continuing education
23 in order to ensure that all licensed architects or landscape
24 architects and registered commercial interior designers remain

1 informed of those technical and professional subjects that the Board
2 deems appropriate. The Board may by rule describe the methods by
3 which the requirements of such program may be satisfied. Failure to
4 meet such requirements of continuing education shall result in
5 nonrenewal of the license issued to the architect or landscape
6 architect or nonrenewal of the registration issued to the registered
7 commercial interior designer;

8 22. Adopt rules regarding requirements for intern development
9 as a prerequisite for licensure or registration;

10 23. Give scholarships, as determined by the Board, to an
11 individual or individuals advancing toward obtaining an accredited
12 National Architectural Accreditation Board, Landscape Architectural
13 Accreditation Board or Council for Interior Design Accreditation
14 degree in one of these three professions in an Oklahoma higher
15 education institution; and

16 24. Take such other action as may be reasonably necessary or
17 appropriate to effectuate the State Architectural and Registered
18 Commercial Interior Designers Act. The Board may, at its
19 discretion, contract with other state agencies and nonprofit
20 corporations for the endowment, management, and administration of
21 scholarships. The requirements of such scholarships shall be
22 determined by the Board. However, nothing contained herein shall be
23 construed as requiring the Board to endow or award any scholarship.

1 SECTION 6. AMENDATORY 59 O.S. 2011, Section 46.9, as
2 amended by Section 7, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2019,
3 Section 46.9), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 L. The Secretary of State shall not register any trade name or
16 service mark which includes such words as set forth in subsection K
17 of this section, or modification or derivatives thereof in its firm
18 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.

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

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

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

7 Section 46.10 Every licensed architect, landscape architect and
8 registered commercial interior designer shall pay to the Board a fee
9 as prescribed by the rules of the Board. Upon receipt of the fee
10 the Board shall issue a renewal of the license or registration,
11 which shall authorize the person to practice architecture, landscape
12 architecture or use the title registered commercial interior
13 designer, as the case may be, in this state. The license of an
14 architect or landscape architect or the registration of a registered
15 commercial interior designer which has been canceled by the Board
16 for nonpayment of dues may be renewed at any time within three (3)
17 years from the date of the cancellation, upon payment to the Board
18 of the fees which had accrued at the time of the cancellation and
19 which would have been paid at the time of reinstatement had not the
20 license or registration been suspended, together with payment of the
21 amount of penalties which may have been prescribed by the Board. If
22 a license or registration remains canceled for a period exceeding
23 three (3) consecutive years, it shall not be reinstated unless the
24 licensee or registrant has taken or submitted to a test or a quiz or

1 a Board review or an examination as the circumstances of the
2 individual case may warrant and as may be prescribed by the Board in
3 order to determine continued competency of the licensee or
4 registrant. A partnership, firm, association, corporation, limited
5 liability company or limited liability partnership shall pay to the
6 Board the fee prescribed and in the manner provided by the rules of
7 the Board for the renewal of the certificate of authority or
8 certificate of title for such partnership, firm, association,
9 corporation, limited liability company or limited liability
10 partnership.

11 SECTION 8. AMENDATORY 59 O.S. 2011, Section 46.12, is
12 amended to read as follows:

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

1 the payment of a sum equal to the fees which would have accrued had
2 not the license, registration, certificate of authority or
3 certificate of title of the applicant been suspended or revoked.

4 SECTION 9. AMENDATORY 59 O.S. 2011, Section 46.14, as
5 last amended by Section 3, Chapter 363, O.S.L. 2019 (59 O.S. Supp.
6 2019, Section 46.14), is amended to read as follows:

7 Section 46.14 A. The Board of Governors of the Licensed
8 Architects, Landscape Architects and Registered Commercial Interior
9 Designers of Oklahoma shall have power to suspend, to revoke or
10 refuse to renew a license, registration, certificate of authority or
11 certificate of title issued by it, pursuant to the provisions of the
12 State Architectural and Registered Commercial Interior Designers
13 Act, when the holder thereof:

14 1. Has been convicted of a felony crime that substantially
15 relates to the practice of architecture, landscape architecture or
16 interior design and poses a reasonable threat to public safety;

17 2. Has been guilty of fraud or misrepresentation;

18 3. Has been guilty of gross incompetence or recklessness in the
19 practice of architecture relating to the construction of buildings
20 or structures, or of dishonest practices;

21 4. Has been guilty of gross incompetence or recklessness in the
22 practice of landscape architecture, or of dishonest practices;

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

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

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

4 8. Has been found to be guilty of a violation of a provision of
5 the State Architectural and Registered Commercial Interior Designers
6 Act, or the rules of the Board; provided, that a person or entity
7 complained of shall be afforded the opportunity for a formal hearing
8 carried out as described under the current Administrative Procedures
9 Act or settled by the Board with a consent order or final order
10 approved by the Board.

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

20 B. As used in this section:

21 1. "Substantially relates" means the nature of criminal conduct
22 for which the person was convicted has a direct bearing on the
23 fitness or ability to perform one or more of the duties or
24 responsibilities necessarily related to the occupation; and

1 2. "Poses a reasonable threat" means the nature of criminal
2 conduct for which the person was convicted involved an act or threat
3 of harm against another and has a bearing on the fitness or ability
4 to serve the public or work with others in the occupation.

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

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

19 SECTION 11. AMENDATORY 59 O.S. 2011, Section 46.18, as
20 amended by Section 10, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2019,
21 Section 46.18), is amended to read as follows:

22 Section 46.18 A. Any person or entity who has been determined
23 by the Board to have violated any provision of the State
24 Architectural and Registered Commercial Interior Designers Act or

1 any rule or order issued pursuant to the provisions of the State
2 Architectural and Registered Commercial Interior Designers Act may
3 be liable for a civil penalty of not more than One Hundred Dollars
4 (\$100.00) for each day that said violation continues plus the legal
5 costs incurred by the Board to prosecute the case. The maximum
6 civil penalty shall not exceed Ten Thousand Dollars (\$10,000.00) for
7 any violation plus the legal costs incurred by the Board to
8 prosecute the case.

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

22 C. Any license, registration, certificate of authority or
23 certificate of title holder may elect to surrender the license,
24 registration, certificate of authority or certificate of title in

1 lieu of said fine but shall be forever barred from obtaining a
2 reissuance of said license, registration, certificate of authority
3 or certificate of title.

4 SECTION 12. AMENDATORY 59 O.S. 2011, Section 46.19, is
5 amended to read as follows:

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

18 SECTION 13. AMENDATORY 59 O.S. 2011, Section 46.21, as
19 amended by Section 12, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2019,
20 Section 46.21), is amended to read as follows:

21 Section 46.21 A. The State Architectural and Registered
22 Commercial Interior Designers Act shall not apply to any persons,
23 firms, corporations, limited liability companies or limited
24 liability partnerships that do not hold a license, registration or

1 certification in any jurisdiction for exempted Code Use Groups
2 defined by the State Architectural and Registered Commercial
3 Interior Designers Act, providing such persons and/or entities shall
4 not represent such person or entity to be an architect or other
5 title of profession or business using a form of the word,
6 "Architect". This act shall not prevent such persons and/or
7 entities from advertising or selling their ~~service~~ services.

8 Any architect, landscape architect or registered commercial
9 interior designer from any jurisdiction that contracts, provides or
10 holds out to the public that they are able to provide professional
11 services in Oklahoma is required to hold a license, registration or
12 certificate of authority or certificate of title as needed from the
13 Board, even on exempt Code Use Groups, and an architect or landscape
14 architect is required to sign, seal and date all construction
15 documents and technical submissions.

16 B. Nothing in this act shall be construed to prevent the
17 preparation of technical submissions or the administration of
18 construction contracts by employees of a person or entity lawfully
19 engaged in the practice of architecture when such employees are
20 acting under the responsible control of a licensed architect.

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

22 1. Nothing in this act shall prohibit a person or firm from
23 participating in an architectural design competition involving only
24

1 architectural programming, planning, schematic design or design
2 development information provided to a sponsor; and

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

8 SECTION 14. AMENDATORY 59 O.S. 2011, Section 46.21b, as
9 amended by Section 13, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2019,
10 Section 46.21b), is amended to read as follows:

11 Section 46.21b A. An architect shall be required to plan,
12 design and prepare plans and specifications for the following Code
13 Use Groups except where specifically exempt from the provisions of
14 the State Architectural and Registered Commercial Interior Designers
15 Act. All Code Use Groups in this section are defined by the current
16 International Building Code.

17 B. The construction, addition or alteration of a building of
18 any size or occupancy in the following Code Use Groups shall be
19 subject to the provisions of the State Architectural and Registered
20 Commercial Interior Designers 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
6 Commercial Interior Designers Act.

7 C. A registered commercial interior designer shall plan, design
8 and prepare plans and interior technical submissions for the
9 following Code Use Groups except where specifically exempt from the
10 provisions of the State Architectural and Registered Commercial
11 Interior Designers Act. All Code Use Groups in this section are
12 defined by the current International Building Code.

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

17 1. Code Use Group I - Institutional;

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

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

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

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

23 and

1 6. Interiors of buildings excluding structural elements for
2 which the designated Code Use Group changes are not exempt from the
3 State Architectural and Registered Commercial Interior Designers
4 Act.

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

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

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

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

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

1 exceeding two hundred thousand (200,000) in the Code Use Group M -
2 Mercantile; and

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

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

22 ~~D.~~ F. The addition, renovation or alteration of buildings where
23 the use was exempt as new construction shall remain exempt if the
24 Code Use Group does not change.

1 ~~E.~~ G. Upgrades, repairs, replacements and changes made on
2 projects in Code Use Groups found in this title requiring an
3 architect are exempt from hiring an architect if the upgrades,
4 repairs, replacements or changes do not affect the existing primary
5 structural, mechanical, or electrical systems, life-safety systems,
6 fire codes or exit passageways and/or egress as determined by the
7 applicable building official having jurisdiction.

8 SECTION 15. AMENDATORY 59 O.S. 2011, Section 46.24, as
9 last amended by Section 4, Chapter 363, O.S.L. 2019 (59 O.S. Supp.
10 2019, Section 46.24), is amended to read as follows:

11 Section 46.24 A. Except as otherwise provided in the State
12 Architectural and Registered Commercial Interior Designers Act, no
13 license shall be issued to any person to practice architecture in
14 this state unless the person:

- 15 1. Is twenty-one (21) years of age or over;
- 16 2. Is the holder of an accredited professional degree in
17 architecture and shall have had such practical training as this act
18 and the Board, by rule, shall deem appropriate. In lieu of the
19 requirement of an accredited professional degree, the Board may
20 license an applicant who demonstrates in accordance with such
21 standards and requirements as determined by this act and/or the
22 Board's rules that the person has such other educational experience
23 as the Board deems equivalent to an accredited professional degree
24 in architecture or in any case the Board decides the interest of the

1 public will be served and the person is determined to be qualified
2 and competent by equivalent standards for architects and in
3 compliance with this act and rules or in compliance with the Post-
4 Military Service Occupation, Education and Credentialing Act;

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

8 4. Has passed the examinations prescribed by the Board for the
9 issuance of a license.

10 B. Upon meeting the requirements of subsection A of this
11 section and payment of an initial fee as may be prescribed by the
12 rules of the Board, the Board shall issue to the applicant a license
13 which shall authorize the applicant to engage in the practice of
14 architecture in this state. The Board has the authority to issue
15 temporary licenses while qualifying the applicant in compliance with
16 the Post-Military Service Occupation, Education and Credentialing
17 Act or with any declared state of emergency.

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

1 time and place for the holding of examinations shall be given in the
2 manner and form prescribed by the Board and may be administered
3 electronically.

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

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

19 SECTION 16. 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".

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

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

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

22 SECTION 17. AMENDATORY 59 O.S. 2011, Section 46.28, as
23 amended by Section 17, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2019,
24 Section 46.28), is amended to read as follows:

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

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

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

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

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

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

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

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

13 8. Builders or their superintendents in the supervision of
14 landscape architectural projects.

15 SECTION 18. AMENDATORY 59 O.S. 2011, Section 46.31, as
16 last amended by Section 5, Chapter 363, O.S.L. 2019 (59 O.S. Supp.
17 2019, Section 46.31), is amended to read as follows:

18 Section 46.31 A. Except as otherwise provided in the State
19 Architectural and Registered Commercial Interior Designers Act, no
20 license shall be issued to any person to practice landscape
21 architecture in this state unless the person:

22 1. Is twenty-one (21) years of age or older;

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

4 3. Has passed the examinations prescribed by the Board
5 including the Oklahoma Plant Materials Exam; and

6 4. Has paid all applicable fees.

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

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

19 D. The Board shall establish rules for examination of landscape
20 architects and may elect to follow the recommendations of the
21 Council of Landscape ~~Architects~~ Architectural Registration Board
22 (CLARB) or its successor. The examinations shall be designed to
23 determine the qualifications of the applicant to practice landscape
24 architecture. The examination shall cover such technical,

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

12 Upon passage of the examination, completion of the Board's
13 requirements as prescribed by this act and rules, and the payment of
14 all applicable fees prescribed by the rules of the Board, the Board
15 shall issue to the applicant a license which shall authorize the
16 person to engage in the practice of landscape architecture in this
17 state.

18 E. 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 landscape
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,
24 territory, district 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, in a territory of the United States, in
4 the District of Columbia, or in a country other than the United
5 States complies with this act and rules of the Board, the secretary-
6 treasurer, in the exercise of his or her discretion, or upon the
7 order of the Board and upon the receipt of all applicable fees
8 prescribed by the Board, shall issue to the person a license to
9 practice landscape architecture in this state.

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

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

14 1. Nothing in this act shall prohibit a person or firm from
15 participating in a landscape architectural design competition
16 involving only programming, planning, schematic design or design
17 development information provided to a sponsor; and

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

22 SECTION 19. AMENDATORY 59 O.S. 2011, Section 46.34, as
23 amended by Section 23, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2019,
24 Section 46.34), is amended to read as follows:

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

13 1. The person may sign or seal those portions of the technical
14 submissions under the responsible control of persons who are
15 licensed under the State Architectural and Registered Commercial
16 Interior Designers Act if the landscape architect has reviewed and
17 adapted in whole or in part such portions and has either coordinated
18 their preparation or integrated them into the work; and

19 2. The person may sign or seal those portions of the technical
20 submissions that are not required to be prepared by or under the
21 responsible control of a landscape architect if the landscape
22 architect has reviewed and adapted in whole or in part such
23 submissions and integrated them into the work. The seal may be a
24

1 rubber stamp or may be generated electronically pursuant to rules
2 adopted by the Board.

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

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

16 D. The license of a landscape architect shall not permit the
17 practice of architecture, engineering or land surveying, except that
18 which is incidental, meaning less than ten percent (10%) of the
19 total cost of the total project, to the practice of landscape
20 architecture. No landscape architect shall permit his or her seal
21 to be affixed to any plans, specifications or drawings if such
22 portions thereof as are involved in the practice of his or her
23 particular profession were not prepared by or under the landscape
24 architect's responsible control.

1 SECTION 20. AMENDATORY 59 O.S. 2011, Section 46.38, as
2 amended by Section 25, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2019,
3 Section 46.38), is amended to read as follows:

4 Section 46.38 A. On July 1, 2007, the effective date of
5 registration of interior designers began.

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

13 ~~1. Holds an accredited professional degree in interior design~~
14 ~~from an interior design program accredited by the Council for~~
15 ~~Interior Design Accreditation or its successor, or from an interior~~
16 ~~design program determined by the Board to be substantially~~
17 ~~equivalent to an accredited program;~~

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

21 ~~3. Provides~~ provides to the Board proof of passage of the
22 examination administered by the Council for Interior Design
23 Qualification or its successor or an equivalent examination as
24 determined by the Board.

1 C. The Board may waive the requirements of the State
2 Architectural and Registered Commercial Interior Designers Act for
3 an individual who holds a current valid registration from another
4 state, jurisdiction or foreign country where the requirements for
5 registration are substantially equivalent to those required for
6 registration in this state and pays the required fees and/or
7 penalties, if applicable, to the Board.

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

10 E. Nothing in this act shall be construed to authorize the
11 Board to regulate or prohibit persons who are rendering interior
12 design services and are not a registered commercial interior
13 ~~designer~~ designers under the provisions of this act or to adopt
14 regulations that would exceed the powers and responsibilities
15 expressly authorized under this act.

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

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

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

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

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

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

1 4. 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 the
4 words "Registered Commercial Interior Designer" or any modification
5 or 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
8 requirements of this act. The firm applying shall supply the
9 certificate of title or letter from the Board with its application
10 for incorporation or registration;

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

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

20 G. No registration for registered interior designers or a
21 certificate of title for a partnership, firm, association,
22 corporation, limited liability company or limited liability
23 partnership, shall be issued or renewed for longer than two (2)
24 years. A registration or certificate of title may be renewed upon

1 application, compliance with the rules of the Board and payment of
2 fees prior to or on June 30 of alternate years. The registration
3 for registered commercial interior designers shall begin July 1,
4 2007, and shall end June 30, 2009, unless renewed every two (2)
5 years thereafter. A new registration to replace a lost, destroyed
6 or mutilated registration shall be issued by the Board upon payment
7 of a fee established in accordance with the rules of the Board.

8 SECTION 21. AMENDATORY 59 O.S. 2011, Section 46.39, as
9 amended by Section 26, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2019,
10 Section 46.39), is amended to read as follows:

11 Section 46.39 Any person who applies to become a registered
12 interior designer and remits the application and initial fees after
13 July 1, 2007, shall be registered by the Board of Governors of the
14 Licensed Architects, Landscape Architects and Registered Commercial
15 Interior Designers if:

16 ~~1. In lieu of the requirement of an accredited professional~~
17 ~~degree,~~ an applicant demonstrates, in accordance with this act, or
18 in compliance with the Post-Military Service Occupation, Education
19 and Credentialing Act and requirements as the Board adopts by rule,
20 that the applicant has the interior design education and training
21 that the Board deems equivalent to an accredited professional degree
22 in interior design and the applicant has passed the examination of
23 the Council for Interior Design Qualification or its successor, or
24 an equivalent examination as determined by the Board; ~~and~~

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

7 The Board has the authority to issue temporary registrations
8 while qualifying the applicant in compliance with the Post-Military
9 Service Occupation, Education and Credentialing Act.

10 SECTION 22. AMENDATORY 59 O.S. 2011, Section 46.40, is
11 amended to read as follows:

12 Section 46.40 A. ~~The Board of Governors of the Licensed~~
13 ~~Architects, Landscape Architects and Registered Interior Designers~~
14 ~~of Oklahoma may waive the educational and examination requirements~~
15 ~~of the State Architectural and Registered Interior Designers Act for~~
16 ~~persons with diversified and appropriate experience in the practice~~
17 ~~of interior design for a period of fifteen (15) years prior to July~~
18 ~~1, 2007, if the person is not registered under the State~~
19 ~~Architectural and Registered Interior Designers Act and not exempt~~
20 ~~from the requirement for registration in order to use the title~~
21 ~~"Registered Interior Designer".~~

22 B. The State Architectural and Registered Commercial Interior
23 Designers Act shall not be construed to prohibit or interfere with
24 the ability of a licensed architect to perform those activities that

1 are associated with his or her practice as provided under the
2 provisions of the State Architectural and Registered Commercial
3 Interior Designers Act.

4 SECTION 23. AMENDATORY 59 O.S. 2011, Section 46.41, as
5 amended by Section 27, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2019,
6 Section 46.41), is amended to read as follows:

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

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

20 SECTION 24. This act shall become effective July 1, 2020.

21 SECTION 25. It being immediately necessary for the preservation
22 of the public peace, health or safety, an emergency is hereby
23
24

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

3

4 57-2-9313 LRB 01/12/20

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24