

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1367 of the Regular Session

As Engrossed: S3/23/09 S4/1/09

A Bill

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4 By: Senators P. Malone, Salmon

SENATE BILL 827

For An Act To Be Entitled

8 AN ACT TO TRANSFER THE STATE BOARD OF REGISTERED
9 INTERIOR DESIGNERS TO THE ARKANSAS STATE BOARD OF
10 ARCHITECTS; TO TRANSFER THE ARKANSAS STATE BOARD
11 OF LANDSCAPE ARCHITECTS TO THE ARKANSAS STATE
12 BOARD OF ARCHITECTS; AND FOR OTHER PURPOSES.

Subtitle

15 AN ACT TO TRANSFER THE STATE BOARD OF
16 REGISTERED INTERIOR DESIGNERS AND THE
17 ARKANSAS STATE BOARD OF LANDSCAPE
18 ARCHITECTS TO THE ARKANSAS STATE BOARD
19 OF ARCHITECTS.

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

24 SECTION 1. Renaming the Arkansas State Board of Architects.

25 (a) The Arkansas State Board of Architects is renamed the Arkansas
26 State Board of Architects, Landscape Architects, and Interior Designers.

27 (b) The Arkansas Code Revision Commission shall replace all references
28 to the "Arkansas State Board of Architects" in the Arkansas Code with
29 "Arkansas State Board of Architects, Landscape Architects, and Interior
30 Designers".

31
32 SECTION 2. (a) The State Board of Registered Interior Designers,
33 established by § 17-35-201 et seq., is abolished, and its powers and duties
34 are transferred to the Arkansas State Board of Architects, Landscape
35 Architects, and Interior Designers by a type 3 transfer under § 25-2-106.



1 (b) For purposes of this act, the Arkansas State Board of Architects,
2 Landscape Architects, and Interior Designers shall be considered a principal
3 department established by Acts 1971, No. 38.

4
5 SECTION 3. (a) The Arkansas State Board of Landscape Architects,
6 established by § 17-36-201 et seq., is abolished, and its powers and duties
7 are transferred to the Arkansas State Board of Architects, Landscape
8 Architects, and Interior Designers by a type 3 transfer under § 25-2-106.

9 (b) For purposes of this act, the Arkansas State Board of Architects,
10 Landscape Architects, and Interior Designers shall be considered a principal
11 department established by Acts 1971, No. 38.

12
13 SECTION 4. Arkansas Code § 17-15-102 is amended to read as follows:
14 17-15-102. Definitions.

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

16 (1) "Architect" means a person who is technically and legally
17 qualified to practice architecture;

18 (2) ~~"Examining body" means the Arkansas State Board of~~
19 ~~Architects as established by this chapter;~~

20 ~~(3)~~ "Direct supervision" means that degree of supervision by a
21 person overseeing the work of another whereby the supervisor has both control
22 over and detailed professional knowledge of the work prepared under his or
23 her supervision;

24 ~~(4)~~(3)(A) "Good moral character" means character ~~which~~ that will
25 enable a person to discharge the fiduciary duties of an architect to his or
26 her client and to the public for the protection of health, safety, and
27 welfare.

28 (B) Evidence of inability to discharge such duties ~~shall~~
29 ~~include~~ includes the commission of an offense justifying discipline under §
30 17-15-308;

31 ~~(5)~~(4)(A)(i) "Practice of architecture" means the provision of,
32 or offering to provide, ~~those services hereinafter described~~ in connection
33 with the design and construction, enlargement, or alteration of a building or
34 group of buildings, and the space within and surrounding such buildings,
35 which is designed for human occupancy or habitation.

36 (ii) The services ~~referred to~~ include:

1 (a) ~~planning,~~ Planning;
 2 (b) ~~providing~~ Providing preliminary
 3 studies, designs, drawings, specifications, and other technical submissions;
 4 and

5 (c) ~~administration~~ Administration of
 6 construction contracts.

7 ~~(ii)(B)~~ Provided, that the The "practice of
 8 architecture" ~~shall~~ does not include the practice of engineering as defined
 9 in the Arkansas Engineering Act, § 17-30-101 et seq., or the practice of
 10 contracting as defined in the Contractors Licensing Law, § 17-25-101 et seq.,
 11 but a registered architect may perform such engineering work as is incidental
 12 to the practice of architecture, and an engineer may practice such
 13 architectural work as is incidental to the practice of engineering.

14 ~~(B)(C)~~ The provisions of this chapter affirm the legal
 15 authority of an engineer licensed under the Arkansas Engineering Act, § 17-
 16 30-101 et seq., to provide consultation, investigation, evaluation, planning,
 17 and design of buildings intended for the accomodation of equipment, vehicles,
 18 goods, ~~and/or~~ or processes or other utilitarian function, with human
 19 occupancy including office space as required for the support of these
 20 functions, provided the engineer is practicing within his or her area of
 21 competency as defined in the Arkansas Engineering Act, § 17-30-101 et seq;

22 ~~(6)(5)~~ "Registered architect" means an architect holding a
 23 current registration in the State of Arkansas;

24 ~~(7)(6)~~ "Registration" means the certificate of registration
 25 issued by the ~~examining body~~ Arkansas State Board of Architects, Landscape
 26 Architects, and Interior Designers; and

27 ~~(8)(7)~~ "Technical submissions" means drawings, specifications,
 28 studies, and other technical reports prepared in the course of practicing
 29 architecture.

30
 31 SECTION 5. Arkansas Code § 17-15-104(b), concerning legal assistance
 32 for the Arkansas State Board of Architects, is amended to read as follows:

33 (b) The Attorney General or his or her assistants shall act as legal
 34 advisor to the Arkansas State Board of Architects, Landscape Architects, and
 35 Interior Designers and shall render any legal assistance that may be
 36 necessary in carrying out the provisions of this chapter. The ~~examining body~~

1 board, in its discretion, may employ other legal assistance that it may
2 require.

3
4 SECTION 6. Arkansas Code § 17-15-105(b), concerning the issuance of a
5 restraining order or injunction on behalf of the Arkansas State Board of
6 Architects is amended to read as follows:

7 (b) The ~~examining body~~ board shall not be required to execute or give
8 a bond for cost, indemnity, or stay, as a condition to the issuance of a
9 restraining order or injunction, either temporary or permanent, in any court
10 of this state.

11
12 SECTION 7. Arkansas Code §§ 17-15-201 through 17-15-205 are amended to
13 read as follows:

14 17-15-201. Members.

15 (a) The Arkansas State Board of Architects, Landscape Architects, and
16 Interior Designers shall consist of+

17 ~~(1) The Dean of the University of Arkansas School of~~
18 ~~Architecture. The dean shall be a nonvoting member; and~~

19 ~~(2)(A) Seven (7) Nine (9) members, appointed by the Governor and~~
20 ~~confirmed by the Senate for terms of five (5) years, or until their~~
21 ~~successors are duly appointed and qualified. The American Institute of~~
22 ~~Architects—Arkansas Chapter shall recommend three (3) members of the~~
23 ~~Arkansas chapter who are in good standing for appointment on the examining~~
24 ~~body. The Governor is strongly encouraged to appoint the members nominated by~~
25 ~~the American Institute of Architects—Arkansas Chapter. At least thirty (30)~~
26 ~~days prior to the expiration of the term of appointment of any board member,~~
27 ~~other than those of the members appointed from the general public,~~
28 ~~professional societies and associations representing the three (3) design~~
29 ~~professions may submit to the Governor the names of three (3) persons of~~
30 ~~recognized ability who have the qualifications prescribed for board members~~
31 ~~for appointment from that profession for consideration.~~

32 (b)(1) Each member of the board shall be a citizen of the United
33 States and a resident of this state.

34 ~~(B)(2) Of the seven (7) members appointed by the Governor,~~
35 ~~five Five (5) members shall be citizens of the United States, residents of~~
36 ~~this state, and architects of recognized standing who have been engaged in~~

1 the independent practice of architecture for at least ten (10) years ~~prior to~~
2 before appointment.

3 ~~(C)(3)(A)~~ Of the seven (7) members appointed by the
4 Governor, two (2) members shall be citizens of the United States and
5 ~~residents of this state and shall~~ not be actively engaged in or retired from
6 the architecture profession of architecture, interior design, or landscape
7 architecture.

8 (B) One (1) The two (2) members shall represent consumers,
9 ~~and one (1) shall be sixty (60) years of age or older and shall represent the~~
10 ~~elderly. Both~~ both shall be appointed from the state at large subject to
11 confirmation by the Senate.

12 (C) The two (2) positions may not be held by the
13 same person. Both shall be full voting members but shall not participate in
14 the grading of examinations.

15 (4) One (1) member shall be a landscape architect licensed by
16 the board under § 17-36-301 et seq.

17 (5) One (1) member shall be a registered interior designer
18 registered by the board under § 17-35-301 et seq.

19 ~~(b)(c)~~ Each member of the ~~examining body~~ board shall receive a
20 certificate of his or her appointment from the Governor and before beginning
21 his or her term of office shall file with the Secretary of State his or her
22 written oath for the faithful discharge of his or her duties.

23 ~~(e)(d)~~(1) By due process of law, the Governor may remove any member of
24 the ~~examining body~~ board for misconduct, incompetency, neglect of duty, or
25 for any malfeasance in office.

26 (2) Vacancies in the membership of the ~~examining body~~ board
27 shall be filled for the unexpired term by appointment by the Governor as
28 provided for in subsection ~~(a)~~ (b) of this section.

29 (3) If the Governor does not name a successor for an unexpired
30 term or fill a vacancy within three (3) months after the term of a member has
31 expired or a vacancy occurred, then the remaining members of the ~~examining~~
32 ~~body~~ board shall be empowered to, and may, fill the vacancy by electing a
33 member having the qualifications required by subsection ~~(a)~~ (b) of this
34 section to serve out the vacant term.

35 ~~(d)(e)~~ Each member of the ~~examining body~~ board may receive expense
36 reimbursement ~~in accordance with~~ under § 25-16-901 et seq.

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17-15-202. Organization and proceedings.

(a) The Arkansas State Board of Architects, Landscape Architects, and Interior Designers shall hold at least two (2) meetings each year for the purpose of examining the candidates for registration and license. Special meetings shall be held at such times as the regularly adopted rules ~~and regulations~~ of the ~~examining body board~~ shall provide.

(b) ~~Three (3)~~ Five (5) members of the ~~examining body board~~ shall constitute a quorum, but no action may be taken without at least three (3) votes in accord.

(c) The ~~examining body board~~ shall adopt and have an official seal.

(d)(1) The ~~examining body board~~ shall annually elect a president, a secretary, and a treasurer.

(2) The offices of secretary and treasurer may be held by the same person, and there may be included in the election, if deemed advisable by the ~~examining body board~~, a vice president.

(e) All expenses incurred by the ~~examining body board~~ for the administration of this chapter, § 17-35-101 et seq., and § 17-36-101 et seq. are to be defrayed by revenues provided for in this chapter, § 17-35-101 et seq., and § 17-36-101 et seq.

17-15-203. Duties and powers.

(a)(1) ~~In accordance with the spirit and intent of the law, the~~ The Arkansas State Board of Architects, Landscape Architects, and Interior Designers shall make such rules ~~and regulations~~ as may be desirable or necessary for the performance of its duties and for carrying out the purposes of this chapter, § 17-35-101 et seq., and § 17-36-101 et seq.

(2) ~~and The board~~ may bring suit in its proper name to enforce, or restrain the violation of, any provision of this chapter, § 17-35-101 et seq., and § 17-36-101 et seq.

(b)(1) In carrying into effect the provisions of this chapter, § 17-35-101 et seq., and § 17-36-101 et seq., the ~~examining body board~~, under the hand of its president and the seal of the ~~examining body board~~, may:

(A) ~~subpoena~~ Subpoena witnesses and compel their attendance; and

(B) ~~may require~~ Require the production of books,

1 papers, documents, etc., in ~~any a~~ a case involving revocation of registration.

2 (2) The president or the secretary may administer oaths or
3 affirmations to witnesses appearing before the ~~examining body~~ board.

4 (3)(A) If ~~any a~~ any a person ~~shall refuse~~ refuses to obey ~~any a~~ a
5 subpoena ~~so~~ issued by the board or ~~shall refuse~~ refuses to testify or produce
6 ~~any~~ books, papers, or other documents, the ~~examining body~~ board may present
7 its petition to ~~any a~~ a court of record, setting forth the facts.

8 (B) ~~Thereupon, the~~ The court shall, in a proper case,
9 issue its subpoena to the person requiring his or her attendance before the
10 court ~~and there~~ to testify or produce ~~such~~ the books, papers, and documents
11 as may be deemed necessary and pertinent.

12 (C) ~~Any A~~ A person failing or refusing to obey the
13 subpoena or order of the court may be proceeded against in the same manner as
14 for refusal to obey any other subpoena.

15 (c) The ~~examining body~~ board or ~~any a~~ a committee thereof ~~shall be~~ is
16 entitled to the services of the Attorney General and the services of the
17 prosecuting attorneys for the county and district in which enforcement is
18 required. The ~~examining body~~ board ~~shall have the power to~~ may employ legal
19 advice ~~deemed~~ necessary for the proper conduct of its affairs.

20 (d)(1) Once a complaint has been received in the office of the
21 ~~examining body~~ board, the ~~examining body~~ board shall ~~first~~ send ~~an advisory~~
22 notice in accordance with § 25-15-208(a)(2) to the person or entity allegedly
23 committing the violation informing the person or entity ~~that~~ of the
24 violation, ~~a copy of the law or regulation being violated, and a statement~~
25 notifying the person or entity that the person or entity must reply to the
26 ~~examining body.~~ The advisory notice shall be sent by certified mail with
27 ~~restricted delivery.~~ The ~~examining body~~ shall take appropriate action upon
28 receiving the reply.

29 (2) ~~If~~ if the person or entity fails to respond to the ~~advisory~~
30 notice, the ~~examining body~~ board shall ~~send a second notice advising the~~
31 ~~person or entity that if the person or entity does not respond within five~~
32 ~~(5) days, the examining body, in accordance with subdivision (d)(3) of this~~
33 ~~section,~~ will hold a hearing on the alleged violation. ~~The notice shall be~~
34 ~~sent by certified mail with restricted delivery.~~ The ~~examining body~~ board
35 shall take appropriate action upon receiving the reply.

36 (3) ~~If the person or entity fails to respond to the second~~

1 ~~notice or if the examining body determines that there is a violation of this~~
2 ~~chapter or the rules and regulations promulgated thereunder, or both, after~~
3 ~~the advisory or second notice is sent, the examining body shall prepare an~~
4 ~~order and notice of hearing advising the person or entity of the date for the~~
5 ~~hearing to be held by the examining body. The order and notice of hearing~~
6 ~~shall be sent by certified mail with restricted delivery.~~

7 ~~(4)(2)(A)(i)~~ After providing notice and a hearing, the ~~examining~~
8 ~~body board~~ may levy civil penalties, in an amount not to exceed five thousand
9 dollars (\$5,000) for each violation, against those individuals or entities
10 found to be in violation of this chapter, § 17-35-101 et seq., § 17-36-101 et
11 seq., or rules ~~and regulations~~ promulgated thereunder.

12 (ii) All revenue received under this section shall
13 be deposited in one (1) or more financial institutions in the state and shall
14 be used for the purposes of defraying the expenses of the ~~examining body~~
15 board as required for carrying out the provisions of this chapter, § 17-35-
16 101 et seq., and § 17-36-101 et seq.

17 (iii) These penalties shall be in addition to other
18 penalties ~~which that~~ may be imposed by the ~~examining body board~~ pursuant to
19 under this chapter, § 17-35-101 et seq., or § 17-36-101 et seq.

20 (iv) Unless the penalty assessed under this section
21 is paid within fifteen (15) days following the date for an appeal from the
22 order, the ~~examining body board~~ shall have the power to file suit in the
23 Circuit Court of Pulaski County to obtain a judgment for the amount of
24 penalty not paid.

25 (B) All actions taken by the ~~examining body board~~ shall
26 comply with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

27
28 17-15-204. Records and reports.

29 (a) The Arkansas State Board of Architects, Landscape Architects, and
30 Interior Designers shall keep a record of its proceedings and a register of
31 all applications for registration, ~~which that~~ shall show:

- 32 (1) Name, age, and residence of the applicant;
- 33 (2) Date of application;
- 34 (3) Educational and other qualifications;
- 35 (4) Whether or not an examination was required;
- 36 (5) Whether the applicant was rejected;

1 (6) Whether a certificate of registration was granted;
2 (7) Date of the action of the ~~examining body board~~; and
3 (8) Any other information as may be deemed necessary by the
4 ~~examining body board~~.

5 (b) A roster showing the names, ~~residences~~ addresses, and places of
6 business of all registered architects, registered landscape architects, and
7 registered interior designers shall be prepared by the secretary of the
8 ~~examining body board~~ at least once each year. ~~Copies of this roster shall be~~
9 ~~mailed to each person so registered and placed on file with the Secretary of~~
10 ~~State. Copies shall also be furnished to any public officials of this state~~
11 ~~upon request.~~

12 ~~(c) Annually, as of November 1 of each year, the examining body shall~~
13 ~~submit to the Governor a summarized report of its transactions of the~~
14 ~~preceding year and shall also transmit to him or her a complete statement of~~
15 ~~the receipts and expenditures of the examining body attested by affidavits of~~
16 ~~the president and treasurer.~~

17
18 17-15-205. Continuing education.

19 (a) The Arkansas State Board of Architects, Landscape Architects, and
20 Interior Designers may adopt regulations setting minimum standards of
21 continuing education to ensure that all registered architects, registered
22 landscape architects, and registered interior designers remain informed of
23 those technical and professional subjects ~~which~~ that the ~~examining body board~~
24 deems appropriate ~~to professional architectural practice~~.

25 (b) The ~~examining body board~~ may by rules ~~and regulations~~ describe the
26 methods by which such standards may be satisfied, and may provide that
27 failure to satisfy the minimum standards shall be grounds for nonrenewal of
28 ~~an architect's~~ the certificate of registration.

29
30 SECTION 8. Arkansas Code § 17-15-305 is amended to read as follows:
31 17-15-305. Certification generally.

32 (a) Upon payment of the proper fee ~~as provided for in~~ under this
33 chapter, the Arkansas State Board of Architects, Landscape Architects, and
34 Interior Designers shall issue a certificate of registration and license to
35 ~~any~~ an applicant who:

36 (1) In the opinion of the ~~examining body board~~, has

1 satisfactorily met all the requirements of this chapter; or

2 (2)(A) Has been previously issued certificates of registration
3 and license by ~~an examining a~~ body created pursuant to under legislative
4 enactment of the State of Arkansas.

5 (B) Certificates shall show a ~~serial~~ license number and
6 the full name of the registrant and shall bear the signatures of the
7 president and secretary and the seal of the ~~examining body~~ board.

8 (b)(1) Issuance of a certificate of registration by the ~~examining body~~
9 board shall be is evidence that the person named ~~therein~~ in the certificate
10 of registration is entitled to all the rights and privileges of a registered
11 architect while the certificate remains unexpired and unrevoked.

12 (2) Certification ~~shall be~~ is synonymous with
13 registration, with the full meaning and effect of a license to practice
14 architecture.

15 (c) Certificates of registration shall expire on July 31 of each year
16 and shall become invalid on that date unless renewed.

17 (d) Renewal may be effected at any time during the month of July by
18 payment of the renewal fee ~~as provided in~~ under § 17-15-311.

19 (e) Upon issuing the initial certificate of registration, the
20 ~~examining body~~ board shall include a copy of the Arkansas Architectural Act,
21 § 17-15-101 et seq. The licensee shall return a signed form to the ~~examining~~
22 ~~body~~ board stating that he or she has read and understands the Arkansas
23 Architectural Act, § 17-15-101 et seq.

24
25 SECTION 9. Arkansas Code § 17-15-306 is repealed.

26 ~~17-15-306. Associate architects—Temporary license.~~

27 ~~(a) Upon application therefor and the payment of a fee equivalent to~~
28 ~~that required for a regular written examination and certificate, the Arkansas~~
29 ~~State Board of Architects may issue a certificate of registration and license~~
30 ~~to any architect who holds an unexpired certificate of registration issued to~~
31 ~~him or her by any state or territory or possession of the United States, or~~
32 ~~any country, if:~~

33 ~~(1) The requirements for the registration of architects under~~
34 ~~which the certificate of registration was issued do not contravene the~~
35 ~~provisions of this chapter and are deemed the equivalent of requirements for~~
36 ~~registration in this state by examination; and~~

1 ~~(2) The applicant submits such other evidence of his or her~~
2 ~~ability as may be required by the examining body.~~

3 ~~(b) Upon application therefor and the payment of a fee equivalent to~~
4 ~~that required for a regular written examination and certificate, the~~
5 ~~examining body may issue a temporary certificate or license to any person~~
6 ~~filing with the examining body a copy of a contract of association with a~~
7 ~~licensed architect, in which contract the architect previously registered~~
8 ~~assumes responsibility for the professional acts, omissions, or failures to~~
9 ~~act of his or her associate.~~

10 ~~The term and scope of the temporary license shall not~~
11 ~~extend beyond the term and scope of the contract and shall be renewable~~
12 ~~yearly the same as other licenses.~~

13 ~~In the event of termination of the contract, the temporary~~
14 ~~license shall terminate.~~

15
16 SECTION 10. Arkansas Code §§ 17-15-308 through 17-15-312 are amended
17 to read as follows:

18 17-15-308. Grounds for revocation.

19 The Arkansas State Board of Architects, Landscape Architects, and
20 Interior Designers shall have the power to may revoke the certificate of
21 registration and license of ~~any~~ an architect upon proof that:

22 (1) ~~That the~~ The holder of the certificate of registration or
23 ~~certificate of~~ license is practicing in violation of this chapter or of the
24 proper rules and regulations of the ~~examining body~~ board governing this
25 chapter;

26 (2) ~~That the~~ The license or certificate of registration has been
27 obtained by fraud or misrepresentation or the person named therein has
28 obtained it by fraud or misrepresentation;

29 (3) ~~That any money except~~ Money other than the regular fees
30 provided for, has been paid for the license or certificate of registration;

31 (4) ~~That the~~ The holder of the license or certificate of
32 registration is falsely impersonating a practitioner or former practitioner
33 of a like or different name or is practicing under an assumed or fictitious
34 name;

35 (5) ~~That the~~ The holder of the license or certificate of
36 registration has been guilty of a felony;

1 (6) ~~That the~~ The holder of the license or certificate of
2 registration has aided or abetted in the practice of architecture ~~any a~~
3 person not duly authorized to practice architecture under ~~the provisions of~~
4 this chapter;

5 (7) ~~That the~~ The holder of the license or certificate of
6 registration has been guilty of fraud or deceit or of gross negligence or
7 misconduct in the practice of architecture;

8 (8) ~~That the~~ The holder of the certificate of registration or
9 license has been guilty of gross incompetency or recklessness in the
10 construction or designing of buildings;

11 (9) ~~That the~~ The holder of the license or certificate of
12 registration affixed, or permitted to be affixed, his or her seal or name to
13 any plans, specifications, drawings, or related documents which were not
14 prepared by him or her or under his or her responsible supervisory control;
15 or

16 (10) ~~That the~~ The holder of the license or certificate of
17 registration has been adjudged mentally incapable by a court of competent
18 jurisdiction.

19
20 17-15-309. Revocation proceedings.

21 (a)(1) ~~Any~~ A person may prefer charges of fraud, deceit, gross
22 negligence, incompetency, or misconduct against ~~any a~~ registrant.

23 (2) The charges shall be:

24 (A) ~~in~~ In writing;

25 (B) ~~shall be sworn~~ Sworn to by the person making
26 them; and

27 (C) ~~shall be filed~~ Filed with the Secretary of the
28 Arkansas State Board of Architects, Landscape Architects, and Interior
29 Designers.

30 (b) All charges deemed worthy of consideration by the ~~examining body~~
31 board shall be heard by the ~~examining body~~ board within three (3) months
32 after the date upon which they are received by the secretary.

33 (c)(1) The time and place for the hearing shall be fixed by the
34 ~~examining body~~ board.

35 (2) A copy of the charges, together with a notice of the
36 time and place of hearing, shall be personally served on the registrant

1 accused or shall be mailed to the registrant at his or her last known address
2 at least thirty (30) days before the date fixed for the hearing.

3 (3) At ~~any~~ the hearing, the accused registrant shall have
4 the right to:

5 (A) ~~appear~~ Appear personally and by counsel;⁷

6 (B) ~~to cross-examine~~ Cross-examine witnesses

7 appearing against him or her;⁷ and

8 (C) ~~to produce~~ Produce evidence and witnesses in his
9 or her own defense.

10 (d) If after the hearing four (4) or more members of the ~~examining~~
11 ~~body board~~ vote in favor of finding the accused guilty, the ~~examining-body~~
12 board shall revoke the certificate of registration and license of the
13 architect.

14

15 17-15-310. Reissuance of certificate of registration.

16 The Arkansas State Board of Architects, Landscape Architects, and
17 Interior Designers ~~for reasons it may deem sufficient~~, may reissue a
18 certificate of registration to ~~any~~ a person whose certificate of registration
19 has lapsed or has been suspended or revoked, ~~provided that~~ if no charges of
20 violation of this act are pending in any court of record in this state and
21 ~~that~~ three (3) or more members of the ~~examining-body~~ board vote in favor of
22 reissuance.

23

24 17-15-311. Fees.

25 (a) For the purpose of defraying the expenses of the Arkansas State
26 Board of Architects, Landscape Architects, and Interior Designers and as
27 required for carrying out the provisions of this chapter, the following fees
28 and penalties shall be paid by an architect licensed under this chapter:

29 (1) For an application for examination and registration, an
30 amount to be fixed by the ~~examining-body which~~ board that shall at no time
31 exceed the sum of ~~two~~ three hundred fifty dollars ~~(\$250)~~ (\$350);

32 (2) For a certificate of registration by exemption, or by
33 transfer of registration from another state or country, an amount to be fixed
34 by the ~~examining-body which~~ board that shall at no time exceed the sum of ~~two~~
35 three hundred fifty dollars ~~(\$250)~~ (\$350);

36 (3) For annual renewal of the registration certificate, an

1 amount to be fixed by the ~~examining body which~~ board that shall at no time
2 exceed the sum of ~~one~~ two hundred fifty dollars ~~(\$100)~~ (\$250);

3 (4) For the restoration of a revoked certificate of registration
4 or revoked corporate registration, an amount to be fixed by the ~~examining~~
5 ~~body which~~ board that shall at no time exceed the annual renewal fees in
6 effect plus a penalty of fifty dollars (\$50.00) for each month for the first
7 three (3) months during which time the certificate of registration or
8 corporation registration has been revoked. Thereafter, an additional penalty
9 of one hundred dollars (\$100) for the balance of one (1) year for a maximum
10 penalty of two hundred fifty dollars (\$250) per year for a maximum of three
11 (3) years; and

12 (5) For a certificate of registration for a corporation, an
13 amount to be fixed by the ~~examining body which~~ board that shall at no time
14 exceed the sum of ~~two~~ three hundred fifty dollars ~~(\$250)~~ (\$350); ~~and~~

15 (6)(A) For issuing of emeritus licenses, an amount to be fixed
16 by the board that shall at no time exceed the sum of fifty dollars (\$50).

17 (B) An emeritus license may be issued by the board to an
18 architect who:

19 (i) Is at least sixty-five (65) years of age;

20 (ii) Has retired; and

21 (iii) Does not practice architecture.

22 (b)(1) All fees must accompany applications.

23 (2) No part of these fees shall be refunded except such part as
24 may be refunded when ~~no~~ a certificate of registration is not issued, as may
25 be provided under the rules of the ~~examining body~~ board.

26 (c) It ~~shall be~~ is unlawful for ~~any~~ an unregistered person to collect
27 a fee for architectural services, except as an employee collecting a fee as a
28 representative of a registered architect who has performed architectural
29 services.

30 (d) The fee for a duplicate license shall not exceed one hundred
31 dollars (\$100).

32
33 17-15-312. Practice by architect not registered in Arkansas.

34 ~~Nothing in this~~ This chapter shall not be construed to prevent:

35 (1) A nonresident who holds the certification issued by the
36 National Council of Architectural Registration Boards from offering to render

1 the professional services involved in the practice of architecture, ~~provided~~
2 ~~that~~ if for every project the person is involved in, he or she notifies the
3 Arkansas State Board of Architects, Landscape Architects, and Interior
4 Designers in writing that he or she:

5 (A) ~~He or she holds~~ Holds a National Council of
6 Architectural Registration Boards certificate and is not currently registered
7 in Arkansas but will be present in Arkansas for the purposes of offering to
8 render architectural services for a single project;

9 (B) ~~He or she will~~ Will deliver a copy of the notice
10 referred to in subdivision (1)(A) of this section to every potential client
11 to whom the applicant offers to render architectural services; and

12 (C) ~~He or she promises~~ Promises to apply to the ~~examining~~
13 ~~board~~ Arkansas State Board of Architects, Landscape Architects, and Interior
14 Designers within thirty (30) days for registration if selected as the
15 architect for the project;

16 (2) A person who holds the certification issued by the National
17 Council of Architectural Registration Boards but who is not currently
18 registered in Arkansas from seeking an architectural commission by
19 participating in a single architectural design competition for a project in
20 Arkansas, ~~provided that~~ if for every project the person is involved in, the
21 person notifies the ~~examining body~~ Arkansas State Board of Architects,
22 Landscape Architects, and Interior Designers in writing that:

23 (A) The person holds a National Council of Architectural
24 Registration Boards certificate and is not currently registered in the
25 jurisdiction but will be present in Arkansas for the purpose of participating
26 in an architectural design competition;

27 (B) The person will deliver a copy of the notice referred
28 to in subdivision (2)(A) of this section to every person conducting an
29 architectural design competition in which the applicant participates; and

30 (C) The person promises to apply to the ~~examining body~~
31 Arkansas State Board of Architects, Landscape Architects, and Interior
32 Designers within thirty (30) days after being selected as the architect for
33 the project;

34 (3)(A) A person who is not currently registered in this
35 state but who is currently registered in another jurisdiction from providing
36 uncompensated professional services at the scene of an emergency at the

1 request of a public officer, public safety officer, or municipal or county
2 building inspector acting in an official capacity.

3 (B) Emergency ~~shall mean~~ means earthquake, eruption,
4 flood, storm, hurricane, or other catastrophe ~~which~~ that has been designated
5 as a major disaster or emergency by the President of the United States or the
6 Governor of Arkansas; and

7 (4) Individuals who possess a professional degree in
8 architecture and are enrolled in the Intern Development Program of the
9 National Council of Architectural Registration Boards or under the
10 jurisdiction of the Arkansas State Board of Architects, Landscape Architects,
11 and Interior Designers may use the title “Architectural Intern” or “Intern
12 Architect” to identify themselves.

13
14 SECTION 11. Arkansas Code §§ 17-35-101 through 17-35-105 are amended
15 to read as follows:

16 17-35-101. Short title.

17 Sections 17-35-101 – ~~17-35-106~~ 17-35-105, ~~17-35-201, 17-35-202,~~ and 17-
18 35-301 – 17-35-304 may be cited as the “Arkansas Interior Designers Title
19 Registration Act”.

20
21 17-35-102. Purpose.

22 The purpose of §§ 17-35-101 – ~~17-35-106~~ 17-35-105, ~~17-35-201, 17-35-~~
23 ~~202,~~ and 17-35-301 – 17-35-304 is to register and regulate persons known as
24 registered interior designers, in the public interest, and to prohibit the
25 use of the title of “registered interior designer” by persons who are not
26 registered.

27
28 17-35-103. Definitions.

29 (a) ~~In As used in~~ §§ 17-35-101 – ~~17-35-106~~ 17-35-105, ~~17-35-201, 17-~~
30 ~~35-202~~ 17-15-201 et seq., and 17-35-301 – 17-35-304~~+,~~

31 ~~(1) “Board” means the State Board of Registered Interior~~
32 ~~Designers; and~~

33 ~~(2)(A)~~ “Registered registered interior designer” means a person
34 registered under §§ 17-35-101 – ~~17-35-106~~ 17-35-105, ~~17-35-201, 17-35-202~~ 17-
35 15-201 et seq., and 17-35-301 – 17-35-304.

36 ~~(B)(i)~~(b)(1) A registered interior designer is a design

1 professional who is qualified by education, experience, and examination as
2 authorized by an authority.

3 ~~(ii)~~(2) In general, a registered interior designer
4 performs services including preparation of working drawings and documents
5 relative to nonload-bearing interior construction, materials, finishes, space
6 planning, furnishings, fixtures, and equipment.

7 ~~(G)~~(c) Except as provided herein, interior design services
8 do not include services that constitute the practice of architecture as
9 defined in the Arkansas Architectural Act, § 17-15-101 et seq., or the
10 practice of engineering as defined in the Arkansas Engineering Act, § 17-30-
11 101 et seq.

12
13 17-35-104. Exemptions – Use of the title.

14 (a) Sections 17-35-101 – ~~17-35-106~~ 17-35-105, ~~17-35-201~~, ~~17-35-202~~ 17-
15 15-201 et seq., and 17-35-301 – 17-35-304 ~~shall do~~ not apply to persons
16 holding themselves out as “interior decorators” or offering “interior
17 decorating services”, such as selection or assistance in selecting surface
18 materials, window treatments, wall coverings, paint, floor coverings,
19 surface-mounted lighting, or loose furnishings not subject to regulation
20 under applicable building codes.

21 (b) Sections 17-35-101 – ~~17-35-106~~ 17-35-105, ~~17-35-201~~, ~~17-35-202~~,
22 and 17-35-301 – 17-35-304 ~~shall do~~ not apply to architects licensed by the
23 Arkansas State Board of Architects, Landscape Architects, and Interior
24 Designers provided that such architects do not refer to themselves as
25 “registered interior designers” unless registered by §§ 17-35-101 – 17-35-105
26 ~~17-35-106~~, ~~17-35-201~~, ~~17-35-202~~, and 17-35-301 – 17-35-304.

27 (c) Nothing contained in §§ 17-35-101 – ~~17-35-106~~ 17-35-105, ~~17-35-~~
28 ~~201~~, ~~17-35-202~~ 17-15-201 et seq., and 17-35-301 – 17-35-304 shall prevent any
29 person from rendering interior design services, provided such a person does
30 not use the title of “registered interior designer” unless registered under
31 §§ 17-35-101 – ~~17-35-106~~ 17-35-105, ~~17-35-201~~, ~~17-35-202~~ 17-15-201 et seq.,
32 and 17-35-301 – 17-35-304.

33
34 17-35-105. Penalties.

35 It shall be a Class A misdemeanor for ~~any~~ a person to:

36 (1) Use the title of “registered interior designer”, unless

1 registered under §§ 17-35-101 – ~~17-35-106~~ 17-35-105, ~~17-35-201, 17-35-202~~ 17-
 2 15-201 et seq., and 17-35-301 – 17-35-304;

3 (2) Present as his or her own the registration of another;

4 (3) Give false or forged evidence to the ~~State Board of~~
 5 ~~Registered Interior Designers~~ Arkansas State Board of Architects, Landscape
 6 Architects, and Interior Designers or any member thereof in obtaining a
 7 registration;

8 (4) Falsely impersonate any other practitioner of like or
 9 different name;

10 (5) Use or attempt to use a registration that has been revoked;
 11 or

12 (6) Otherwise violate any of the provisions of §§ 17-35-101 –
 13 ~~17-35-106~~ 17-35-105, ~~17-35-201, 17-35-202~~ 17-15-201 et seq., and 17-35-301 –
 14 17-35-304.

15
 16 SECTION 12. Arkansas Code § 17-35-106 is repealed.

17 ~~17-35-106. — Disposition of funds.~~

18 ~~(a) All moneys collected by the board under §§ 17-35-101 – 17-35-106,~~
 19 ~~17-35-201, 17-35-202, and 17-35-301 – 17-35-304 shall be deposited into a~~
 20 ~~financial institution in this state designated by the State Board of~~
 21 ~~Registered Interior Designers.~~

22 ~~(b) No general revenues of this state shall be appropriated to the~~
 23 ~~board.~~

24
 25 SECTION 13. Arkansas Code §§ 17-35-201 through 17-35-202 are repealed.

26 ~~17-35-201. Creation — Members.~~

27 ~~(a) There is created the State Board of Registered Interior Designers.~~

28 ~~(b)(1) The board shall consist of seven (7) members. Of the seven (7)~~
 29 ~~members of the board:~~

30 ~~(A) Five (5) shall be registered interior designers, one~~
 31 ~~(1) of whom may be a professional full time design educator, registered or~~
 32 ~~unregistered;~~

33 ~~(B) One (1) shall be an architect licensed by the Arkansas~~
 34 ~~State Board of Architects who provides design services; and~~

35 ~~(C) One (1) shall be a consumer.~~

36 ~~(2) Members shall be appointed for terms of five (5) years in~~

1 such a manner that the terms of not more than two ~~(2)~~ members expire in one
2 ~~(1)~~ year.

3 ~~(3) Vacancies shall be filled by appointment by the Governor for~~
4 ~~the unexpired term.~~

5 ~~(4) No board member shall serve consecutive terms.~~

6 ~~(e)(1) A majority of the members on the board shall constitute a~~
7 ~~quorum.~~

8 ~~(2) Decisions of the board shall be made by a majority vote of a~~
9 ~~quorum.~~

10 ~~(d) The board shall hold at least two (2) regular meetings each year~~
11 ~~and such other meetings as are deemed necessary.~~

12 ~~(e)(1) The board shall elect annually from its members a chair and~~
13 ~~vice chair to hold office for one (1) year and an executive secretary who may~~
14 ~~or may not be a member of the board.~~

15 ~~(2) The executive secretary shall hold the office at the~~
16 ~~pleasure of the board and may receive a salary determined by the board.~~

17 ~~(f)(1) Board members shall serve without compensation but may, to the~~
18 ~~extent moneys are appropriated therefor, receive expense reimbursement in~~
19 ~~accordance with § 25-16-901 et seq.~~

20 ~~(2) The board shall fix the compensation of its employees by~~
21 ~~resolution adopted at a regular meeting of the board.~~

22
23 ~~17-35-202. Powers and duties of the board.~~

24 ~~(a) The State Board of Registered Interior Designers:~~

25 ~~(1) Shall administer, coordinate, and enforce the provisions of;~~
26 ~~§§ 17-35-101—17-35-106, 17-35-201, 17-35-202, and 17-35-301—17-35-304~~

27 ~~(2) May investigate allegations of misconduct and suspend~~
28 ~~registrations concerning the provisions of §§ 17-35-101—17-35-106, 17-35-~~
29 ~~201, 17-35-202, and 17-35-301—17-35-304;~~

30 ~~(3) Shall adopt regulations in the manner prescribed by the~~
31 ~~Arkansas Administrative Procedure Act, § 25-15-201 et seq., to carry out the~~
32 ~~purposes and policies of §§ 17-35-101—17-35-106, 17-35-201, 17-35-202, and~~
33 ~~17-35-301—17-35-304, including regulations relating to professional~~
34 ~~conduct, standards of performance and professional examination and~~
35 ~~registration, registration renewal requirements, application, renewal, and~~
36 ~~late fees, suspension and revocation of registrations, and the establishment~~

1 of a code of ethics for persons registered under §§ 17-35-101—17-35-106,
2 17-35-201, 17-35-202, and 17-35-301—17-35-304;

3 (4) ~~Shall set fees for registration, registration renewals,
4 examinations, and all other administrative expenses;~~

5 (5) ~~May require a registrant, as a condition of the renewal of
6 his or her registration, to satisfy continuing education requirements;~~

7 (6) ~~Shall maintain an official roster showing the name, address,
8 and registration number of each interior designer registered under §§ 17-35-
9 101—17-35-106, 17-35-201, 17-35-202, and 17-35-301—17-35-304;~~

10 (7) ~~Shall require registrants to display their registration
11 numbers on all business and advertising instruments, including business
12 cards, stationery, and contracts;~~

13 (8) ~~May adopt a common seal for the use of registered interior
14 designers;~~

15 (9) ~~Shall conduct hearings and keep records and minutes
16 necessary to carry out its functions;~~

17 (10) ~~May, to the extent moneys are appropriated therefor, employ
18 an executive secretary and other employees and fix their compensation; and~~

19 (11) ~~Shall do all things reasonable and necessary to carry out
20 the purposes of §§ 17-35-101—17-35-106, 17-35-201, 17-35-202, and 17-35-301
21 —17-35-304.~~

22
23 SECTION 14. Arkansas Code §§ 17-35-301 through 17-35-304 are amended
24 to read as follows:

25 17-35-301. Registration of interior designers.

26 (a) It is unlawful for ~~any~~ a person who is not registered under §§ 17-
27 35-101 – ~~17-35-106~~ 17-35-105, ~~17-35-201, 17-35-202~~ 17-15-201 et seq., and 17-
28 35-301 – 17-35-304 as an interior designer to advertise as a registered
29 interior designer or to use the title of “registered interior designer” or
30 any other words, letters, figures, or other devices for the purpose of
31 implying, directly or indirectly, that the person is registered under §§ 17-
32 35-101 – ~~17-35-106~~ 17-35-105, ~~17-35-201, 17-35-202~~ 17-15-201 et seq., and 17-
33 35-301 – 17-35-304.

34 (b) It is unlawful for ~~any~~ a company, partnership, association,
35 corporation, or other similar organization, after January 1, 1994, to
36 advertise that it is in a position to provide the services of a registered

1 interior designer unless the persons providing ~~such~~ the services are in the
2 responsible charge of a registered interior designer.

3 (c) An applicant for registration as ~~an~~ a registered interior designer
4 shall establish to the satisfaction of the ~~State Board of Registered Interior~~
5 ~~Designers~~ Arkansas State Board of Architects, Landscape Architects, and
6 Interior Designers that the applicant:

7 (1) Is at least twenty-one (21) years of age;

8 (2) Has not been convicted of an offense that bears directly on
9 the fitness of the applicant to be registered;

10 (3) Has passed or supplied proof of passage of the examination
11 required by §§ 17-35-101 – ~~17-35-106~~ 17-35-105, ~~17-35-201, 17-35-202~~ 17-15-
12 201 et seq., and 17-35-301 – 17-35-304; and

13 (4) Meets any other requirements established by the ~~State Board~~
14 ~~of Registered Interior Designers~~ board.

15
16 17-35-302. Requirements for registration.

17 (a) Each applicant for registration shall provide substantial evidence
18 to the ~~State Board of Registered Interior Designers~~ Arkansas State Board of
19 Architects, Landscape Architects, and Interior Designers that the applicant:

20 (1)(A) Has ~~taken and~~ passed the examination prepared and
21 administered by the National Council for Interior Design Qualification
22 ~~examination~~ or its ~~predecessor examinations produced by the American~~
23 ~~Institute of Interior Designers and by the national Society of Interior~~
24 ~~Designers~~ successor in interest.

25 (B) The applicant shall provide a verification from the
26 National Council for Interior Design Qualification or its successor in
27 interest as proof that he or she passed the examination; and

28 (2)(A) Is a graduate of a five-year interior design program from
29 an accredited institution and has completed at least one (1) year of
30 diversified and appropriate interior design experience;

31 (B) Is a graduate of a four-year interior design program
32 or a master's degree program in interior design from an accredited
33 institution and has completed at least two (2) years of diversified and
34 appropriate interior design experience; or

35 (C) Is a licensed architect certified by the ~~Arkansas~~
36 ~~State Board of Architects~~ board.

1 (b) Each interior design program must be accredited by the ~~Foundation~~
2 ~~for Interior Design Education Research~~ Council for Interior Design
3 Accreditation or its successor in interest or be an interior design program
4 of an institution accredited by the North Central Association of Colleges and
5 Schools, or a program determined by the board to be substantially equivalent
6 to such accredited programs.

7 (c) ~~Six (6) years from the date of passage, completion of a monitored~~
8 ~~internship development program may be required as part or all of the~~
9 ~~diversified interior design experience requirement.~~

10 (d) The board shall ~~waive examination requirements for an individual~~
11 ~~who provides proof of passage of the National Council for Interior Design~~
12 ~~Qualification examination, or either of its predecessors, the American~~
13 ~~Institute of Interior Design or the National Society of Interior Design, and~~
14 ~~who is registered, licensed, or certified~~ may accept satisfactory evidence of
15 registration as an interior designer in another state, the District of
16 Columbia, or a foreign country, provided that that jurisdiction if the
17 jurisdiction's requirements for registration are ~~substantially equivalent to~~
18 equal to or greater than those required for registration in this state at the
19 date of application.

20 (e)(d) Every registration shall expire annually on a day designated by
21 the board.

22
23 17-35-303. Registration renewal.

24 (a) Every registered interior designer shall annually renew his or her
25 registration, submit proof of completion of continuing education units as
26 required by the ~~State Board of Registered Interior Designers~~ Arkansas State
27 Board of Architects, Landscape Architects, and Interior Designers and pay the
28 renewal fee established by the board.

29 (b) It is unlawful for ~~any~~ an interior designer who fails to renew his
30 or her registration to continue to use the title of "registered interior
31 designer".

32
33 17-35-304. Seal of interior designer.

34 (a)(1) Each registered interior designer shall obtain a seal as
35 prescribed by the ~~State Board of Registered Interior Designers~~ Arkansas State
36 Board of Architects, Landscape Architects, and Interior Designers.

1 (2)(A) ~~Any drawing, plan, specification, or report prepared or~~
2 All documents issued by the registered interior designer and being filed for
3 *public record shall bear* the signature and seal of the interior designer who
4 prepared or approved the document and the date on which it was sealed.

5 (B) The signature, date, and seal shall be evidence of the
6 authenticity of the document.

7 (b) *No registered interior designer shall affix, or permit to be*
8 *affixed, his or her seal or signature to any plan, specification, drawing, or*
9 *other document which depicts work which he or she is not competent or*
10 *certified to perform.*

11 (c) The registered interior designer's contract documents shall
12 contain a statement that the document is not an architectural or engineering
13 drawing, specification, or design and is not to be used for construction of
14 any load-bearing columns, load-bearing framing, or load-bearing walls or
15 structures or for the issuance of any building permit, except as otherwise
16 provided by law.

17 (d) Documents as defined in this section are not to be construed as
18 those that are required to be filed in state or local building departments or
19 municipalities, except as otherwise provided by law.

20 (e) *No registered interior designer shall affix his or her signature*
21 *or seal to any plan, specifications, or other document which was not prepared*
22 *by him or her or under his or her responsible supervising control or by*
23 *another interior designer and reviewed, approved, or modified and adopted by*
24 *him or her as his or her own work according to the rules adopted by the*
25 *board.*

26 (f) Studies, drawings, specifications, and other related documents
27 prepared by a registered interior designer in providing interior design
28 services shall be of a sufficiently high standard to clearly and accurately
29 indicate all essential parts of the work to which they refer.

30 (g) *The shape and design of the seal will be different from the seals*
31 *of architects, engineers, or landscape architects.*

32 (h)(1) When the registration of a registered interior designer has
33 expired, been revoked, or suspended by the board, the registered interior
34 designer shall surrender his or her seal to the ~~Chair~~ chair of the ~~State~~
35 ~~Board of Registered Interior Designers~~ board within thirty (30) calendar days
36 after the revocation or suspension has become effective.

1 (2) The seal shall be returned upon expiration of the suspension
2 period.

3
4 SECTION 15. Arkansas Code Title 17, Chapter 35, Subchapter 3 is
5 amended to add an additional section to read as follows:

6 17-35-305. Grounds for revocation.

7 The Arkansas State Board of Architects, Landscape Architects, and
8 Interior Designers may deny, suspend, or revoke the registration of a
9 registered interior designer upon proof that:

10 (1) The holder of the registration is practicing in violation of this
11 chapter, § 17-15-201 et seq., or the proper rules of the board;

12 (2) The registration has been obtained by fraud or misrepresentation
13 or the person named therein has obtained it by fraud or misrepresentation;

14 (3) Money other than the regular fees provided for has been paid for
15 the registration;

16 (4) The holder of the registration is falsely impersonating a
17 practitioner or former practitioner of a like or different name or is
18 practicing under an assumed or fictitious name;

19 (5) The holder of the registration has been guilty of a felony;

20 (6) The holder of the registration has been guilty of fraud or deceit
21 or of gross negligence or misconduct in the practice of interior design;

22 (7) The holder of the registration affixed, or permitted to be
23 affixed, his or her seal or name to any plans, specifications, drawings, or
24 related documents that were not prepared by the holder or under his or her
25 responsible supervisory control;

26 (8) The holder of the registration has been adjudged mentally
27 incapable by a court of competent jurisdiction;

28 (9) The holder of the registration has committed gross unprofessional
29 conduct; or

30 (10) The holder of the registration has:

31 (A) Had a professional license or registration suspended or
32 revoked;

33 (B) Had imposed other disciplinary action by a regulatory body
34 of another state for any cause other than failure to pay applicable fees; or

35 (C) Surrendered or did not renew a professional license or
36 registration after the initiation of any investigation or proceeding by such

1 a body.

2

3 SECTION 16. Arkansas Code §§ 17-36-101 through 17-36-105 are amended
4 to read as follows:

5 17-36-101. Title.

6 This chapter shall be known and may be cited as the "Landscape
7 Architectural Practice Act".

8

9 17-36-102. Definitions.

10 (a) As used in this chapter, ~~unless the context otherwise requires and~~
11 in § 17-15-201 et seq.:

12 (1) ~~"Board" means the Arkansas State Board of Landscape~~
13 ~~Architects;~~

14 ~~(2)~~(A) "Landscape architecture" means:

15 (i) Any service or other work, the adequate
16 performance of which requires landscape architectural education, training,
17 and experience;

18 (ii) The performance of professional services such
19 as consultation, investigation, reconnaissance, research, associated
20 planning, design, preparation of drawings, specifications, and contract
21 documents, and responsible supervision or construction management in
22 connection with the development of land areas or water features where, and to
23 the extent that, the dominant purpose of such services is landscape
24 development, preservation, and enhancement, or determination of land uses,
25 natural land features, and functional and aesthetic values;

26 (iii) The determination, location, and construction
27 of aesthetically pleasing and functional approaches and settings for features
28 in the landscape, plantings, landscape irrigation, landscape lighting layout,
29 landscape grading, and landscape drainage;

30 (iv) Environmental planning; and

31 (v) The design of tangible objects and features
32 necessary to the purpose outlined herein.

33 (B) ~~It shall~~ "Landscape architecture" does not include the
34 design of buildings, structures, or facilities ordinarily included in the
35 practice of architecture or engineering; and

36 ~~(3)~~(2) "Landscape designer" means a person who makes plans or

1 drawings for the selection, placement, or use of plants when the execution of
2 such plans or drawings does not affect the public health, safety, or welfare.

3 (b) The title "landscape architect" shall be used by and shall apply
4 only to a person who is licensed under the authority of this chapter.

5 (c) This chapter shall not be construed to:

6 (1) Implicitly amend the definition of "practice of engineering"
7 in § 17-30-101 or otherwise limit the scope of the practice of engineering by
8 engineers registered with the State Board of Registration for Professional
9 Engineers and Land Surveyors; or

10 (2) Implicitly amend the definition of "practice of
11 architecture" in § 17-15-102 or otherwise limit the scope of the practice of
12 architecture by architects registered and licensed by the Arkansas State
13 Board of Architects, Landscape Architects, and Interior Designers.

14
15 17-36-103. Penalties.

16 (a) It ~~shall be~~ is a misdemeanor for ~~any a~~ a person to:

17 (1) Use the title of landscape architect, unless licensed by the
18 Arkansas State Board of Architects, Landscape Architects, and Interior
19 Designers under this chapter and § 17-15-201 et seq.;

20 (2) Present as his or her own the license of another;

21 (3) Give false or forged evidence to the ~~Arkansas State Board of~~
22 ~~Landscape Architects~~ board or any member thereof in obtaining a license;

23 (4) Falsely impersonate any other practitioner of like or
24 different name;

25 (5) Use or attempt to use a license that has been revoked;

26 (6) Otherwise violate any of the provisions of this chapter or §
27 17-15-201 et seq.; or

28 (7) Practice landscape architecture, unless duly licensed under
29 this chapter and § 17-15-201 et seq.

30 (b) Such a misdemeanor shall be punishable by a fine of not less than
31 one hundred dollars (\$100) and not more than five hundred dollars (\$500) or
32 imprisonment for not more than one (1) year, or both.

33
34 17-36-104. Enforcement.

35 ~~(a)~~ It ~~shall be~~ is the duty of all duly constituted officers of the
36 law of this state and all political subdivisions thereof to enforce the

1 provisions of this chapter and to prosecute ~~any~~ a person violating the
2 provisions thereof.

3 ~~(b) The Attorney General or his or her assistants shall act as legal~~
4 ~~advisor to the Arkansas State Board of Landscape Architects and shall render~~
5 ~~legal assistance necessary in carrying out the provisions of this chapter.~~
6 ~~The board in its discretion may employ such other legal assistance as it may~~
7 ~~require.~~

8
9 17-36-105. Injunctions.

10 (a)(1) The violation of any provision of this chapter and performing
11 or offering to perform any work or service in violation of this chapter or
12 any provision thereof is declared to constitute a nuisance and a threat to
13 the public health, safety, and welfare and may be enjoined by the Arkansas
14 State Board of ~~Landscape Architects, Landscape Architects, and Interior~~
15 Designers in the courts of this state, even though the violation may be
16 punishable by fine.

17 (2) The intention of this section is to provide a speedy means
18 of protecting the public.

19 (b) The board ~~shall~~ is not ~~be~~ required to execute or give bond for
20 cost, indemnity, or stay as a condition to the issuance of a restraining
21 order or injunction, either temporary or permanent, in a court of this state.

22
23 SECTION 17. Arkansas Code §§ 17-36-201 through 17-36-207 are repealed.
24 ~~17-36-201. Members.~~

25 ~~(a) The Arkansas State Board of Landscape Architects shall consist of~~
26 ~~five (5) voting members and one (1) nonvoting member appointed by the~~
27 ~~Governor, as follows:~~

28 ~~(1) Four (4) voting members shall be selected from among all~~
29 ~~landscape architects licensed and residing in the State of Arkansas;~~

30 ~~(2) One (1) voting member shall be selected from recommendations~~
31 ~~furnished by the Consumer Protection Division of the office of the Attorney~~
32 ~~General; and~~

33 ~~(3) The Director of the Program in Landscape Architecture of the~~
34 ~~School of Architecture of the University of Arkansas, or his or her designee,~~
35 ~~shall be a nonvoting member.~~

36 ~~(b) Appointments shall be for six-year terms or, in the event of~~

1 ~~vacancies, for the period of the unexpired term of the vacancy being filled.~~

2 ~~(c) Each member of the board shall receive a certificate of his or her~~
3 ~~appointment from the Governor, and before beginning his or her term of office~~
4 ~~shall file with the Secretary of State his or her written oath or affirmation~~
5 ~~relative to the faithful discharge of his or her official duty.~~

6 ~~(d) The Governor, by due process of law, may remove any member of the~~
7 ~~board for misconduct, incompetency, or neglect of duty, or for any~~
8 ~~malfeasance in office.~~

9 ~~(e) Vacancies in the membership of the board shall be filled for the~~
10 ~~unexpired term by appointment by the Governor within forty five (45) days~~
11 ~~after the member's death or resignation.~~

12
13 ~~17-36-202. Meetings.~~

14 ~~(a) The Arkansas State Board of Landscape Architects shall hold at~~
15 ~~least two (2) regular meetings each year and such other meetings as the board~~
16 ~~deems necessary.~~

17 ~~(b) Special meetings shall be held at such a time and place as shall~~
18 ~~be specified by call of the chair of the board or as otherwise determined by~~
19 ~~the board.~~

20 ~~(c) Board meetings shall be subject to the Freedom of Information Act~~
21 ~~of 1967, § 25-19-101 et seq.~~

22
23 ~~17-36-203. Officers — Quorum.~~

24 ~~(a) The Arkansas State Board of Landscape Architects shall elect~~
25 ~~annually from its membership a chair, vice chair, and secretary treasurer to~~
26 ~~hold office for one (1) year.~~

27 ~~(b) A quorum of the board shall consist of not fewer than three (3)~~
28 ~~voting members, and no action shall be official without at least two (2)~~
29 ~~votes in accord.~~

30
31 ~~17-36-204. Powers and duties.~~

32 ~~(a) The Arkansas State Board of Landscape Architects may do all things~~
33 ~~necessary and convenient for carrying into effect the provisions of this~~
34 ~~chapter and may from time to time adopt necessary or desirable rules and~~
35 ~~regulations in accordance with the Arkansas Administrative Procedure Act, §~~
36 ~~25-15-201 et seq.~~

1 ~~(b) The board may adopt a seal with such a design as it may prescribe~~
2 ~~engraved thereon.~~

3 ~~(c) The board may administer oaths or affirmations to witnesses~~
4 ~~appearing before the board.~~

5 ~~(d) After providing notice and a hearing, the board may levy civil~~
6 ~~penalties in an amount not to exceed one thousand dollars (\$1,000) for each~~
7 ~~violation against those persons found to be in violation of this chapter or~~
8 ~~rules and regulations promulgated thereunder, with each day of violation to~~
9 ~~constitute a distinct and separate offense. These penalties shall be in~~
10 ~~addition to other penalties which may be imposed by the board pursuant to~~
11 ~~this chapter.~~

12 ~~(e) Unless the penalty assessed under this section is paid within~~
13 ~~fifteen (15) calendar days following the date for an appeal from the order,~~
14 ~~the board shall have the power to file suit in the Circuit Court of Pulaski~~
15 ~~County to obtain a judgment for the amount of the penalty not paid.~~

16 ~~(f) To the extent funds are appropriated, the board may employ or~~
17 ~~contract for such staff or services as may be necessary to carry out the~~
18 ~~provisions of this chapter and put into effect the rules and regulations the~~
19 ~~board may promulgate.~~

20
21 ~~17-36-205. — Records and reports.~~

22 ~~(a) The Arkansas State Board of Landscape Architects shall keep a~~
23 ~~record of its proceedings and a register of all applications. The register~~
24 ~~shall show:~~

25 ~~(1) The name, age, and residence of each applicant;~~

26 ~~(2) The date of the application;~~

27 ~~(3) The place of business of the applicant;~~

28 ~~(4) The applicant's education and other qualifications;~~

29 ~~(5) Whether or not an examination was required;~~

30 ~~(6) Examination scores;~~

31 ~~(7) Whether the applicant was rejected;~~

32 ~~(8) Whether a license was granted;~~

33 ~~(9) The date of action of the board; and~~

34 ~~(10) Other information that may be deemed necessary by the~~
35 ~~board.~~

36 ~~(b) A transcript of the records of the board, duly certified by the~~

1 ~~board, shall be admissible in evidence with the same force and effect as if~~
2 ~~the originals were produced.~~

3 ~~(c) The board shall submit to the Governor an annual report of its~~
4 ~~transactions of the preceding year by June 1.~~

5
6 ~~17-36-206. — Disposition of funds.~~

7 ~~(a) The administration of this chapter shall not depend on the use of~~
8 ~~funds provided by the State of Arkansas.~~

9 ~~(b)(1) The Secretary treasurer of the Arkansas State Board of~~
10 ~~Landscape Architects shall receive, disburse, and account for all income paid~~
11 ~~to or received by the board.~~

12 ~~(2) The secretary treasurer shall institute a system of books~~
13 ~~and financial records satisfactory to the Director of the Department of~~
14 ~~Finance and Administration and shall open an account at a bank in this state~~
15 ~~designated by the board as its official depository.~~

16 ~~(3) An officer of the board shall sign all checks disbursing~~
17 ~~funds of the board as provided by board regulation.~~

18 ~~(4) The secretary treasurer shall deposit all funds of the board~~
19 ~~which he or she receives in the bank designated as the official depository~~
20 ~~within forty eight (48) hours, excluding holidays and Sundays, after he or~~
21 ~~she receives the funds.~~

22 ~~(5) Any surplus funds at the end of the fiscal year may be~~
23 ~~retained by the board for future expenditures.~~

24
25 ~~17-36-207. — Continuing education.~~

26 ~~(a) The Arkansas State Board of Landscape Architects may adopt rules~~
27 ~~and regulations setting minimum standards of continuing education to ensure~~
28 ~~that all licensed landscape architects remain informed of those technical and~~
29 ~~professional subjects which the board deems appropriate to professional~~
30 ~~landscape architectural practice.~~

31 ~~(b) The board may describe by rules and regulations the methods by~~
32 ~~which the minimum standards may be satisfied and may provide that failure to~~
33 ~~satisfy the minimum standards shall be grounds for non-renewal of a landscape~~
34 ~~architect's license.~~

35
36 SECTION 18. Arkansas Code §§ 17-36-301 through 17-36-308 are amended

1 to read as follows:

2 17-36-301. License or permit required.

3 (a)(1) ~~No~~ A person shall not perform or offer to perform, either
 4 directly or indirectly, landscape architectural services or assume or use the
 5 title or designation of "landscape architect" unless the person ~~shall have~~
 6 has secured from the Arkansas State Board of ~~Landscape Architects,~~ Landscape
 7 Architects, and Interior Designers a license as a landscape architect ~~in the~~
 8 ~~manner provided in~~ under this subchapter and shall thereafter comply with the
 9 provisions of this chapter and § 17-15-201 et seq.

10 (2) It is the purpose of this chapter to safeguard the health,
 11 safety, and welfare of the public.

12 (b) Every holder shall display the license or permit in a conspicuous
 13 place.

14

15 17-36-302. Application.

16 Application for licensure shall be on forms prescribed and furnished by
 17 the Arkansas State Board of ~~Landscape Architects,~~ Landscape Architects, and
 18 Interior Designers and shall contain statements under oath giving a detailed
 19 summary of the applicant's education and technical experience.

20

21 17-36-303. Examination.

22 (a) ~~It shall be required that an~~ An applicant for licensure ~~be~~ shall:

23 (1) Be at least twenty-one (21) years of age;;

24 (2) Be ~~be~~ of good moral character;; and

25 (3) ~~pass~~ Pass an examination covering the matters

26 confronting landscape architects, ~~which shall either be~~ that is prepared by:

27 (A) ~~the~~ The Arkansas State Board of ~~Landscape~~

28 Architects, Landscape Architects, and Interior Designers; or

29 (B) ~~another~~ Another entity as selected by the board.

30 (b) In order to qualify for examination, the applicant must:

31 (1) Hold a degree in landscape architecture from an institution
 32 accredited by an appropriate authority selected by the board and have
 33 satisfactory experience in landscape architecture of a minimum ~~period of time~~
 34 ~~as determined by the board~~ of two (2) years;

35 (2) Hold a degree in a field related to landscape architecture
 36 as determined by the board and have four (4) years of experience in landscape

1 architecture satisfactory to the board; or

2 (3) Have seven (7) years of experience in landscape architecture
3 satisfactory to the board.

4 (c) The board may require that an application be accompanied by a
5 certificate from the Council of Landscape Architectural Registration Boards
6 ~~which that~~ documents that the applicant possessed the qualifications for
7 examination ~~as set forth in~~ under this section.

8 (d) Examinations for the license shall be administered by the board or
9 its appointed representative at least once each year, ~~provided that~~
10 ~~applications shall have been received~~ if the board has received applications
11 during the period since the last examination was given.

12 (e) The board shall publish appropriate announcements and shall
13 conduct the examinations at the times designated.

14
15 17-36-304. Reciprocity.

16 The Arkansas State Board of ~~Landscape Architects,~~ Landscape Architects,
17 and Interior Designers may provide for licensure of an applicant who is
18 legally registered or licensed as a landscape architect in any other state
19 whose qualifications for licensure are generally equivalent to that of
20 Arkansas.

21
22 17-36-305. Fees – Penalty for nonpayment.

23 (a)(1) Every landscape architect shall pay an annual license fee in an
24 amount determined by the Arkansas State Board of ~~Landscape Architects,~~
25 Landscape Architects, and Interior Designers not to exceed three hundred
26 dollars (\$300). The fee shall be due and payable annually on a date
27 designated by the board.

28 (2)(A) Each license shall expire annually on a date designated
29 by the board, and each licensee whose license is not renewed by the board
30 within thirty (30) days thereafter shall not perform or offer to perform any
31 work or service as a landscape architect.

32 (B) The board shall issue a renewal to each licensee who
33 ~~shall submit~~ submits:

34 (i) ~~a~~ A renewal application on a form approved by
35 and received by the board ~~accompanied by;~~

36 ~~(i)~~ (ii) The annual license fee ~~as provided in~~ under

1 subdivision (a)(1) of this section; and

2 ~~(ii)~~(iii) Documentation acceptable to the board of
3 the minimum number of continuing education units ~~as provided in § 17-36-207~~
4 ~~and by board regulation.~~

5 (C) A landscape architect who does not renew his or her
6 license within thirty (30) calendar days after the expiration of the prior
7 year's license shall pay a late fee not to exceed fifty dollars (\$50.00) each
8 month or part thereof not to exceed ninety (90) calendar days after the
9 expiration date.

10 (D) ~~Any~~ A license that is not renewed within ninety (90)
11 calendar days after the expiration date ~~shall be~~ is void and shall not be
12 renewed.

13 (E)(i) ~~Any~~ A landscape architect who fails to renew his or
14 her license within ninety (90) calendar days after the expiration date
15 ~~thereof~~ due to nonpayment of fees or failure to comply with continuing
16 education requirements may apply for reinstatement of his or her license.

17 (ii) The application for reinstatement shall be
18 accompanied by documentation of continuing education units, a reinstatement
19 fee not to exceed five hundred dollars (\$500) per year for each year or
20 portion thereof since the date of expiration of the license, both as
21 determined by the board, and the annual license fee.

22 (iii) The board may reinstate the license if it
23 determines that the applicant is able to practice as a landscape architect
24 without danger to the public health, safety, and welfare.

25 (iv) However, after three (3) years following the
26 expiration date of a license ~~which~~ that has not been renewed or reinstated by
27 the board, the applicant may be relicensed only upon successful completion of
28 the examination for new applicants ~~provided in~~ under this chapter and other
29 proof of the applicant's qualifications to practice landscape architecture as
30 required by the board.

31 (b)(1) The fees for examination and reexamination shall be the cost of
32 the examination as determined by the board.

33 (2) The application ~~and examination administration~~ fee shall not
34 exceed two hundred fifty dollars (\$250).

35 (3) The examination administration fee shall not exceed two
36 hundred fifty dollars (\$250).

1 ~~(3)~~(4) The fee for a duplicate certificate shall not exceed one
2 hundred dollars (\$100).

3 (c) The board may provide for issuing of emeritus licenses at an
4 annual fee and subject to conditions as determined by the board to landscape
5 architects who:

6 (1) ~~are~~ Are at least sixty-five (65) years of age~~;~~;

7 (2) ~~have~~ Have retired~~;~~; and

8 (3) ~~do~~ Do not practice landscape architecture.

9
10 17-36-306. Grounds for revocation.

11 The Arkansas State Board of ~~Landscape Architects, Landscape Architects,~~
12 and Interior Designers ~~shall have the power to~~ may deny, suspend, or revoke
13 the license of ~~any~~ a landscape architect upon proof that:

14 (1) The holder of the license is practicing in violation of this
15 chapter or in violation of the proper rules ~~and regulations~~ of the board
16 governing this chapter;

17 (2) The license or certificate has been obtained by fraud or
18 misrepresentation or the person named therein has obtained it by fraud or
19 misrepresentation;

20 (3) ~~Any money~~ Money, except other than the regular fees provided
21 for~~,~~ has been paid for the license or certificate;

22 (4) The holder of the license or certificate is falsely
23 impersonating a practitioner or former practitioner of a like or different
24 name or is practicing under an assumed or fictitious name;

25 (5) The holder of the license or certificate has been guilty of
26 a felony;

27 (6) The holder of the license or certificate has been guilty of
28 fraud or deceit or of gross negligence or misconduct in the practice of
29 landscape architecture;

30 (7) The holder of the license or certificate affixed, or
31 permitted to be affixed, his or her seal or name to ~~any~~ plans,
32 specifications, drawings, or related documents ~~which~~ that were not prepared
33 by the holder or under his or her responsible supervisory control;

34 (8) The holder of the license or certificate has been adjudged
35 mentally incapable by a court of competent jurisdiction;

36 (9) The holder of the license has committed gross unprofessional

1 conduct; or

2 (10) The holder of the license has:

3 (A) Had a professional license suspended or revoked;

4 (B) Had imposed other disciplinary action by a regulatory
5 body of another state for any cause other than failure to pay applicable
6 fees; or

7 (C) Surrendered or did not renew a professional license
8 after the initiation of any investigation or proceeding by such a body.

9

10 17-36-307. Revocation proceedings.

11 (a)(1) ~~Any~~ A person may prefer charges of fraud, deceit, gross
12 negligence, incompetency, or misconduct against ~~any~~ a licensee. The charges
13 shall be:

14 (A) In writing;

15 (B) Sworn to by the person making them; and

16 (C) Filed with the Arkansas State Board of ~~Landscape~~
17 Architects, Landscape Architects, and Interior Designers.

18 (2) On its own motion, the board may initiate a proceeding
19 against a licensee.

20 (b) All charges deemed worthy of consideration by the board shall be
21 investigated by the board.

22 (c)(1) Where the board determines that there is sufficient evidence of
23 a violation of this chapter or board regulations, the board may conduct a
24 hearing.

25 (2) The board ~~will~~ shall conduct ~~any such~~ the hearing pursuant
26 ~~to~~ under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

27 (d) If after the hearing the board finds that the individual has
28 violated applicable law, the board may impose any one (1) or more of the
29 following sanctions:

30 (1) Suspension, revocation, or denial of the license or renewal
31 thereof;

32 (2) A civil penalty as provided in § ~~17-36-204~~ 17-15-203;

33 (3) Require completion of appropriate educational programs or
34 courses;

35 (4) Require successful completion of the licensing examination;

36 (5) Place conditions or restrictions upon the licensee's license

1 or practice; or

2 (6) ~~Such other~~ Other requirements or penalties as may be
3 appropriate to the circumstances of the case and ~~which~~ that would achieve the
4 desired disciplinary purposes.

5
6 17-36-308. Reissuance.

7 The Arkansas State Board of ~~Landscape Architects,~~ Landscape Architects,
8 and Interior Designers ~~for reasons it may deem sufficient~~ may reissue a
9 license to ~~any~~ a person whose license has been suspended, revoked, or
10 surrendered after receipt of a complaint or the initiation of ~~any~~ an
11 investigation, ~~provided that~~ if no charges of violation of this chapter are
12 pending in ~~any~~ a court of record in this state and ~~that~~ three (3) or more
13 members of the board vote in favor of reissuance.

14
15 SECTION 19. Arkansas Code § 17-36-310 is amended to read as follows:

16 17-36-310. Official seal.

17 (a) Upon licensure, each licensee under this chapter shall obtain a
18 seal of such design as the Arkansas State Board of ~~Landscape Architects,~~
19 Landscape Architects, and Interior Designers shall authorize and direct.

20 (b) Plans and specifications prepared by, or under the supervision of,
21 a licensed landscape architect shall be stamped with this seal during the
22 life of the landscape architect's license.

23 (c) It ~~shall be~~ is unlawful for anyone to stamp or seal any documents
24 with the seal after the license of the landscape architect named thereon has
25 expired or has been surrendered, suspended, or revoked.

26
27 /s/ P. Malone

28
29 **APPROVED: 4/9/2009**