

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**

# A Bill

**SENATE BILL**

4 **By: Senators Bookout and Malone**

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## **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED PERTAINING TO THE  
9 STATE BOARD OF ARCHITECTURE TO DEFINE THE PRACTICE OF  
10 ARCHITECTURE, INCREASE ARCHITECTURE LICENSING FEES, ALLOW  
11 THE BOARD TO LEVY CIVIL PENALTIES; AND FOR OTHER  
12 PURPOSES."

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## **Subtitle**

15 "TO DEFINE THE PRACTICE OF ARCHITECTURE, INCREASE  
16 LICENSING FEES AND LEVY CIVIL PENALTIES."

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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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20 SECTION 1. Arkansas Code Annotated §17-14-102 is amended to read as  
21 follows:

22 "17-14-102. Definitions.

23 As used in this chapter, unless the context otherwise requires:

24 (1) Architect means a person who is technically and legally  
25 qualified to practice architecture;

26 (2) Examining body means the Arkansas State Board of Architects  
27 as established by the Arkansas Architectural Act, Arkansas Code Annotated §17-  
28 14-101 et. seq.

29 (3) Direct Supervision means that degree of supervision by a  
30 person overseeing the work of another whereby the supervisor has both control  
31 over and detailed professional knowledge of the work prepared under his or her  
32 supervision.

33 (4) Good Moral Character means character which will enable a  
34 person to discharge the fiduciary duties of an architect to his or her client  
35 and to the public for the protection of health, safety and welfare. Evidence

1 of inability to discharge such duties shall include the commission of an  
2 offense justifying discipline under Arkansas Code Annotated §17-14-308.

3           (5) The Practice of Architecture means the provision or  
4 offering to provide those services hereinafter described, in connection with  
5 the design and construction, enlargement or alteration of a building or group  
6 of buildings and the space within and surrounding such buildings, which are  
7 designed for human occupancy or habitation; the services referred to include  
8 planning, providing preliminary studies, designs, drawings, specifications,  
9 and other technical submissions, and administration of construction contracts;  
10 provided that the practice of architecture shall not include the practice of  
11 engineering as defined in the Arkansas Engineering Act, Arkansas Code  
12 Annotated §17-27-101 et. seq. or the practice of contracting as defined in the  
13 Arkansas State Licensing Law for Contractors, Arkansas Code Annotated §17-22-  
14 101; but a registered architect may perform such engineering work as is  
15 incidental to the practice of architecture.

16           (6) Registered Architect means an architect holding a current  
17 registration in the State of Arkansas.

18           (7) Registration means the certificate of registration issued  
19 by the Examining Body.

20           (8) Technical Submissions means drawings, specifications,  
21 studies and other technical reports prepared in the course of practicing  
22 architecture."  
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24           SECTION 2. Arkansas Code Annotated §17-14-203 is amended by adding  
25 subsection (d) as follows:

26           "(d) The Board may, after providing notice and a hearing, levy civil  
27 penalties, in an amount not to exceed one thousand dollars (\$1,000) for each  
28 violation against those individuals or entities found to be in violation of  
29 this chapter or rules and regulations promulgated thereunder; each day of  
30 violation to constitute a distinct and separate offense.

31           (1) All revenue received under this section shall be deposited in  
32 one or more financial institutions in the state and shall be used for the  
33 purposes of defraying the expenses of the Board as required for carrying out  
34 the provisions of this chapter.

35           (2) These penalties shall be in addition to other penalties which

1 may be imposed by this Board pursuant to this chapter.

2           (3) Unless the penalty assessed under this section is paid within  
3 fifteen (15) days following the date for an appeal from the order, the Board  
4 shall have the power to file suit in the Circuit Court of Pulaski County to  
5 obtain a judgment for the amount of penalty not paid."

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7           SECTION 3. Arkansas Code Annotated §17-14-311 is amended to read as  
8 follows:

9           "Fees.

10           (a) For the purpose of defraying the expenses of the examining body,  
11 and as required for carrying out the provisions of this chapter, the following  
12 fees and penalties shall be paid:

13                   (1) For an application for examination and registration, an  
14 amount to be fixed by the examining body which shall at no time exceed the sum  
15 of two hundred fifty dollars (\$250);

16                   (2) For a certificate of registration by exemption, or by  
17 transfer of registration from another state or country, an amount to be fixed  
18 by the examining body which shall at no time exceed the sum of two hundred  
19 fifty dollars (\$250);

20                   (3) For annual renewal of the registration certificate, an amount  
21 to be fixed by the examining body which shall at no time exceed the sum of one  
22 hundred dollars (\$100.00);

23                   (4) For the restoration of a revoked certificate or revoked  
24 corporate registration, an amount to be fixed by the examining body which  
25 shall at no time exceed the annual renewal fees in effect plus a penalty of  
26 fifty dollars (\$50.00) for each month for the first three (3) months during  
27 which time the certificate has been revoked; thereafter, an additional penalty  
28 of one hundred dollars (\$100) for the balance of one (1) year for a maximum  
29 penalty of two hundred fifty dollars (\$250);

30                   (5) For a certificate of registration for a corporation, an  
31 amount to be fixed by the examining body which shall at no time exceed the sum  
32 of two hundred fifty dollars (\$250.00).

33           (b) All fees must accompany applications. No part of these fees shall  
34 be refunded except such part as may be refunded when no certificate is issued,  
35 as may be provided under the rules of the examining body.

1 (c) It shall be unlawful for any unregistered person to collect a fee  
2 for architectural services, except as an employee collecting a fee as a  
3 representative of a registered architect who has performed architectural  
4 services."

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6 SECTION 4. All provisions of this act of a general and permanent nature  
7 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
8 Revision Commission shall incorporate the same in the Code.

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10 SECTION 5. If any provision of this act or the application thereof to  
11 any person or circumstance is held invalid, such invalidity shall not affect  
12 other provisions or applications of the act which can be given effect without  
13 the invalid provision or application, and to this end the provisions of this  
14 act are declared to be severable.

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16 SECTION 6. All laws and parts of laws in conflict with this act are  
17 hereby repealed.

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