

1 **SENATE FLOOR VERSION**

2 April 10, 2023

3 ENGROSSED HOUSE

4 BILL NO. 1793

By: Osburn and Archer of the
House

5 and

6 Pugh of the Senate

7
8 An Act relating to professions and occupations;
amending 59 O.S. 2021, Sections 46.1, 46.2, 46.3,
9 46.4, 46.7, 46.9, 46.10, 46.11, 46.12, 46.14, 46.17,
46.18, 46.19, 46.20, 46.21, 46.21b, 46.24, 46.25,
10 46.28, 46.31, 46.34, 46.38, 46.39, 46.40, 46.41,
46.42, 46.45, 46.46 and 46.47, which relate to the
11 State Architectural and Registered Commercial
Interior Designers Act; modifying various provisions
12 of the act; changing name of act; changing name of
registered commercial interior designers; providing
13 for licensure; removing certification requirements;
modifying definitions; changing name of the Board of
14 Governors of the Architects, Landscape Architects and
Licensed Interior Designers of Oklahoma; modifying
15 powers and duties of the Board; modifying use of
certain title; modifying renewal of license;
16 modifying grounds for suspension, revocation or
nonrenewal of license; providing exemption; providing
17 an effective date; and declaring an emergency.

18
19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. AMENDATORY 59 O.S. 2021, Section 46.1, is
21 amended to read as follows:

22 Section 46.1 Section 46.1 et seq. of this title shall be known
23 and may be cited as the "State Architectural and ~~Registered~~
24 ~~Commercial~~ Licensed Interior Designers Act".

1 SECTION 2. AMENDATORY 59 O.S. 2021, 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 public welfare, the professions of architecture,
5 landscape architecture and ~~registered commercial~~ licensed interior
6 design are declared to be subject to regulation in the public
7 interest. It is unlawful for any person to practice or offer to
8 practice architecture ~~or~~, landscape architecture, or licensed
9 interior design in this state, as defined in the provisions of the
10 State Architectural and ~~Registered Commercial~~ Licensed Interior
11 Designers Act, use in connection with the person's name, or
12 otherwise assume the title of architect, landscape architect or
13 ~~registered commercial~~ licensed interior designer, or advertise any
14 title or description tending to convey the impression that the
15 person is ~~a licensed~~ an architect or landscape architect or
16 ~~registered commercial~~ licensed interior designer unless the person
17 is duly licensed or exempt from licensure ~~or registration~~ under the
18 State Architectural and ~~Registered Commercial~~ Licensed Interior
19 Designers Act. The practice of architecture ~~and~~, landscape
20 architecture and the use of the titles architect, landscape
21 architect and ~~registered commercial~~ licensed interior designer are
22 privileges granted by the state through the Board of Governors of
23 the ~~Licensed~~ Architects, Landscape Architects and ~~Registered~~
24 ~~Commercial~~ Licensed Interior Designers of Oklahoma based upon the

1 qualifications of the individual as evidenced by a certificate of
2 licensure ~~or registration~~ which shall not be transferable.

3 SECTION 3. AMENDATORY 59 O.S. 2021, Section 46.3, is
4 amended to read as follows:

5 Section 46.3 As used in the State Architectural and ~~Registered~~
6 ~~Commercial~~ Licensed Interior Designers Act:

7 1. "Architect" means any person who is licensed in the practice
8 of architecture in the State of Oklahoma as hereinafter defined;

9 2. "Practice of architecture" means rendering or offering to
10 render certain services, in connection with the design and
11 construction, enlargement or alteration of a building or a group of
12 buildings and the space surrounding such buildings, including
13 buildings which have as their principal purpose human occupancy or
14 habitation. The services referred to include planning, providing
15 preliminary studies, designs, drawings, specifications,
16 investigations and other technical submissions, the administration
17 of construction contracts, and ~~the coordination of any elements of~~
18 ~~technical submissions prepared by other consultants including, as~~
19 ~~appropriate and without limitation, consulting engineers and~~
20 ~~landscape architects~~ reviewing and coordinating technical
21 submissions prepared by other licensed professionals for use in the
22 construction or alteration of any building in the Code Use Groups
23 subject to the State Architectural and Licensed Interior Designers
24 Act; provided, that the practice of architecture shall include such

1 other professional services as may be necessary for the rendering of
2 or offering to render architectural services;

3 3. ~~"Registration" or "license"~~ "License" means a ~~certificate of~~
4 ~~registration or license issued by the Board. The definition of~~
5 ~~"license" shall apply to those persons licensed under a practice~~
6 ~~act. The definition of "registration" shall apply to those persons~~
7 ~~registered under the title registered commercial interior designer~~
8 ~~under this act;~~

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

11 5. "Board" means the Board of Governors of the ~~Licensed~~
12 ~~Architects, Landscape Architects and Registered Commercial~~ Licensed
13 Interior Designers of Oklahoma;

14 6. "Certificate of authority" means the authorization granted
15 by the Board for persons to practice or offer to practice
16 architecture, ~~or~~ landscape architecture, or licensed interior design
17 through a partnership, firm, association, corporation, limited
18 liability company or limited liability partnership;

19 7. ~~"Certificate of title" means the authorization granted by~~
20 ~~the Board for a partnership, firm, association, corporation, limited~~
21 ~~liability company or limited liability partnership to use the title~~
22 ~~registered commercial interior designer or any modification or~~
23 ~~derivation of these terms;~~

1 ~~8.~~ "Technical submissions" means drawings, plans,
2 specifications, studies and any other technical reports or documents
3 which are issued in the course of practicing architecture, landscape
4 architecture or ~~registered commercial~~ licensed interior design with
5 the intent that they be considered as formal or final documents, but
6 shall not include record drawings. Prototypical plans are not
7 technical submissions;

8 ~~9.~~ 8. "Responsible control" means the amount of direct control
9 and personal supervision of architectural, landscape architectural
10 or ~~registered commercial~~ licensed interior ~~designer's~~ design work
11 and detailed knowledge of the content of tactical and technical
12 submissions during their preparation as is ordinarily exercised by
13 ~~licensed~~ architects, landscape architects or ~~registered commercial~~
14 licensed interior designers applying the required professional
15 standard of care. The terms direct control and personal
16 supervision, whether used separately or together, mean active and
17 personal management of the firm's personnel and practice to maintain
18 charge of, and concurrent direction over, architecture, landscape
19 architecture or ~~the work of a registered commercial~~ licensed
20 interior ~~designer's decisions~~ design and the instruments of
21 professional services to which the licensee ~~or registrant~~ affixes
22 the seal, signature, and date;

23 ~~10.~~ 9. "Landscape architect" means a person licensed to
24 practice landscape architecture as provided in the State

1 Architectural and ~~Registered Commercial~~ Licensed Interior Designers
2 Act;

3 ~~11.~~ 10. "Landscape architecture" means the performance of
4 professional services defined as teaching, consultations,
5 investigations, reconnaissance, research, planning, design,
6 preparation of construction drawings and specifications,
7 construction observation and the coordination of any elements of
8 technical submissions prepared by others in connection with the
9 planning and arranging of land and the elements thereon for public
10 and private use and enjoyment, including the design and layout of
11 roadways, service areas, parking areas, walkways, steps, ramps,
12 pools, parks, parkways, trails and recreational areas, the location
13 and site of improvements including buildings and other structures,
14 and the grading of the land, surface and subsoil drainage, erosion
15 control, planting, reforestation, and the preservation of the
16 natural landscape, in accordance with accepted professional
17 standards, and to the extent that the dominant purpose of such
18 services or creative works is the preservation, conservation,
19 enhancement, or determination of proper land uses, natural land
20 features, ground cover and plantings, or naturalistic and aesthetic
21 values.

22 The practice of landscape architecture shall include the
23 location and arrangement of tangible objects and features as are
24 incidental and necessary to the purpose outlined for landscape

1 architecture. The practice of landscape architecture shall not
2 include the design of structures or facilities with separate and
3 self-contained purposes for habitation or industry, or the design of
4 public streets, highways, utilities, storm and sanitary sewers and
5 sewage treatment facilities, that are statutorily defined as the
6 practice of engineering or architecture;

7 ~~12.~~ 11. "Code" means the nationally recognized codes adopted by
8 the Uniform Building Code Commission of the State of Oklahoma;

9 ~~13.~~ 12. "Applicable building official" means the official
10 responsible for the application of the adopted building code as
11 implemented by the local, municipal or county jurisdiction in which
12 a building is located. Where no building code has been adopted by
13 the local, municipal or county jurisdiction, the applicable building
14 official shall be defined as the State Fire Marshal;

15 ~~14. "Registered commercial interior designer" means a person~~
16 ~~recognized by this state who is registered, qualified by examination~~
17 ~~and meeting all the requirements set forth in the State~~
18 ~~Architectural and Registered Commercial Interior Designers Act and~~
19 ~~the Board's rules;~~

20 13. "Licensed interior designer" means a person licensed to
21 practice licensed interior design as provided in the State
22 Architectural and Licensed Interior Designers Act;

23 ~~15.~~ 14. "Plans" means technical documents issued by the
24 licensed ~~and/or registered~~ professionals intended to meet all

1 current and applicable codes as adopted by the Uniform Building Code
2 Commission of the State of Oklahoma, other statutory codes and
3 applicable federal codes and which shall be submitted to all
4 required building code and/or permit offices required by the State
5 of Oklahoma, county, municipal and/or federal government;

6 ~~16.~~ 15. "Equivalent standards" means those standards adopted by
7 the Board intended to be used as alternative equivalents to
8 determine competency for education, training and testing for
9 ~~licensing architects and/or,~~ landscape architects and ~~registering~~
10 ~~commercial licensed~~ interior designers and for complying with the
11 Military Service Occupation, Education and Credentialing Act for
12 military personnel and their spouses;

13 ~~17. "Commercial interior design" means the rendering of or the~~
14 ~~offering to render designs, consultations, studies, planning,~~
15 ~~drawings, specifications, contract documents or other technical~~
16 ~~submissions and the administration of interior construction and~~
17 ~~contracts relating to nonstructural interior construction by a~~
18 ~~registered commercial interior designer in a new constructed or~~
19 ~~existing building when the core and shell elements are not going to~~
20 ~~be changed;~~

21 ~~18. "Nonstructural commercial interior construction" means the~~
22 ~~construction of elements which do not include exterior components of~~
23 ~~a building such as exterior walls, any load-bearing wall, any load-~~
24 ~~bearing column or any other load-bearing elements of a building~~

~~essential to the structural integrity of the building such as wind loads and seismic loads and to any element which must be designed for wind loads and seismic loads; and~~

16. "Licensed interior design" means the rendering of or the offering to render services relating to nonstructural interior construction by a licensed interior designer in a newly constructed or existing building, including but not limited to:

- a. analysis, research, planning, and design of the interior spaces of a building for the purpose of enhancing and protecting the health, safety, and welfare of the public by preparation of interior drawings, specifications, or other technical submissions and administration of nonstructural interior construction,
- b. design and specification of code-compliant interior finishes, furnishings, fixtures, or equipment,
- c. design or modification of existing nonstructural interior partitions, doors, suspended ceiling systems, or constructed ceiling elements,
- d. design or modification of existing internal circulation systems or number and configuration of interior exits for suite occupant load, or
- e. review, analysis, and evaluation of building codes, accessibility standards, or guidelines for interior

1 planning, design, and nonstructural interior
2 construction compliance;

3 17. "Nonstructural interior construction" means the
4 construction of elements which do not include:

5 a. design of, or the responsibility for, architectural
6 and engineering work, except as explicitly provided
7 for in this act,

8 b. altering the building's existing primary structural,
9 fire and life safety, mechanical, electrical, and
10 plumbing systems, as set out in Oklahoma state law,
11 this act, or the current International Building Code
12 as adopted by the Oklahoma Uniform Building Code
13 Commission, or other related primary building systems,
14 and

15 c. changes to the building's core and shell; and

16 ~~19.~~ 18. "Fire and life safety systems" means those systems and
17 construction that pertain to fire and life safety protection, such
18 as fire sprinklers, fire alarms, smoke evacuation systems, fire
19 walls, fire barriers or smoke barriers as defined by the current
20 International Building Code adopted by the Oklahoma Uniform Building
21 Code Commission.

22 The definitions in the State Architectural and ~~Registered~~
23 ~~Commercial~~ Licensed Interior Designers Act shall have the same
24

1 meaning when applicable to any rule promulgated pursuant to such
2 act.

3 SECTION 4. AMENDATORY 59 O.S. 2021, Section 46.4, is
4 amended to read as follows:

5 Section 46.4 There is hereby re-created, to continue until July
6 1, 2023, in accordance with the provisions of the Oklahoma Sunset
7 Law, a board to be known as the "Board of Governors of the ~~Licensed~~
8 Architects, Landscape Architects and ~~Registered Commercial~~ Licensed
9 Interior Designers of Oklahoma", hereinafter referred to as the
10 Board. The Board shall be composed of eleven (11) members including
11 six persons who are duly licensed to practice architecture and are
12 in good standing in this state, two persons who are duly licensed to
13 practice landscape architecture and are in good standing in this
14 state, two persons who are ~~registered commercial~~ duly licensed
15 interior designers and who are active and in good standing and one
16 lay member. Each member of the Board shall be a qualified elector
17 of this state, and the architect, landscape architect and ~~registered~~
18 ~~commercial~~ licensed interior designer members shall have had five
19 (5) years' licensing ~~or registration~~ experience as the professional
20 position requires in this state. Re-creation of the Board shall not
21 alter existing staggered terms. Board members, other than the lay
22 member, shall be appointed for a period of five (5) years
23 thereafter; provided, that nothing herein shall affect the tenure of
24 office of anyone who is a member of the Board on May 31, 1957. A

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

22 SECTION 5. AMENDATORY 59 O.S. 2021, Section 46.7, is
23 amended to read as follows:
24

1 Section 46.7 In addition to the other powers and duties imposed
2 by law, the Board of Governors of the Architects, Landscape
3 Architects and Licensed Interior Designers of Oklahoma shall have
4 the power and duty to:

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

7 2. Prepare, conduct, and grade examinations of persons who
8 shall apply for the issuance of licenses ~~and registrations~~ to them,
9 and to promulgate such rules with reference thereto as it may deem
10 proper as a portion used to determine competency for the issuance of
11 licenses ~~or registrations~~;

12 3. Work with nationally recognized licensing ~~and registration~~
13 organizations to prepare, conduct, and grade examinations, written
14 or oral, of persons who shall apply for the issuance of licenses ~~or~~
15 ~~registrations~~;

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

19 5. Determine eligibility for licenses and certificates of
20 authority and issue them;

21 6. ~~Determine eligibility for registration as a registered~~
22 ~~commercial interior designer and for certificate of title and issue~~
23 ~~them;~~

1 ~~7.~~ Promulgate rules to govern the issuing of reciprocal
2 licenses ~~and registrations;~~

3 ~~8.~~ 7. Upon good cause shown, as hereinafter provided, deny the
4 issuance of a license, ~~registration,~~ or certificate of authority ~~or~~
5 ~~certificate of title~~ or suspend, revoke, refuse to renew or issue
6 probation orders for licenses ~~or registrations,~~ and/or require
7 additional educational coursework and determine when the objectives
8 have been met;

9 ~~9.~~ 8. Upon proper showing, reinstate or conditionally reinstate
10 licenses, ~~registrations,~~ ~~certificates of title~~ or certificates of
11 authority previously issued;

12 ~~10.~~ 9. Review, affirm, reverse, vacate or modify its order with
13 respect to any such denial, suspension, revocation, probation and/or
14 educational coursework requirements or refusal to renew;

15 ~~11.~~ 10. Prescribe rules governing proceedings for the denial of
16 issuance of a license, ~~registration,~~ or certificate of authority ~~or~~
17 ~~certificate of title,~~ suspension, revocation or refusal to renew, to
18 issue probation orders and/or require additional educational
19 coursework and determine when the objectives have been met for
20 cause, and reinstate them;

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

1 ~~13.~~ 12. Levy civil penalties plus the legal costs incurred by
2 the Board to prosecute the case against any person or entity who
3 shall violate any of the provisions of the State Architectural and
4 ~~Registered Commercial~~ Licensed Interior Designers Act, or any rule
5 promulgated pursuant thereto;

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

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

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

19 ~~17.~~ 16. Promulgate rules of conduct governing the practice of
20 ~~licensed~~ architects, landscape architects and ~~registered commercial~~
21 licensed interior designers;

22 ~~18.~~ 17. Keep accurate and complete records of proceedings, and
23 certify the same as may be appropriate;

24

1 ~~19.~~ 18. 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 ~~20.~~ 19. Prescribe by rules, fees to be charged as required by
13 this act;

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

1 ~~22.~~ 21. Adopt rules regarding requirements for intern
2 development as a prerequisite for licensure ~~or registration~~;

3 ~~23.~~ 22. Give scholarships, as determined by the Board, to an
4 individual or individuals advancing toward obtaining an accredited
5 National Architectural Accreditation Board, Landscape Architectural
6 Accreditation Board or Council for Interior Design Accreditation
7 degree in one of these three professions in an Oklahoma higher
8 education institution; and

9 ~~24.~~ 23. Take such other action as may be reasonably necessary
10 or appropriate to effectuate the State Architectural and ~~Registered~~
11 ~~Commercial~~ Licensed Interior Designers Act. The Board may, at its
12 discretion, contract with other state agencies and nonprofit
13 corporations for the endowment, management, and administration of
14 scholarships. The requirements of such scholarships shall be
15 determined by the Board. However, nothing contained herein shall be
16 construed as requiring the Board to endow or award any scholarship.

17 SECTION 6. AMENDATORY 59 O.S. 2021, Section 46.9, is
18 amended to read as follows:

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

principals is permitted, subject to the provisions of the State Architectural and ~~Registered Commercial~~ Licensed Interior Designers Act, provided:

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

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

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

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

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

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

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

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

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

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

22 F. The Secretary of State shall not issue a certificate of
23 incorporation or register a foreign corporation or any other entity
24 which includes among the objectives for which it is established any

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

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

17 ~~H. The use of the title "Registered 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 ~~1. One or more of the directors, partners, officers,~~
22 ~~shareholders, members, managers or principals is registered with the~~
23 ~~Board as a registered commercial interior designer and is in good~~
24 ~~standing with the Board; and~~

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

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

9 ~~J. 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~~
15 ~~of the partnership, firm, association, corporation, limited~~
16 ~~liability company or limited liability partnership. In the event~~
17 ~~there shall be a replacement of any of these persons during the term~~
18 ~~of 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, this act and the current rules of the~~
21 ~~Board have been met, the Board shall issue a certificate of title to~~
22 ~~such partnership, firm, association, corporation, limited liability~~
23 ~~company or limited liability partnership.~~

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

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

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

22 ~~N. Upon application for renewal and upon compliance with the~~
23 ~~provisions of the State Architectural and Registered Commercial~~
24

1 Licensed Interior Designers Act and the rules of the Board, a
2 certificate of authority shall be renewed as provided in this act.

3 SECTION 7. AMENDATORY 59 O.S. 2021, Section 46.10, is
4 amended to read as follows:

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

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

9 SECTION 8. AMENDATORY 59 O.S. 2021, Section 46.11, is
10 amended to read as follows:

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

1 SECTION 9. AMENDATORY 59 O.S. 2021, Section 46.12, is
2 amended to read as follows:

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

19 SECTION 10. AMENDATORY 59 O.S. 2021, Section 46.14, is
20 amended to read as follows:

21 Section 46.14 A. The Board of Governors of the ~~Licensed~~
22 Architects, Landscape Architects and ~~Registered Commercial~~ Licensed
23 Interior Designers of Oklahoma shall have power to suspend, to
24 revoke or refuse to renew a license,~~registration,~~ or certificate of

1 authority ~~or certificate of title~~ issued by it, pursuant to the
2 provisions of the State Architectural and ~~Registered Commercial~~
3 Licensed Interior Designers Act, when the holder thereof:

4 1. Has been convicted of a felony crime that substantially
5 relates to the practice of architecture, landscape architecture or
6 licensed interior design and poses a reasonable threat to public
7 safety;

8 2. Has been guilty of fraud or misrepresentation;

9 3. Has been guilty of gross incompetence or recklessness in the
10 practice of architecture relating to the construction of buildings
11 or structures, or of dishonest practices;

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

14 5. Has been guilty of gross incompetence or recklessness in the
15 practice of licensed interior design, or of dishonest practices;

16 6. Presents the license, ~~registration~~ or certification of
17 another as his or her own;

18 ~~6.~~ 7. Gives false or forged evidence to the Board;

19 ~~7.~~ 8. Conceals information relative to any inquiry,
20 investigation or violation of this act or rules promulgated under
21 this act; or

22 ~~8.~~ 9. Has been found to be guilty of a violation of a provision
23 of the State Architectural and ~~Registered Commercial~~ Licensed
24 Interior Designers Act, or the rules of the Board; provided, that a

1 person or entity complained of shall be afforded the opportunity for
2 a formal hearing carried out as described under the current
3 Administrative Procedures Act or settled by the Board with a consent
4 order or final order approved by the Board.

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

14 B. As used in this section:

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

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

23 SECTION 11. AMENDATORY 59 O.S. 2021, Section 46.17, is
24 amended to read as follows:

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

13 SECTION 12. AMENDATORY 59 O.S. 2021, Section 46.18, is
14 amended to read as follows:

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

1 (\$10,000.00) for any violation plus the legal costs incurred by the
2 Board to prosecute the case.

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

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

22 SECTION 13. AMENDATORY 59 O.S. 2021, Section 46.19, is
23 amended to read as follows:
24

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

13 SECTION 14. AMENDATORY 59 O.S. 2021, Section 46.20, is
14 amended to read as follows:

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

21 SECTION 15. AMENDATORY 59 O.S. 2021, Section 46.21, is
22 amended to read as follows:

23 Section 46.21 A. The State Architectural and ~~Registered~~
24 ~~Commercial~~ Licensed Interior Designers Act shall not apply to any

1 persons, firms, corporations, limited liability companies or limited
2 liability partnerships that do not hold a license, ~~registration~~ or
3 certification in any jurisdiction for exempted Code Use Groups
4 defined by the State Architectural and ~~Registered Commercial~~
5 Licensed Interior Designers Act, providing such persons and/or
6 entities shall not represent such person or entity to be an
7 architect, licensed interior designer, or other title of profession
8 or business using a form of the ~~word~~ words, "Architect" or "Licensed
9 Interior Designer". This act shall not prevent such persons and/or
10 entities from advertising or selling their services.

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

20 B. Nothing in this act shall be construed to prevent the
21 preparation of technical submissions or the administration of
22 construction contracts by employees of a person or entity lawfully
23 engaged in the practice of architecture when such employees are
24 acting under the responsible control of ~~a licensed~~ an architect.

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

2 1. Nothing in this act shall prohibit a person or firm from
3 participating in an architectural design competition involving only
4 architectural programming, planning, schematic design or design
5 development information provided to a sponsor; and

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

11 SECTION 16. AMENDATORY 59 O.S. 2021, Section 46.21b, is
12 amended to read as follows:

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

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

23 1. Code Use Group I - Institutional;
24

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. Code Use Group H - High hazard; and

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

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

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

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

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

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

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

12 a. Code Use Group U - Utility,

13 b. Code Use Group F - Factory and Industrial,

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

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

16 ~~e.~~ d. Code Use Group R2 - Residential, including apartments
17 containing no more than thirty-two dwelling units or
18 thirty-two guest units per building,

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

20 ~~g.~~ f. all buildings used by a municipality, county, state,
21 public trust, public agency or the federal government
22 with a construction value under One Hundred Fifty-
23 eight Thousand Dollars (\$158,000.00),
24

1 ~~h.~~ g. incidental buildings or appurtenances associated with
2 paragraphs 1 through 5 of this subsection, and
3 ~~i.~~ h. all uninhabitable, privately owned agricultural
4 buildings.

5 D. The addition, renovation or alteration of buildings where
6 the use was exempt as new construction shall remain exempt if the
7 Code Use Group does not change.

8 E. Upgrades, repairs, replacements and changes made on projects
9 in Code Use Groups found in this title requiring an architect are
10 exempt from hiring an architect if the upgrades, repairs,
11 replacements or changes do not affect the existing primary
12 structural, mechanical, or electrical systems, ~~life-safety~~ life
13 safety systems, fire codes or exit passageways and/or egress as
14 determined by the applicable building official having jurisdiction.

15 F. Nonstructural interior construction projects in Code Use
16 Groups requiring an architect are exempt from hiring an architect if
17 the services are performed by a licensed interior designer.

18 SECTION 17. AMENDATORY 59 O.S. 2021, Section 46.24, is
19 amended to read as follows:

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

24 1. Is twenty-one (21) years of age or over;

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

14 3. Has paid to the Board a fee as prescribed by the rules of
15 the Board plus the actual cost of the examination given by the
16 Board; and

17 4. Has passed the examinations prescribed by the Board for the
18 issuance of a license.

19 B. Upon meeting the requirements of subsection A of this
20 section and payment of an initial fee as may be prescribed by the
21 rules of the Board, the Board shall issue to the applicant a license
22 which shall authorize the applicant to engage in the practice of
23 architecture in this state. The Board has the authority to issue
24 temporary licenses while qualifying the applicant in compliance with

1 the Military Service Occupation, Education and Credentialing Act or
2 with any declared state of emergency.

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

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

22 E. The following Board records and papers are of a confidential
23 nature and are not public records: Examination material for
24 examinations before and after they are given, file records of

1 examination problem solutions, letters of inquiry and reference
2 concerning applicants, Board inquiry forms concerning applicants,
3 and investigation files.

4 SECTION 18. AMENDATORY 59 O.S. 2021, Section 46.25, is
5 amended to read as follows:

6 Section 46.25 Each ~~licensed~~ architect shall have a seal, the
7 image of which must contain the name of the architect, the person's
8 license number and the words "Licensed Architect, State of
9 Oklahoma".

10 All technical submissions prepared by such architect, or under
11 the responsible control of the architect, shall be sealed, signed
12 and dated, which shall mean that the architect was in responsible
13 control over the content of such technical submissions during their
14 preparation and has applied the required professional standard of
15 care. No ~~licensed~~ architect may sign or seal technical submissions
16 unless they were prepared by or under the responsible control of the
17 architect, except that:

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

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

7 SECTION 19. AMENDATORY 59 O.S. 2021, Section 46.28, is
8 amended to read as follows:

9 Section 46.28 The State Architectural and ~~Registered Commercial~~
10 Licensed Interior Designers Act shall not require the licensing ~~or~~
11 ~~registration~~ of practitioners of the following professions and
12 occupations to practice landscape architecture:

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

22 2. A landscape contractor building or installing what was
23 designed by a landscape architect;

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

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

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

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

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

22 8. Builders or their superintendents in the supervision of
23 landscape architectural projects.
24

1 SECTION 20. AMENDATORY 59 O.S. 2021, Section 46.31, is
2 amended to read as follows:

3 Section 46.31 A. Except as otherwise provided in the State
4 Architectural and ~~Registered Commercial~~ Licensed Interior Designers
5 Act, no license shall be issued to any person to practice landscape
6 architecture in this state unless the person:

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

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

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

13 4. Has paid all applicable fees.

14 B. If the Board determines the interest of the public will be
15 served and the person is deemed by the Board to be qualified and
16 competent by equivalent standards as the Board sets by rule or in
17 compliance with the Military Service Occupation, Education and
18 Credentialing Act, the application shall be approved by the Board
19 after the person has fulfilled all requirements of this act and
20 rules of the Board.

21 C. Examinations may be administered by an electronic method and
22 shall be held not less than once each year. Notices of the time and
23 place for the holding of examinations shall be given in the manner
24

1 and form as prescribed by the Board. All landscape architects are
2 required to take and pass the Oklahoma Plant Materials Exam.

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

20 Upon passage of the examination, completion of the Board's
21 requirements as prescribed by this act and rules, and the payment of
22 all applicable fees prescribed by the rules of the Board, the Board
23 shall issue to the applicant a license which shall authorize the
24

1 person to engage in the practice of landscape architecture in this
2 state.

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

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

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

23 1. Nothing in this act shall prohibit a person or firm from
24 participating in a landscape architectural design competition

1 involving only 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 services on the proposed project, shall apply for licensing in this
5 state within ten (10) days of notification of winning the
6 competition and complete the process within thirty (30) days.

7 SECTION 21. AMENDATORY 59 O.S. 2021, Section 46.34, is
8 amended to read as follows:

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

21 1. The person may sign or seal those portions of the technical
22 submissions under the responsible control of persons who are
23 licensed under the State Architectural and ~~Registered Commercial~~
24 Licensed Interior Designers Act if the landscape architect has

1 reviewed and adapted in whole or in part such portions and has
2 either coordinated their preparation or integrated them into the
3 work; and

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

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

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

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

10 SECTION 22. AMENDATORY 59 O.S. 2021, Section 46.38, is
11 amended to read as follows:

12 Section 46.38 A. Except as otherwise provided in the State
13 Architectural and ~~Registered Commercial~~ Licensed Interior Designers
14 Act, no ~~registration~~ license shall be issued to any person to
15 represent that the person is a "~~registered commercial~~ licensed
16 interior designer" nor shall any person be allowed to use the term
17 or practice licensed interior design unless the person pays to the
18 Board the required fees and/or penalties if applicable as
19 established by the rules of the Board and:

20 1. Holds an accredited professional degree in interior design
21 from an interior design program accredited by the Council for
22 Interior Design Accreditation or its successor, or from an interior
23 design program determined by the Board to be substantially
24 equivalent to an accredited program;

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

4 3. Provides to the Board proof of passage of the examination
5 administered by the Council for Interior Design Qualification or its
6 successor or an equivalent examination as determined by the Board.

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

15 C. This section does not apply to a person licensed to practice
16 architecture pursuant to the laws of this state.

17 D. Nothing in this act shall be construed to authorize the
18 Board to regulate or prohibit persons who are rendering interior
19 design services and are not ~~registered commercial~~ licensed interior
20 designers under the provisions of this act or to adopt regulations
21 that would exceed the powers and responsibilities expressly
22 authorized under this act.

23 E. Certificate of ~~title~~ authority shall be subject to the
24 following:

1 1. The use of the title "~~Registered Commercial~~ Licensed
2 Interior Designer" by a partnership, firm, association, corporation,
3 limited liability company or limited liability partnership is
4 allowed to those entities listed, provided:

5 a. one or more of the directors, partners, officers,
6 shareholders, members, managers, or principals is a
7 ~~registered commercial~~ licensed interior designer and
8 is in good standing with the Board, and

9 b. the partnership, firm, association, corporation,
10 limited liability company or limited liability
11 partnership has been issued a certificate of ~~title~~
12 authority by the Board;

13 2. The Board shall have the power to issue, revoke, deny or
14 refuse to renew a certificate of ~~title~~ authority for a partnership,
15 firm, association, corporation, limited liability company or limited
16 liability partnership as provided for in this act;

17 3. A partnership, firm, association, corporation, limited
18 liability company or limited liability partnership shall file with
19 the Board an application for a certificate of ~~title~~ authority on a
20 form approved by the Board which shall include the names, addresses,
21 state of registration or licensure and registration or license
22 number of all directors, partners, officers, shareholders, members,
23 managers or principals of the partnership, firm, association,
24 corporation, limited liability company or limited liability

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

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

18 5. The Secretary of State shall not register any trade name or
19 service mark which includes ~~such~~ the words as set forth in paragraph
20 4 of this subsection, ~~or modification or derivatives thereof~~ in its
21 firm name or logotype except those entities or individuals holding
22 certificates of ~~title~~ authority issued under the provisions of this
23 section or letters of eligibility issued by the Board; and
24

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

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

17 SECTION 23. AMENDATORY 59 O.S. 2021, Section 46.39, is
18 amended to read as follows:

19 Section 46.39 Any person who applies to become a ~~registered~~
20 ~~commercial~~ licensed interior designer and remits the application and
21 initial fees after July 1, 2007, shall be ~~registered~~ licensed by the
22 Board of Governors of the ~~Licensed~~ Architects, Landscape Architects
23 and ~~Registered Commercial~~ Licensed Interior Designers of Oklahoma if
24 an applicant demonstrates, in accordance with this act, or in

1 compliance with the Military Service Occupation, Education and
2 Credentialing Act and requirements as the Board adopts by rule, that
3 the applicant has the interior design education and training that
4 the Board deems equivalent to an accredited professional degree in
5 interior design and the applicant has passed the examination of the
6 Council for Interior Design Qualification or its successor, or an
7 equivalent examination as determined by the Board.

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

14 The Board has the authority to issue temporary ~~registrations~~
15 licenses while qualifying the applicant in compliance with the
16 Military Service Occupation, Education and Credentialing Act.

17 SECTION 24. AMENDATORY 59 O.S. 2021, Section 46.40, is
18 amended to read as follows:

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

1 design for a period of fifteen (15) years prior to July 1, 2007, if
2 the person is not ~~registered~~ licensed under the State Architectural
3 and ~~Registered Commercial~~ Licensed Interior Designers Act and not
4 exempt from the requirement for ~~registration~~ licensure in order to
5 use the title "~~Registered Commercial~~ Licensed Interior Designer".

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

12 SECTION 25. AMENDATORY 59 O.S. 2021, Section 46.41, is
13 amended to read as follows:

14 Section 46.41 A. It shall be unlawful for any person or entity
15 to use the title "~~Registered Commercial~~ Licensed Interior Designer"
16 or any other derivation of these words to indicate that the person
17 or entity is ~~registered~~ licensed under the provisions of the State
18 Architectural and ~~Registered Commercial~~ Licensed Interior Designers
19 Act or engages in the practice of licensed interior design, if the
20 person is not ~~registered~~ licensed under this act.

21 B. Any person who holds himself or herself out as a ~~registered~~
22 ~~commercial~~ licensed interior designer, advertises, puts out any
23 sign, card or drawings in this state designating himself or herself
24 as a "~~Registered Commercial~~ Licensed Interior Designer" ~~or uses some~~

1 ~~form of the term in the title of a profession or business~~ or engages
2 in the practice of licensed interior design without first having
3 complied with the provisions of the State Architectural and
4 ~~Registered Commercial~~ Licensed Interior Designers Act shall be
5 deemed guilty of a misdemeanor.

6 SECTION 26. AMENDATORY 59 O.S. 2021, Section 46.42, is
7 amended to read as follows:

8 Section 46.42 Each ~~registered commercial~~ licensed interior
9 designer shall have a seal, the image of which must contain the name
10 of the ~~registered commercial~~ licensed interior designer, the
11 person's ~~registration~~ license number and the words, "~~Registered~~
12 ~~Commercial~~ Licensed Interior Designer, State of Oklahoma". All
13 technical submissions prepared by such ~~registered commercial~~
14 licensed interior designer, or under the responsible control of the
15 ~~registered commercial~~ licensed interior designer, shall be sealed,
16 signed and dated, which shall mean that the ~~registered commercial~~
17 licensed interior designer was in responsible control over the
18 content of such technical submissions during their preparation and
19 has applied the required professional standard of care, unless
20 prepared under the responsible control of an architect licensed in
21 this state and signed and sealed by that licensed architect. No
22 ~~registered commercial~~ licensed interior designer may sign or seal
23 interior technical submissions unless they were prepared by or under
24

1 the responsible control of the ~~registered commercial~~ licensed
2 interior designer, except that:

3 1. The person may sign or seal those portions of the technical
4 submissions that were prepared by or under the responsible control
5 of persons who are ~~registered~~ licensed under the State Architectural
6 and ~~Registered Commercial~~ Licensed Interior Designers Act if the
7 licensed interior designer has reviewed and adapted in whole or in
8 part such portions and has either coordinated their preparation or
9 integrated them into the work. The seal may be a rubber stamp or
10 may be generated electronically, pursuant to rules adopted by the
11 Board; and

12 2. ~~Registered commercial~~ Licensed interior designers may submit
13 technical submissions, excluding fire and life safety systems, for
14 nonstructural interior construction for the Code Use Groups as
15 defined and listed in Section 46.21b of ~~Title 59 of the Oklahoma~~
16 ~~Statutes~~ this title.

17 SECTION 27. AMENDATORY 59 O.S. 2021, Section 46.45, is
18 amended to read as follows:

19 Section 46.45 The privilege of engaging in practice as a
20 ~~registered commercial~~ licensed interior designer is personal based
21 upon the qualifications of the individual and evidenced by the
22 individual's ~~registration~~ license. The ~~registration~~ license is not
23 transferable.

1 SECTION 28. AMENDATORY 59 O.S. 2021, Section 46.46, is
2 amended to read as follows:

3 Section 46.46 The Board of Governors of the ~~Licensed~~
4 Architects, Landscape Architects and ~~Registered Commercial~~ Licensed
5 Interior Designers of Oklahoma may restore a ~~registration~~ license to
6 any person whose ~~registration~~ license has lapsed or has been revoked
7 or suspended. Application for the reissuance of a ~~registration~~
8 license shall be made in the manner as the Board may direct. The
9 fees prescribed by the rules shall accompany the application for
10 reissuance.

11 SECTION 29. AMENDATORY 59 O.S. 2021, Section 46.47, is
12 amended to read as follows:

13 Section 46.47 ~~Registration~~ Licensure under the State
14 Architectural and ~~Registered Commercial~~ Licensed Interior Designers
15 Act shall not authorize a ~~registered commercial~~ licensed interior
16 designer to engage in the practice of architecture or landscape
17 architecture as described herein.

18 SECTION 30. This act shall become effective July 1, 2023.

19 SECTION 31. It being immediately necessary for the preservation
20 of the public peace, health or safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

23 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
24 April 10, 2023 - DO PASS