

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H3/11/99

A Bill

Act 1338 of 1999
HOUSE BILL 1669

5 By: Representatives P. Malone, *Madison, Lancaster*
6 By: *Senator Kennedy*
7

For An Act To Be Entitled

10 "AN ACT TO AMEND ARKANSAS CODE 17-15-302 PERTAINING TO
11 EXEMPTIONS FROM THE LICENSURE REQUIREMENTS FOR
12 ARCHITECTS; TO AMEND ARKANSAS CODE 17-15-203
13 PERTAINING TO THE DUTIES AND POWERS OF THE ARKANSAS
14 STATE BOARD OF ARCHITECTS; TO REPEAL 17-15-306; AND
15 FOR OTHER PURPOSES. "

Subtitle

16
17
18 "TO AMEND 17-15-302 PERTAINING TO
19 EXEMPTIONS FROM THE LICENSURE
20 REQUIREMENTS FOR ARCHITECTS; TO AMEND
21 17-15-203 PERTAINING TO THE DUTIES AND
22 POWERS OF THE ARKANSAS STATE BOARD OF
23 ARCHITECTS; TO REPEAL 17-15-306. "

24
25
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

28 SECTION 1. Arkansas Code 17-15-201(a) is amended to read as follows:

29 "(a) The Arkansas State Board of Architects shall consist of:

30 (1) The Dean of the University of Arkansas School of Architecture. The
31 Dean shall be a nonvoting member; and

32 (2) ~~seven~~Seven (7) members, appointed by the Governor and confirmed by
33 the Senate for terms of five (5) years, or until their successors are duly
34 appointed and qualified. The American Institute of Architects - Arkansas
35 Chapter shall recommend three members of the Arkansas Chapter who are in good
36 standing for appointment on the Board. The Governor is strongly encouraged to

1 appoint the members nominated by the Arkansas Chapter.

2 ~~(1)(A) Of the seven (7) members appointed by the Governor, Five~~
3 ~~five (5) members of the board~~ shall be citizens of the United States,
4 residents of this state, and architects of recognized standing who have been
5 engaged in the independent practice of architecture for at least ten (10)
6 years prior to appointment.

7 ~~(2)(B) Of the seven (7) members appointed by the Governor, Two two~~
8 ~~(2) members of the examining body~~ shall be citizens of the United States and
9 residents of this state and shall not be actively engaged in or retired from
10 the architecture profession. One (1) shall represent consumers, and one (1)
11 shall be sixty (60) years of age or older, and shall represent the elderly.
12 Both shall be appointed from the state at large subject to confirmation by the
13 Senate. The two (2) positions may not be held by the same person. Both shall
14 be full voting members but shall not participate in the grading of
15 examinations."

16
17 SECTION 2. Arkansas Code 17-15-203 is amended to read as follows:

18 "17-15-203. Duties and powers.

19 (a) In accordance with the spirit and intent of the law, the examining
20 body shall make such rules and regulations as may be desirable or necessary
21 for the performance of its duties and for carrying out the purposes of this
22 chapter and may bring suit in its proper name to enforce, or restrain the
23 violation of, any provision of this chapter.

24 (b)(1) In carrying into effect the provisions of this chapter, the
25 examining body, under the hand of its president and the seal of the examining
26 body, may subpoena witnesses and compel their attendance and may require the
27 production of books, papers, documents, etc., in any case involving revocation
28 of registration.

29 (2) The president or the secretary may administer oaths or
30 affirmations to witnesses appearing before the examining body.

31 (3) If any person shall refuse to obey any subpoena so issued or
32 shall refuse to testify or produce any books, papers, or other documents, the
33 examining body may present its petition to any court of record, setting forth
34 the facts. Thereupon, the court shall, in a proper case, issue its subpoena to
35 the person, requiring his attendance before the court and there to testify or
36 produce such books, papers, and documents as may be deemed necessary and

1 pertinent. Any person failing or refusing to obey the subpoena or order of the
2 court may be proceeded against in the same manner as for refusal to obey any
3 other subpoena.

4 (c) The examining body or any committee thereof shall be entitled to
5 the services of the Attorney General and the services of the prosecuting
6 attorneys for the county and district in which enforcement is required. The
7 examining body shall have the power to employ legal advice deemed necessary
8 for the proper conduct of its affairs.

9 (d)(1) Once a complaint has been received in the board office, the
10 board shall first send an advisory notice to the person or entity allegedly
11 committing the violation, informing the person or entity of the violation; a
12 copy of the law or regulation being violated; and a statement notifying its
13 person or entity that they must reply to the Board. The advisory notice shall
14 be sent by certified mail with restricted delivery. The board shall take
15 appropriate action upon receiving the reply.

16 (2) If the person or entity fails to respond to the advisory
17 notice, the board shall send a second notice advising the person or entity
18 that if they do not respond within five (5) days, the board, in accordance
19 with (d)(3) will hold a hearing on the alleged violation. The notice shall be
20 sent by certified mail with restricted delivery. The board shall take
21 appropriate action upon receiving the reply.

22 (3) If the person or entity fails to respond to the second notice
23 or if the Board determines there is a violation of this chapter and/or rules
24 and regulations promulgated thereunder after the advisory or second notice is
25 sent, the board shall prepare an Order and Notice of Hearing advising the
26 person or entity of the date for the hearing to be held by the Board. The
27 Order and Notice of Hearing shall be sent by certified mail with restricted
28 delivery.

29 (4) The board may, after providing notice and a hearing, levy
30 civil penalties, in an amount not to exceed ~~one thousand dollars (\$1,000)~~ five
31 thousand dollars (\$5,000) for each violation, against those individuals or
32 entities found to be in violation of this chapter or rules and regulations
33 promulgated thereunder, ~~with each day of violation to constitute a distinct~~
34 ~~and separate offense.~~

35 (1)(A) All revenue received under this section shall be
36 deposited in one (1) or more financial institutions in the state and shall be

1 used for the purposes of defraying the expenses of the board as required for
2 carrying out the provisions of this chapter.

3 ~~(2)(B)~~ These penalties shall be in addition to other
4 penalties which may be imposed by the board pursuant to this chapter.

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

9 (D) All actions taken by the State Board of Architects
10 shall comply with the Administrative Procedure Act."

11
12 SECTION 3. Arkansas Code 17-15-302 is amended to read as follows:

13 "(a) The following shall be exempt from the provisions of this chapter:

14 (1) Professional engineers duly licensed or registered, but only
15 insofar as concerns work incidental to engineering practice, provided such
16 persons do not use the designation 'architect' or any term derived therefrom;

17 (2) Employees of those lawfully practicing architecture, who are
18 acting under the instruction, control, or supervision of their employer;

19 (3) Officers and employees of the Government of the United States
20 while engaged within this state in the practice of architecture for said
21 government;

22 (4) Residents of this state who do not use the title 'architect'
23 or any term derived therefrom, who act as designers for:

24 (A) Buildings that are to be constructed for personal use,
25 such as residences, if such buildings are not intended or adaptable for public
26 employment, assembly, or any other use under which they will be open to the
27 public;

28 (B) Single family detached, duplex, triplex, and quadruplex
29 dwellings; or

30 (C) ~~Buildings that are constructed at a cost whose total~~
31 cumulative and fair market value to complete, not including site, ~~of~~ does not
32 to exceed ~~seventy-five thousand dollars (\$75,000)~~ one hundred thousand dollars
33 (\$100,000); and

34 (5) Owners and employees of planing mills, woodworking
35 establishments, sash and door manufacturers, and jobbers in the designing,
36 planning, detailing, and preparation of data on millwork, woodwork, and

1 cabi network, provided they do not use the designation 'architect' or any term
2 derived therefrom.

3 (b)(1) The terms of this chapter shall not apply to:

4 (A) Any public school district exempted from the provisions
5 of this chapter; or

6 (B) Every public school district embracing a city with a
7 population in excess of thirty thousand (30,000), which maintains a full-time
8 superintendent of buildings with engineering and architectural experience.

9 (2) This exception shall only apply:

10 (A) ~~If the total cumulative and fair market value to~~
11 complete the repair and maintenance of buildings already constructed, and
12 alterations thereof does not exceed the sum of one hundred thousand dollars
13 (\$100,000); and

14 (B) ~~If the total cumulative and fair market value to~~
15 complete the new structures that will not exceed ~~in cost~~ the sum of one
16 hundred thousand dollars (\$100,000).

17 (c) The provisions of this chapter shall not apply to any public school
18 district, place of assembly, daycare, church, or building not more than one
19 (1) story high where:

20 (1) ~~the cost of~~ The total cumulative and fair market value to
21 complete the building, alteration, or structure does not exceed the sum of one
22 hundred thousand dollars (\$100,000); and

23 (2) The plans are approved by the State Fire Marshal."

24
25 SECTION 4. Arkansas Code 17-15-305 is amended to read as follows:

26 "17-15-305. Certification generally.

27 (a) The examining body shall issue a certificate of registration and
28 license, upon payment of the proper fee as provided for in this chapter, to
29 any applicant who:

30 (1) In the opinion of the examining body, has satisfactorily met
31 all the requirements of this chapter; or

32 (2) Has been previously issued certificates of registration and
33 license by an examining body created pursuant to legislative enactment of the
34 State of Arkansas. Certificates shall show a serial number and the full name
35 of the registrant and shall bear the signatures of the president and secretary
36 and the seal of the examining body.

1 (b) Issuance of a certificate of registration by the examining body
2 shall be evidence that the person named therein is entitled to all the rights
3 and privileges of a registered architect while the certificate remains
4 unexpired and unrevoked. Certification shall be synonymous with registration,
5 with the full meaning and effect of a license to practice architecture.

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

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

10 (e) Upon issuing the initial certificate of registration, the Board
11 shall include a copy of Arkansas Architectural Act. The licensee shall return
12 a signed form stating that he has read and understands the Arkansas
13 Architectural Act to the Board."

14
15 SECTION 5. Arkansas Code 17, Chapter 15, Subchapter 3 is amended by
16 adding the following section to be appropriately numbered by the Arkansas Code
17 Revision Commission:

18 "Nothing in this chapter shall be construed to prevent:

19 (1) A non-resident, who holds the certification issued by the National
20 Council of Architectural Registration Boards (NCARB), from offering to render
21 the professional services involved in the practice of architecture provided
22 that for every project the person is involved in, he or she notifies the Board
23 in writing that:

24 (A) He or she holds an NCARB certificate and is not
25 currently registered in Arkansas, but will be present in Arkansas for the
26 purposes of offering to render architectural services for a single project;

27 (B) He or she will deliver a copy of the notice referred to
28 in subdivision (1)(A) to every potential client to whom the applicant offers
29 to render architectural services; and

30 (C) He or she promises to apply within thirty (30) days to
31 the Board for registration if selected as the architect for the project;

32 (2) A person, who holds the certification issued by the NCARB but
33 who is not currently registered in Arkansas, from seeking an architectural
34 commission by participating in a single architectural design competition for a
35 project in Arkansas, provided that for every project the person is involved
36 in, the person notifies the Board in writing that:

