

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.

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4 By: Senators P. Malone, Salmon  
5  
6

*As Engrossed: S3/23/09*

# A Bill

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.  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

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.

36 (b) For purposes of this act, the Arkansas State Board of Architects,



1 Landscape Architects, and Interior Designers shall be considered a principal  
 2 department established by Acts 1971, No. 38.

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

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

11  
 12 SECTION 4. Arkansas Code § 17-15-102 is amended to read as follows:  
 13 17-15-102. Definitions.

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

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

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

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

23 ~~(4)~~(3)(A) "Good moral character" means character ~~which~~ that will  
 24 enable a person to discharge the fiduciary duties of an architect to his or  
 25 her client and to the public for the protection of health, safety, and  
 26 welfare.

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

30 ~~(5)~~(4)(A)(i) "Practice of architecture" means the provision of,  
 31 or offering to provide, ~~those services hereinafter described~~ in connection  
 32 with the design and construction, enlargement, or alteration of a building or  
 33 group of buildings, and the space within and surrounding such buildings,  
 34 which is designed for human occupancy or habitation.

35 (ii) The services referred to include:

36 (a) ~~planning,~~ Planning;

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

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

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

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

21                                    ~~(6)(5)~~ (5) "Registered architect" means an architect holding a  
 22 current registration in the State of Arkansas;

23                                    ~~(7)(6)~~ (6) "Registration" means the certificate of registration  
 24 issued by the ~~examining body~~ Arkansas State Board of Architects, Landscape  
 25 Architects, and Interior Designers; and

26                                    ~~(8)(7)~~ (7) "Technical submissions" means drawings, specifications,  
 27 studies, and other technical reports prepared in the course of practicing  
 28 architecture.

29  
 30                                    SECTION 5. Arkansas Code § 17-15-104(b), concerning legal assistance  
 31 for the Arkansas State Board of Architects, is amended to read as follows:

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

1 require.

2

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

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

10

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

13 17-15-201. Members.

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

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

18 ~~(2)(A) Seven (7) Nine (9) members, appointed by the Governor and~~  
19 ~~confirmed by the Senate for terms of five (5) years, or until their~~  
20 ~~successors are duly appointed and qualified. The American Institute of~~  
21 ~~Architects—Arkansas Chapter shall recommend three (3) members of the~~  
22 ~~Arkansas chapter who are in good standing for appointment on the examining~~  
23 ~~body. The Governor is strongly encouraged to appoint the members nominated by~~  
24 ~~the American Institute of Architects—Arkansas Chapter.~~

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

27 ~~(B)(2) Of the seven (7) members appointed by the Governor,~~  
28 ~~five Five (5) members shall be citizens of the United States, residents of~~  
29 ~~this state, and architects of recognized standing who have been engaged in~~  
30 ~~the independent practice of architecture for at least ten (10) years prior to~~  
31 ~~before appointment.~~

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

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

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

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

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

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

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

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

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

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

30  
31                   17-15-202. Organization and proceedings.

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

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

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

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

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

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

14  
 15 17-15-203. Duties and powers.

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

21 (2) ~~and The board~~ may bring suit in its proper name to  
 22 enforce, or restrain the violation of, any provision of this chapter, § 17-  
 23 35-101 et seq., and § 17-36-101 et seq.

24 (b)(1) In carrying into effect the provisions of this chapter, § 17-  
 25 35-101 et seq., and § 17-36-101 et seq., the ~~examining body board~~, under the  
 26 hand of its president and the seal of the ~~examining body board~~, may:

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

29 (B) ~~may require~~ Require the production of books,  
 30 papers, documents, etc., in ~~any a~~ a case involving revocation of registration.

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

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

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

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

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

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

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

29                    (3) ~~If the person or entity fails to respond to the second~~  
30 ~~notice or if the examining body determines that there is a violation of this~~  
31 ~~chapter or the rules and regulations promulgated thereunder, or both, after~~  
32 ~~the advisory or second notice is sent, the examining body shall prepare an~~  
33 ~~order and notice of hearing advising the person or entity of the date for the~~  
34 ~~hearing to be held by the examining body. The order and notice of hearing~~  
35 ~~shall be sent by certified mail with restricted delivery.~~

36                    ~~(4)(2)(A)(i)~~ After providing notice and a hearing, the ~~examining~~

1 ~~body board~~ may levy civil penalties, in an amount not to exceed five thousand  
2 dollars (\$5,000) for each violation, against those individuals or entities  
3 found to be in violation of this chapter, § 17-35-101 et seq., § 17-36-101 et  
4 seq., or rules ~~and regulations~~ promulgated thereunder.

5 (ii) All revenue received under this section shall  
6 be deposited in one (1) or more financial institutions in the state and shall  
7 be used for the purposes of defraying the expenses of the ~~examining body~~  
8 board as required for carrying out the provisions of this chapter, § 17-35-  
9 101 et seq., and § 17-36-101 et seq.

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

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

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

20  
21 17-15-204. Records and reports.

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

25 (1) Name, age, and residence of the applicant;

26 (2) Date of application;

27 (3) Educational and other qualifications;

28 (4) Whether or not an examination was required;

29 (5) Whether the applicant was rejected;

30 (6) Whether a certificate of registration was granted;

31 (7) Date of the action of the ~~examining body board~~; and

32 (8) Any other information as may be deemed necessary by the  
33 ~~examining body board~~.

34 (b) A roster showing the names, ~~residences~~ addresses, and places of  
35 business of all registered architects, registered landscape architects, and  
36 registered interior designers shall be prepared by the secretary of the



1 ~~examining body board~~ at least once each year. ~~Copies of this roster shall be~~  
2 ~~mailed to each person so registered and placed on file with the Secretary of~~  
3 ~~State. Copies shall also be furnished to any public officials of this state~~  
4 ~~upon request.~~

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

10  
11 17-15-205. Continuing education.

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

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

22  
23 SECTION 8. Arkansas Code § 17-15-305 is amended to read as follows:

24 17-15-305. Certification generally.

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

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

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

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

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

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

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

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

12 (e) Upon issuing the initial certificate of registration, the  
13 ~~examining body board~~ shall include a copy of the Arkansas Architectural Act,  
14 § 17-15-101 et seq. The licensee shall return a signed form to the ~~examining~~  
15 ~~body board~~ stating that he or she has read and understands the Arkansas  
16 Architectural Act, § 17-15-101 et seq.

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

19 ~~17-15-306. Associate architects—Temporary license.~~

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

26 ~~(1) The requirements for the registration of architects under~~  
27 ~~which the certificate of registration was issued do not contravene the~~  
28 ~~provisions of this chapter and are deemed the equivalent of requirements for~~  
29 ~~registration in this state by examination; and~~

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

32 ~~(b) Upon application therefor and the payment of a fee equivalent to~~  
33 ~~that required for a regular written examination and certificate, the~~  
34 ~~examining body may issue a temporary certificate or license to any person~~  
35 ~~filing with the examining body a copy of a contract of association with a~~  
36 ~~licensed architect, in which contract the architect previously registered~~

1 ~~assumes responsibility for the professional acts, omissions, or failures to~~  
2 ~~act of his or her associate.~~

3 ~~The term and scope of the temporary license shall not~~  
4 ~~extend beyond the term and scope of the contract and shall be renewable~~  
5 ~~yearly the same as other licenses.~~

6 ~~In the event of termination of the contract, the temporary~~  
7 ~~license shall terminate.~~

8  
9 SECTION 10. Arkansas Code §§ 17-15-308 through 17-15-312 are amended  
10 to read as follows:

11 17-15-308. Grounds for revocation.

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

15 (1) ~~That the~~ The holder of the certificate of registration or  
16 ~~certificate of~~ license is practicing in violation of this chapter or of the  
17 proper rules and regulations of the ~~examining body~~ board governing this  
18 chapter;

19 (2) ~~That the~~ The license or certificate of registration has been  
20 obtained by fraud or misrepresentation or the person named therein has  
21 obtained it by fraud or misrepresentation;

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

24 (4) ~~That the~~ The holder of the license or certificate of  
25 registration is falsely impersonating a practitioner or former practitioner  
26 of a like or different name or is practicing under an assumed or fictitious  
27 name;

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

30 (6) ~~That the~~ The holder of the license or certificate of  
31 registration has aided or abetted in the practice of architecture ~~any a~~  
32 person not duly authorized to practice architecture under ~~the provisions of~~  
33 this chapter;

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

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

4           (9) ~~That the~~ The holder of the license or certificate of  
5 registration affixed, or permitted to be affixed, his or her seal or name to  
6 any plans, specifications, drawings, or related documents which were not  
7 prepared by him or her or under his or her responsible supervisory control;  
8 or

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

12  
13           17-15-309. Revocation proceedings.

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

16           (2) The charges shall be:

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

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

20                   (C) ~~shall be filed~~ Filed with the Secretary of the  
21 Arkansas State Board of Architects, Landscape Architects, and Interior  
22 Designers.

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

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

28           (2) A copy of the charges, together with a notice of the  
29 time and place of hearing, shall be personally served on the registrant  
30 accused or shall be mailed to the registrant at his or her last known address  
31 at least thirty (30) days before the date fixed for the hearing.

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

34                   (A) ~~appear~~ Appear personally and by counsel;

35                   (B) ~~to cross-examine~~ Cross-examine witnesses  
36 appearing against him or her; and

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

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

7  
8           17-15-310. Reissuance of certificate of registration.

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

16  
17           17-15-311. Fees.

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

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

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

29           (3) For annual renewal of the registration certificate, an  
30 amount to be fixed by the ~~examining body which board that~~ shall at no time  
31 exceed the sum of ~~one~~ two hundred fifty dollars ~~(\$100)~~ (\$250);

32           (4) For the restoration of a revoked certificate of registration  
33 or revoked corporate registration, an amount to be fixed by the ~~examining~~  
34 ~~body which board that~~ shall at no time exceed the annual renewal fees in  
35 effect plus a penalty of fifty dollars (\$50.00) for each month for the first  
36 three (3) months during which time the certificate of registration or

1 corporation registration has been revoked. Thereafter, an additional penalty  
 2 of one hundred dollars (\$100) for the balance of one (1) year for a maximum  
 3 penalty of two hundred fifty dollars (\$250) per year for a maximum of three  
 4 (3) years; and

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

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

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

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

13 (ii) Has retired; and

14 (iii) Does not practice architecture.

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

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

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

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

25  
 26 17-15-312. Practice by architect not registered in Arkansas.

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

28 (1) A nonresident who holds the certification issued by the  
 29 National Council of Architectural Registration Boards from offering to render  
 30 the professional services involved in the practice of architecture, ~~provided~~  
 31 ~~that~~ if for every project the person is involved in, he or she notifies the  
 32 Arkansas State Board of Architects, Landscape Architects, and Interior  
 33 Designers in writing that he or she:

34 (A) ~~He or she holds~~ Holds a National Council of  
 35 Architectural Registration Boards certificate and is not currently registered  
 36 in Arkansas but will be present in Arkansas for the purposes of offering to

1 render architectural services for a single project;

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

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

9 (2) A person who holds the certification issued by the National  
10 Council of Architectural Registration Boards but who is not currently  
11 registered in Arkansas from seeking an architectural commission by  
12 participating in a single architectural design competition for a project in  
13 Arkansas, ~~provided that~~ if for every project the person is involved in, the  
14 person notifies the ~~examining body~~ Arkansas State Board of Architects,  
15 Landscape Architects, and Interior Designers in writing that:

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

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

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

27 (3)(A) A person who is not currently registered in this  
28 state but who is currently registered in another jurisdiction from providing  
29 uncompensated professional services at the scene of an emergency at the  
30 request of a public officer, public safety officer, or municipal or county  
31 building inspector acting in an official capacity.

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

36 (4) Individuals who possess a professional degree in

1 architecture and are enrolled in the Intern Development Program of the  
2 National Council of Architectural Registration Boards or under the  
3 jurisdiction of the Arkansas State Board of Architects, Landscape Architects,  
4 and Interior Designers may use the title “Architectural Intern” or “Intern  
5 Architect” to identify themselves.

6  
7 SECTION 11. Arkansas Code §§ 17-35-101 through 17-35-105 are amended  
8 to read as follows:

9 17-35-101. Short title.

10 Sections 17-35-101 – ~~17-35-106~~ 17-35-105, ~~17-35-201~~, ~~17-35-202~~, and 17-  
11 35-301 – 17-35-304 may be cited as the “Arkansas Interior Designers Title  
12 Registration Act”.

13  
14 17-35-102. Purpose.

15 The purpose of §§ 17-35-101 – ~~17-35-106~~ 17-35-105, ~~17-35-201~~, ~~17-35-~~  
16 ~~202~~, and 17-35-301 – 17-35-304 is to register and regulate persons known as  
17 registered interior designers, in the public interest, and to prohibit the  
18 use of the title of “registered interior designer” by persons who are not  
19 registered.

20  
21 17-35-103. Definitions.

22 (a) ~~In As used in §§ 17-35-101 – 17-35-106~~ 17-35-105, ~~17-35-201~~, ~~17-~~  
23 ~~35-202~~ 17-15-201 et seq., and 17-35-301 – 17-35-304+,

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

26 ~~(2)(A) “Registered registered interior designer” means a person~~  
27 ~~registered under §§ 17-35-101 – 17-35-106~~ 17-35-105, ~~17-35-201~~, ~~17-35-202~~ 17-  
28 15-201 et seq., and 17-35-301 – 17-35-304.

29 ~~(B)(i)(b)(1)~~ A registered interior designer is a design  
30 professional who is qualified by education, experience, and examination as  
31 authorized by an authority.

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

36 ~~(C)(c)~~ Except as provided herein, interior design services



1 do not include services that constitute the practice of architecture as  
 2 defined in the Arkansas Architectural Act, § 17-15-101 et seq., or the  
 3 practice of engineering as defined in the Arkansas Engineering Act, § 17-30-  
 4 101 et seq.

5  
 6 17-35-104. Exemptions – Use of the title.

7 (a) Sections 17-35-101 – ~~17-35-106~~ 17-35-105, ~~17-35-201~~, ~~17-35-202~~ 17-  
 8 15-201 et seq., and 17-35-301 – 17-35-304 ~~shall~~ do not apply to persons  
 9 holding themselves out as “interior decorators” or offering “interior  
 10 decorating services”, such as selection or assistance in selecting surface  
 11 materials, window treatments, wall coverings, paint, floor coverings,  
 12 surface-mounted lighting, or loose furnishings not subject to regulation  
 13 under applicable building codes.

14 (b) Sections 17-35-101 – ~~17-35-106~~ 17-35-105, ~~17-35-201~~, ~~17-35-202~~,  
 15 and 17-35-301 – 17-35-304 ~~shall~~ do not apply to architects licensed by the  
 16 Arkansas State Board of Architects, Landscape Architects, and Interior  
 17 Designers provided that such architects do not refer to themselves as  
 18 “registered interior designers” unless registered by §§ 17-35-101 – 17-35-105  
 19 ~~17-35-106~~, ~~17-35-201~~, ~~17-35-202~~, and 17-35-301 – 17-35-304.

20 (c) Nothing contained in §§ 17-35-101 – ~~17-35-106~~ 17-35-105, ~~17-35-~~  
 21 ~~201~~, ~~17-35-202~~ 17-15-201 et seq., and 17-35-301 – 17-35-304 shall prevent any  
 22 person from rendering interior design services, provided such a person does  
 23 not use the title of “registered interior designer” unless registered under  
 24 §§ 17-35-101 – ~~17-35-106~~ 17-35-105, ~~17-35-201~~, ~~17-35-202~~ 17-15-201 et seq.,  
 25 and 17-35-301 – 17-35-304.

26  
 27 17-35-105. Penalties.

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

29 (1) Use the title of “registered interior designer”, unless  
 30 registered under §§ 17-35-101 – ~~17-35-106~~ 17-35-105, ~~17-35-201~~, ~~17-35-202~~ 17-  
 31 15-201 et seq., and 17-35-301 – 17-35-304;

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

33 (3) Give false or forged evidence to the ~~State Board of~~  
 34 Registered Interior Designers Arkansas State Board of Architects, Landscape  
 35 Architects, and Interior Designers or any member thereof in obtaining a  
 36 registration;

1 (4) Falsely impersonate any other practitioner of like or  
2 different name;

3 (5) Use or attempt to use a registration that has been revoked;  
4 or

5 (6) Otherwise violate any of the provisions of §§ 17-35-101 –  
6 ~~17-35-106~~ 17-35-105, ~~17-35-201~~, ~~17-35-202~~ 17-15-201 et seq., and 17-35-301 –  
7 17-35-304.

8  
9 SECTION 12. Arkansas Code § 17-35-106 is repealed.

10 ~~17-35-106. — Disposition of funds.~~

11 ~~(a) — All moneys collected by the board under §§ 17-35-101 — 17-35-106,~~  
12 ~~17-35-201, 17-35-202, and 17-35-301 — 17-35-304 shall be deposited into a~~  
13 ~~financial institution in this state designated by the State Board of~~  
14 ~~Registered Interior Designers.~~

15 ~~(b) — No general revenues of this state shall be appropriated to the~~  
16 ~~board.~~

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

19 ~~17-35-201. Creation — Members.~~

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

21 ~~(b)(1) — The board shall consist of seven (7) members. Of the seven (7)~~  
22 ~~members of the board:~~

23 ~~(A) — Five (5) shall be registered interior designers, one~~  
24 ~~(1) of whom may be a professional full-time design educator, registered or~~  
25 ~~unregistered;~~

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

28 ~~(C) — One (1) shall be a consumer.~~

29 ~~(2) — Members shall be appointed for terms of five (5) years in~~  
30 ~~such a manner that the terms of not more than two (2) members expire in one~~  
31 ~~(1) year.~~

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

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

35 ~~(c)(1) — A majority of the members on the board shall constitute a~~  
36 ~~quorum.~~

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

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

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

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

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

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

15  
16          ~~17-35-202. Powers and duties of the board.~~

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

18           ~~(1) Shall administer, coordinate, and enforce the provisions of;~~  
19 ~~§§ 17-35-101—17-35-106, 17-35-201, 17-35-202, and 17-35-301—17-35-304~~

20           ~~(2) May investigate allegations of misconduct and suspend~~  
21 ~~registrations concerning the provisions of §§ 17-35-101—17-35-106, 17-35-~~  
22 ~~201, 17-35-202, and 17-35-301—17-35-304;~~

23           ~~(3) Shall adopt regulations in the manner prescribed by the~~  
24 ~~Arkansas Administrative Procedure Act, § 25-15-201 et seq., to carry out the~~  
25 ~~purposes and policies of §§ 17-35-101—17-35-106, 17-35-201, 17-35-202, and~~  
26 ~~17-35-301—17-35-304, including regulations relating to professional~~  
27 ~~conduct, standards of performance and professional examination and~~  
28 ~~registration, registration renewal requirements, application, renewal, and~~  
29 ~~late fees, suspension and revocation of registrations, and the establishment~~  
30 ~~of a code of ethics for persons registered under §§ 17-35-101—17-35-106,~~  
31 ~~17-35-201, 17-35-202, and 17-35-301—17-35-304;~~

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

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

36           ~~(6) Shall maintain an official roster showing the name, address,~~

1 and registration number of each interior designer registered under §§ 17-35-  
2 101—17-35-106, 17-35-201, 17-35-202, and 17-35-301—17-35-304;

3 (7) ~~Shall require registrants to display their registration~~  
4 ~~numbers on all business and advertising instruments, including business~~  
5 ~~eards, stationery, and contracts;~~

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

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

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

12 (11) ~~Shall do all things reasonable and necessary to carry out~~  
13 ~~the purposes of §§ 17-35-101—17-35-106, 17-35-201, 17-35-202, and 17-35-301~~  
14 ~~—17-35-304.~~

15  
16 SECTION 14. Arkansas Code §§ 17-35-301 through 17-35-304 are amended  
17 to read as follows:

18 17-35-301. Registration of interior designers.

19 (a) It is unlawful for ~~any~~ a person who is not registered under §§ 17-  
20 35-101 – ~~17-35-106~~ 17-35-105, ~~17-35-201, 17-35-202~~ 17-15-201 et seq., and 17-  
21 35-301 – 17-35-304 as an interior designer to advertise as a registered  
22 interior designer or to use the title of “registered interior designer” or  
23 any other words, letters, figures, or other devices for the purpose of  
24 implying, directly or indirectly, that the person is registered under §§ 17-  
25 35-101 – ~~17-35-106~~ 17-35-105, ~~17-35-201, 17-35-202~~ 17-15-201 et seq., and 17-  
26 35-301 – 17-35-304.

27 (b) It is unlawful for ~~any~~ a company, partnership, association,  
28 corporation, or other similar organization, after January 1, 1994, to  
29 advertise that it is in a position to provide the services of a registered  
30 interior designer unless the persons providing ~~such~~ the services are in the  
31 responsible charge of a registered interior designer.

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

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

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

3 (3) Has passed or supplied proof of passage of the examination  
4 required by §§ 17-35-101 – ~~17-35-106~~ 17-35-105, ~~17-35-201, 17-35-202~~ 17-15-  
5 201 et seq., and 17-35-301 – 17-35-304; and

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

8  
9 17-35-302. Requirements for registration.

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

13 (1)(A) Has ~~taken and~~ passed the examination prepared and  
14 administered by the National Council for Interior Design Qualification  
15 ~~examination~~ or its ~~predecessor examinations produced by the American~~  
16 ~~Institute of Interior Designers and by the national Society of Interior~~  
17 ~~Designers~~ successor in interest.

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

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

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

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

30 (b) Each interior design program must be accredited by the ~~Foundation~~  
31 ~~for Interior Design Education Research~~ Council for Interior Design  
32 Accreditation or its successor in interest or be an interior design program  
33 of an institution accredited by the North Central Association of Colleges and  
34 Schools, or a program determined by the board to be substantially equivalent  
35 to such accredited programs.

36 (c) ~~Six (6) years from the date of passage, completion of a monitored~~

1 ~~internship development program may be required as part or all of the~~  
2 ~~diversified interior design experience requirement.~~

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

13 ~~(e)(d)~~ Every registration shall expire annually on a day designated by  
14 the board.

15  
16 17-35-303. Registration renewal.

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

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

25  
26 17-35-304. Seal of interior designer.

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

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

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

36 (b) *No registered interior designer shall affix, or permit to be*

1 *affixed, his or her seal or signature to any plan, specification, drawing, or*  
2 *other document which depicts work which he or she is not competent or*  
3 *certified to perform.*

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

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

13 (e) *No registered interior designer shall affix his or her signature*  
14 *or seal to any plan, specifications, or other document which was not prepared*  
15 *by him or her or under his or her responsible supervising control or by*  
16 *another interior designer and reviewed, approved, or modified and adopted by*  
17 *him or her as his or her own work according to the rules adopted by the*  
18 *board.*

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

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

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

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

32  
33 SECTION 15. Arkansas Code Title 17, Chapter 35, Subchapter 3 is  
34 amended to add an additional section to read as follows:

35 17-35-305. Grounds for revocation.

36 The Arkansas State Board of Architects, Landscape Architects, and

1 Interior Designers may deny, suspend, or revoke the registration of a  
2 registered interior designer upon proof that:

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

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

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

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

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

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

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

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

21 (9) The holder of the registration has committed gross unprofessional  
22 conduct; or

23 (10) The holder of the registration has:

24 (A) Had a professional license or registration suspended or  
25 revoked;

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

28 (C) Surrendered or did not renew a professional license or  
29 registration after the initiation of any investigation or proceeding by such  
30 a body.

31  
32 SECTION 16. Arkansas Code §§ 17-36-101 through 17-36-105 are amended  
33 to read as follows:

34 17-36-101. Title.

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



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17-36-102. Definitions.

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

(1) ~~“Board” means the Arkansas State Board of Landscape~~  
~~Architects;~~

~~(2)~~(A) “Landscape architecture” means:

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

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

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

(iv) Environmental planning; and

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

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

~~(3)~~(2) “Landscape designer” means a person who makes plans or  
drawings for the selection, placement, or use of plants when the execution of  
such plans or drawings does not affect the public health, safety, or welfare.

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

(c) This chapter shall not be construed to:

(1) Implicitly amend the definition of “practice of engineering”  
in § 17-30-101 or otherwise limit the scope of the practice of engineering by

1 engineers registered with the State Board of Registration for Professional  
2 Engineers and Land Surveyors; or

3 (2) Implicitly amend the definition of “practice of  
4 architecture” in § 17-15-102 or otherwise limit the scope of the practice of  
5 architecture by architects registered and licensed by the Arkansas State  
6 Board of Architects, Landscape Architects, and Interior Designers.

7  
8 17-36-103. Penalties.

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

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

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

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

16 (4) Falsely impersonate any other practitioner of like or  
17 different name;

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

19 (6) Otherwise violate any of the provisions of this chapter or §  
20 17-15-201 et seq.; or

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

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

26  
27 17-36-104. Enforcement.

28 ~~(a)~~ It ~~shall be~~ is the duty of all duly constituted officers of the  
29 law of this state and all political subdivisions thereof to enforce the  
30 provisions of this chapter and to prosecute ~~any a~~ a person violating the  
31 provisions thereof.

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

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17-36-105. Injunctions.

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

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

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

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

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

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

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

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

~~(b) Appointments shall be for six-year terms or, in the event of vacancies, for the period of the unexpired term of the vacancy being filled.~~

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

~~(d) The Governor, by due process of law, may remove any member of the board for misconduct, incompetency, or neglect of duty, or for any~~

1 ~~malfeasance in office.~~

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

5  
6 ~~17-36-202. — Meetings.~~

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

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

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

15  
16 ~~17-36-203. — Officers — Quorum.~~

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

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

23  
24 ~~17-36-204. — Powers and duties.~~

25 ~~(a) The Arkansas State Board of Landscape Architects may do all things~~  
26 ~~necessary and convenient for carrying into effect the provisions of this~~  
27 ~~chapter and may from time to time adopt necessary or desirable rules and~~  
28 ~~regulations in accordance with the Arkansas Administrative Procedure Act, §~~  
29 ~~25-15-201 et seq.~~

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

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

34 ~~(d) After providing notice and a hearing, the board may levy civil~~  
35 ~~penalties in an amount not to exceed one thousand dollars (\$1,000) for each~~  
36 ~~violation against those persons found to be in violation of this chapter or~~

1 ~~rules and regulations promulgated thereunder, with each day of violation to~~  
2 ~~constitute a distinct and separate offense. These penalties shall be in~~  
3 ~~addition to other penalties which may be imposed by the board pursuant to~~  
4 ~~this chapter.~~

5 ~~(e) Unless the penalty assessed under this section is paid within~~  
6 ~~fifteen (15) calendar 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 the penalty not paid.~~

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

13  
14 ~~17-36-205. — Records and reports.~~

15 ~~(a) The Arkansas State Board of Landscape Architects shall keep a~~  
16 ~~record of its proceedings and a register of all applications. The register~~  
17 ~~shall show:~~

- 18 ~~(1) The name, age, and residence of each applicant;~~  
19 ~~(2) The date of the application;~~  
20 ~~(3) The place of business of the applicant;~~  
21 ~~(4) The applicant's education and other qualifications;~~  
22 ~~(5) Whether or not an examination was required;~~  
23 ~~(6) Examination scores;~~  
24 ~~(7) Whether the applicant was rejected;~~  
25 ~~(8) Whether a license was granted;~~  
26 ~~(9) The date of action of the board; and~~  
27 ~~(10) Other information that may be deemed necessary by the~~

28 ~~board.~~

29 ~~(b) A transcript of the records of the board, duly certified by the~~  
30 ~~board, shall be admissible in evidence with the same force and effect as if~~  
31 ~~the originals were produced.~~

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

34  
35 ~~17-36-206. — Disposition of funds.~~

36 ~~(a) The administration of this chapter shall not depend on the use of~~

1 funds provided by the State of Arkansas.

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

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

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

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

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

17  
 18 ~~17-36-207. — Continuing education.~~

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

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

28  
 29 SECTION 18. Arkansas Code §§ 17-36-301 through 17-36-308 are amended  
 30 to read as follows:

31 17-36-301. License or permit required.

32 (a)(1) ~~No~~ A person shall not perform or offer to perform, either  
 33 directly or indirectly, landscape architectural services or assume or use the  
 34 title or designation of "landscape architect" unless the person ~~shall have~~  
 35 has secured from the Arkansas State Board of Landscape Architects, Landscape  
 36 Architects, and Interior Designers a license as a landscape architect ~~in the~~

1 ~~manner provided in~~ under this subchapter and shall thereafter comply with the  
2 provisions of this chapter and § 17-15-201 et seq.

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

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

7  
8 17-36-302. Application.

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

13  
14 17-36-303. Examination.

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

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

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

18 (3) ~~pass~~ Pass an examination covering the matters  
19 confronting landscape architects, ~~which shall either be~~ that is prepared by:

20 (A) ~~the~~ The Arkansas State Board of ~~Landscape~~  
21 Architects, Landscape Architects, and Interior Designers; or

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

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

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

28 (2) Hold a degree in a field related to landscape architecture  
29 as determined by the board and have four (4) years of experience in landscape  
30 architecture satisfactory to the board; or

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

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

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

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

7  
 8 17-36-304. Reciprocity.

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

14  
 15 17-36-305. Fees – Penalty for nonpayment.

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

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

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

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

29 ~~(i)(ii)~~ (ii) The annual license fee ~~as provided in~~ under  
 30 subdivision (a)(1) of this section; and

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

34 (C) A landscape architect who does not renew his or her  
 35 license within thirty (30) calendar days after the expiration of the prior  
 36 year's license shall pay a late fee not to exceed fifty dollars (\$50.00) each



1 month or part thereof not to exceed ninety (90) calendar days after the  
2 expiration date.

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

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

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

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

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

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

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

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

30 ~~(3)~~(4) The fee for a duplicate certificate shall not exceed one  
31 hundred dollars (\$100).

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

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

36 (2) have Have retired;; and

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

2

3           17-36-306. Grounds for revocation.

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

7           (1) The holder of the license is practicing in violation of this  
8 chapter or in violation of the proper rules ~~and regulations~~ of the board  
9 governing this chapter;

10           (2) The license or certificate has been obtained by fraud or  
11 misrepresentation or the person named therein has obtained it by fraud or  
12 misrepresentation;

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

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

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

20           (6) The holder of the license or certificate has been guilty of  
21 fraud or deceit or of gross negligence or misconduct in the practice of  
22 landscape architecture;

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

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

29           (9) The holder of the license has committed gross unprofessional  
30 conduct; or

31           (10) The holder of the license has:

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

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

36                   (C) Surrendered or did not renew a professional license

1 after the initiation of any investigation or proceeding by such a body.

2  
3 17-36-307. Revocation proceedings.

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

7 (A) In writing;

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

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

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

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

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

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

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

23 (1) Suspension, revocation, or denial of the license or renewal  
24 thereof;

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

26 (3) Require completion of appropriate educational programs or  
27 courses;

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

29 (5) Place conditions or restrictions upon the licensee's license  
30 or practice; or

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

34  
35 17-36-308. Reissuance.

36 The Arkansas State Board of ~~Landscape~~ Architects, Landscape Architects,

1 ~~and Interior Designers for reasons it may deem sufficient~~ may reissue a  
 2 license to ~~any~~ a person whose license has been suspended, revoked, or  
 3 surrendered after receipt of a complaint or the initiation of ~~any~~ an  
 4 investigation, ~~provided that~~ if no charges of violation of this chapter are  
 5 pending in ~~any~~ a court of record in this state and ~~that~~ three (3) or more  
 6 members of the board vote in favor of reissuance.

7  
 8 SECTION 19. Arkansas Code § 17-36-310 is amended to read as follows:  
 9 17-36-310. Official seal.

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

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

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

19  
 20 /s/ P. Malone  
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