

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1147

By: Osburn

7
8 COMMITTEE SUBSTITUTE

9
10 An Act relating to professions and occupations;
11 amending 59 O.S. 2011, Sections 46.1, as amended by
12 Section 1, Chapter 234, O.S.L. 2014, 46.2, as amended
13 by Section 2, Chapter 234, O.S.L. 2014, 46.3, as
14 amended by Section 3, Chapter 234, O.S.L. 2014, 46.4,
15 as last amended by Section 1, Chapter 116, O.S.L.
16 2020, 46.7, as last amended by Section 1, Chapter 24,
17 O.S.L. 2015, 46.9, as amended by Section 7, Chapter
18 234, O.S.L. 2014, 46.10, 46.12, 46.14, as last
19 amended by Section 3, Chapter 363, O.S.L. 2019,
20 46.17, 46.18, as amended by Section 10, Chapter 234,
21 O.S.L. 2014, 46.19, 46.21, as amended by Section 12,
22 Chapter 234, O.S.L. 2014, 46.21b, as amended by
23 Section 13, Chapter 234, O.S.L. 2014, 46.24, as last
24 amended by Section 4, Chapter 363, O.S.L. 2019,
 46.25, 46.28, as amended by Section 17, Chapter 234,
 O.S.L. 2014, 46.31, as last amended by Section 5,
 Chapter 363, O.S.L. 2019, 46.34, as amended by
 Section 23, Chapter 234, O.S.L. 2014, 46.38, as
 amended by Section 25, Chapter 234, O.S.L. 2014,
 46.39, as amended by Section 26, Chapter 234, O.S.L.
 2014, 46.40 and 46.41, as amended by Section 27,
 Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2020,
 Sections 46.1, 46.2, 46.3, 46.4, 46.7, 46.9, 46.14,
 46.18, 46.21, 46.21b, 46.24, 46.28, 46.31, 46.34,
 46.38, 46.39 and 46.41), which relate to the State
 Architectural and Registered Interior Designers Act;
 modifying short title; modifying purpose of act;
 modifying various references to name of act;
 modifying definitions; defining terms; re-creating

1 Board of Governors of the Licensed Architects,
2 Landscape Architects and Registered Commercial
3 Interior Designers of Oklahoma; modifying membership
4 of Board; modifying powers and duties of the Board;
5 modifying registration of commercial interior
6 designers; providing for use of interior designer
7 seal; providing exceptions; making certain acts
8 unlawful; prohibiting transfer of registration;
9 providing for restoration of registration; providing
10 for codification; providing an effective date; and
11 declaring an emergency.

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 46.1, as
amended by Section 1, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2020,
Section 46.1), is amended to read as follows:

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

SECTION 2. AMENDATORY 59 O.S. 2011, Section 46.2, as
amended by Section 2, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2020,
Section 46.2), is amended to read as follows:

Section 46.2 In order to safeguard life, health and property
and to promote ~~the~~ public welfare, the professions of architecture,
~~and~~ landscape architecture and registered commercial interior design
are declared to be subject to regulation in the public interest. It
is unlawful for any person to practice or offer to practice
architecture or landscape architecture in this state, as defined in

1 the provisions of the State Architectural and Registered Commercial
2 Interior Designers Act, use in connection with the person's name, or
3 otherwise assume the title of architect, landscape architect or
4 registered commercial interior designer, or advertise any title or
5 description tending to convey the impression that the person is a
6 licensed architect or landscape architect or registered commercial
7 interior designer unless the person is duly licensed or exempt from
8 licensure or registration under the State Architectural and
9 Registered Commercial Interior Designers Act. The practice of
10 architecture and landscape architecture and the use of the titles
11 architect, landscape architect and registered commercial interior
12 designer are privileges granted by the state through the Board of
13 Governors of the Licensed Architects, Landscape Architects and
14 Registered Commercial Interior Designers of Oklahoma based upon the
15 qualifications of the individual as evidenced by a certificate of
16 licensure or registration which shall not be transferable.

17 SECTION 3. AMENDATORY 59 O.S. 2011, Section 46.3, as
18 amended by Section 3, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2020,
19 Section 46.3), is amended to read as follows:

20 Section 46.3 As used in the State Architectural and Registered
21 Commercial Interior Designers Act:

22 1. "Architect" means any person who is licensed in the practice
23 of architecture in the State of Oklahoma as hereinafter defined;
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1 2. "Practice of architecture" means rendering or offering to
2 render certain services, in connection with the design and
3 construction, enlargement or alteration of a building or a group of
4 buildings and the space surrounding such buildings, including
5 buildings which have as their principal purpose human occupancy or
6 habitation. The services referred to include planning, providing
7 preliminary studies, designs, drawings, specifications,
8 investigations and other technical submissions, the administration
9 of construction contracts, and the coordination of any elements of
10 technical submissions prepared by other consultants including, as
11 appropriate and without limitation, consulting engineers and
12 landscape architects; provided, that the practice of architecture
13 shall include such other professional services as may be necessary
14 for the rendering of or offering to render architectural services;

15 3. "Registration" or "license" means a certificate of
16 registration or license issued by the Board. The definition of
17 "license" shall apply to those persons licensed under a practice
18 act. The definition of "registration" shall apply to those persons
19 registered under the title registered commercial interior designer
20 under this act;

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

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1 5. "Board" means the Board of Governors of the Licensed
2 Architects, Landscape Architects and Registered Commercial Interior
3 Designers of Oklahoma;

4 6. "Certificate of authority" means the authorization granted
5 by the Board for persons to practice or offer to practice
6 architecture, or landscape architecture, through a partnership,
7 firm, association, corporation, limited liability company or limited
8 liability partnership;

9 7. "Certificate of title" means the authorization granted by
10 the Board for a partnership, firm, association, corporation, limited
11 liability company or limited liability partnership to use the title
12 registered commercial interior designer or any modification or
13 derivation of these terms;

14 8. "Technical submissions" means drawings, plans,
15 specifications, studies and any other technical reports or documents
16 which are issued in the course of practicing architecture or
17 landscape architecture with the intent that they be considered as
18 formal or final documents but shall not include record drawings.
19 Prototypical plans are not technical submissions;

20 9. "Responsible control" means the amount of direct control and
21 personal supervision of architectural, landscape architectural or
22 registered commercial interior designer's work and detailed
23 knowledge of the content of tactical and technical submissions
24 during their preparation as is ordinarily exercised by licensed

1 architects ~~or~~, landscape architects or registered commercial
2 interior designers applying the required professional standard of
3 care. The terms direct control and personal supervision, whether
4 used separately or together, mean active and personal management of
5 the firm's personnel and practice to maintain charge of, and
6 concurrent direction over, architecture, landscape architecture or
7 the work of a registered commercial interior designer's decisions
8 and the instruments of professional services to which the licensee
9 or registrant affixes the seal, signature, and date;

10 10. "Landscape architect" means a person licensed to practice
11 landscape architecture as provided in the State Architectural and
12 Registered Commercial Interior Designers Act;

13 11. "Landscape architecture" means the performance of
14 professional services defined as teaching, consultations,
15 investigations, reconnaissance, research, planning, design,
16 preparation of construction drawings and specifications,
17 construction observation and the coordination of any elements of
18 technical submissions prepared by others in connection with the
19 planning and arranging of land and the elements thereon for public
20 and private use and enjoyment, including the design and layout of
21 roadways, service areas, parking areas, walkways, steps, ramps,
22 pools, parks, parkways, trails and recreational areas, the location
23 and site of improvements including buildings and other structures,
24 and the grading of the land, surface and subsoil drainage, erosion

1 control, planting, reforestation, and the preservation of the
2 natural landscape, in accordance with accepted professional
3 standards, and to the extent that the dominant purpose of such
4 services or creative works is the preservation, conservation,
5 enhancement, or determination of proper land uses, natural land
6 features, ground cover and plantings, or naturalistic and aesthetic
7 values.

8 The practice of landscape architecture shall include the
9 location and arrangement of tangible objects and features as are
10 incidental and necessary to the purpose outlined for landscape
11 architecture. The practice of landscape architecture shall not
12 include the design of structures or facilities with separate and
13 self-contained purposes for habitation or industry, or the design of
14 public streets, highways, utilities, storm and sanitary sewers and
15 sewage treatment facilities, that are statutorily defined as the
16 practice of engineering or architecture;

17 12. "Code" means the nationally recognized codes adopted by the
18 Uniform Building Code Commission of the State of Oklahoma;

19 13. "Applicable building official" means the official
20 responsible for the application of the adopted building code as
21 implemented by the local, municipal or county jurisdiction in which
22 a building is located. Where no building code has been adopted by
23 the local, municipal or county jurisdiction, the applicable building
24 official shall be defined as the State Fire Marshal;

1 14. "Registered commercial interior designer" means a person
2 recognized by this state who is registered, qualified by ~~education,~~
3 ~~experience and~~ examination and meeting all the requirements set
4 forth in the State Architectural and Registered Commercial Interior
5 Designers Act and the Board's rules;

6 15. "Plans" means technical documents issued by the licensed
7 and/or registered professionals intended to meet all current and
8 applicable codes as adopted by the Uniform Building Code Commission
9 of the State of Oklahoma, other statutory codes and applicable
10 federal codes and which shall be submitted to all required building
11 code and/or permit offices required by the State of Oklahoma,
12 county, municipal and/or federal government; ~~and~~

13 16. "Equivalent standards" means those standards adopted by the
14 Board intended to be used as alternative equivalents to determine
15 competency for education, training and testing for licensing
16 architects and/or landscape architects and registering commercial
17 interior designers and for complying with the ~~Post~~-Military Service
18 Occupation, Education and Credentialing Act for military personnel
19 and their spouses;

20 17. "Commercial interior design" means the rendering of or the
21 offering to render designs, consultations, studies, planning,
22 drawings, specifications, contract documents, or other technical
23 submissions and the administration of interior construction and
24 contracts relating to nonstructural interior construction by a

1 Registered Commercial Interior Designer in a new constructed or
2 existing building when the core and shell elements are not going to
3 be changed;

4 18. "Nonstructural commercial interior construction" means the
5 construction of elements which do not include exterior components of
6 a building such as exterior walls, any load-bearing wall, any load-
7 bearing column, or any other load-bearing elements of a building
8 essential to the structural integrity of the building such as wind
9 loads and seismic loads and to any element which must be designed
10 for wind loads and seismic loads; and

11 19. "Fire and life safety systems" means those systems and
12 construction that do not pertains to fire and life safety
13 protection, such as fire sprinklers, fire alarms, smoke evacuation
14 systems, fire walls, fire barriers, or smoke barriers as defined by
15 the current International Building Code adopted by the Oklahoma
16 Uniform Building Code Commission.

17 The definitions in the State Architectural and Registered
18 Commercial Interior Designers Act shall have the same meaning when
19 applicable to any rule promulgated pursuant to such act.

20 SECTION 4. AMENDATORY 59 O.S. 2011, Section 46.4, as
21 last amended by Section 1, Chapter 116, O.S.L. 2020 (59 O.S. Supp.
22 2020, Section 46.4), is amended to read as follows:

23 Section 46.4 There is hereby re-created, to continue until July
24 1, 2023, in accordance with the provisions of the Oklahoma Sunset

1 Law, a board to be known as the "Board of Governors of the Licensed
2 Architects, Landscape Architects and Registered Commercial Interior
3 Designers of Oklahoma", hereinafter referred to as the Board. The
4 Board shall be composed of eleven (11) members, including ~~seven~~ six
5 persons who are duly licensed to practice architecture and are in
6 good standing in this state, two persons who are duly licensed to
7 practice landscape architecture and are in good standing in this
8 state, ~~one person as a~~ two persons who are registered commercial
9 ~~interior designer~~ designers and ~~is~~ who are active and in good
10 standing and one lay member. Each member of the Board shall be a
11 qualified elector of this state, and the architect, landscape
12 architect and registered commercial interior designer members shall
13 have had five (5) years' licensing or registration experience as the
14 professional position requires in this state. Re-creation of the
15 Board shall not alter existing staggered terms. Board members,
16 other than the lay member, shall be appointed for a period of five
17 (5) years thereafter; provided, that nothing herein shall affect the
18 tenure of office of anyone who is a member of the Board on May 31,
19 1957. A member may be reappointed to succeed such membership. The
20 licensed architect, landscape architect or the registered commercial
21 interior designer members may be appointed by the Governor from a
22 list of nominees submitted by respective professional societies of
23 this state. Membership in a professional society shall not be a
24 prerequisite to appointment to the Board. The lay member of the

1 Board shall be appointed by the Governor to a term coterminous with
2 that of the Governor. The lay member shall serve at the pleasure of
3 the Governor. Provided, the lay member may continue to serve after
4 the expiration of the term of the member until such time as a
5 successor is appointed. Vacancies which may occur in the membership
6 of the Board shall be filled by appointment by the Governor. Each
7 person who has been appointed to fill a vacancy shall serve for the
8 remainder of the term for which the member the person shall succeed
9 was appointed and until a successor, in turn, has been appointed and
10 shall have qualified. Each member of the Board, before entering
11 upon the discharge of the duties of the member, shall make and file
12 with the Secretary of State a written oath or affirmation for the
13 faithful discharge of official duties. Each member of the Board and
14 staff shall be reimbursed for travel expenses pursuant to the State
15 Travel Reimbursement Act.

16 SECTION 5. AMENDATORY 59 O.S. 2011, Section 46.7, as
17 last amended by Section 1, Chapter 24, O.S.L. 2015 (59 O.S. Supp.
18 2020, Section 46.7), is amended to read as follows:

19 Section 46.7 In addition to the other powers and duties imposed
20 by law, the Board shall have the power and duty to:

- 21 1. Prescribe such rules and to make such orders, as it may deem
22 necessary or expedient in the performance of its duties;
- 23 2. Prepare, conduct, and grade examinations of persons who
24 shall apply for the issuance of licenses and registrations to them,

1 and to promulgate such rules with reference thereto as it may deem
2 proper as a portion used to determine competency for the issuance of
3 licenses or registrations;

4 3. Work with nationally recognized licensing and registration
5 organizations to prepare, conduct, and grade examinations, written
6 or oral, of persons who shall apply for the issuance of licenses or
7 registrations;

8 4. Determine the satisfactory passing score on examinations and
9 issue licenses and registrations to persons who shall have passed
10 examinations, or who shall otherwise be entitled thereto;

11 5. Determine eligibility for licenses and certificates of
12 authority and issue them;

13 6. Determine eligibility for registration as a registered
14 commercial interior designer and for certificate of title and issue
15 them;

16 7. Promulgate rules to govern the issuing of reciprocal
17 licenses and registrations;

18 8. Upon good cause shown, as hereinafter provided, deny the
19 issuance of a license, registration, certificate of authority or
20 certificate of title or suspend, revoke, refuse to renew or issue
21 probation orders for licenses or registrations, and/or require
22 additional educational ~~course-work~~ coursework and determine when the
23 objectives have been met;

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1 9. Upon proper showing, reinstate or conditionally reinstate
2 licenses, registrations, certificates of title or certificates of
3 authority previously issued;

4 10. Review, affirm, reverse, vacate or modify its order with
5 respect to any such denial, suspension, revocation, probation and/or
6 educational ~~course work~~ coursework requirements or refusal to renew;

7 11. Prescribe rules governing proceedings for the denial of
8 issuance of a license, registration, certificate of authority or
9 certificate of title, suspension, revocation or refusal to renew, to
10 issue probation orders and/or require additional educational ~~course~~
11 ~~work~~ coursework and determine when the objectives have been met for
12 cause, and reinstate them;

13 12. Prescribe such penalties, as it may deem proper, to be
14 assessed against holders of licenses, registrations, certificates of
15 authority or certificates of title for the failure to pay the
16 biennial fee hereinafter provided for;

17 13. Levy civil penalties plus the legal costs incurred by the
18 Board to prosecute the case against any person or entity who shall
19 violate any of the provisions of the State Architectural and
20 Registered Commercial Interior Designers Act, or any rule
21 promulgated pursuant thereto;

22 14. Obtain an office, secure such facilities, and employ,
23 direct, discharge and define the duties and set the salaries of such
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1 office personnel and set the salaries of such unclassified and
2 exempt office personnel as deemed necessary by the Board;

3 15. Initiate disciplinary action, prosecute and seek
4 injunctions against any person or entity who has violated any of the
5 provisions of the State Architectural and Registered Commercial
6 Interior Designers Act or any rule of the Board promulgated pursuant
7 to said act and against the owner/developer of the building type not
8 exempt;

9 16. Investigate alleged violations of the State Architectural
10 and Registered Commercial Interior Designers Act or of the rules,
11 orders or final decisions of the Board;

12 17. Promulgate rules of conduct governing the practice of
13 licensed architects ~~and~~, landscape architects and registered
14 commercial interior designers;

15 18. Keep accurate and complete records of proceedings, and
16 certify the same as may be appropriate;

17 19. Whenever it deems it appropriate, confer with the Attorney
18 General or the Attorney General's assistants in connection with all
19 legal matters and questions. The Board may also retain an attorney
20 who is licensed to practice law in this state. The attorney shall
21 serve at the pleasure of the Board for such compensation as may be
22 provided by the Board. The attorney shall advise the Board and
23 perform legal services for the Board with respect to any matters
24 properly before the Board. In addition to the above, the Board may

1 employ hearing examiners to conduct administrative hearings under
2 the provisions of the Administrative Procedures Act;

3 20. Prescribe by rules, fees to be charged as required by this
4 act;

5 21. Adopt rules providing for a program of continuing education
6 in order to ensure that all licensed architects or landscape
7 architects and registered commercial interior designers remain
8 informed of those technical and professional subjects that the Board
9 deems appropriate. The Board may by rule describe the methods by
10 which the requirements of such program may be satisfied. Failure to
11 meet such requirements of continuing education shall result in
12 nonrenewal of the license issued to the architect or landscape
13 architect or nonrenewal of the registration issued to the registered
14 commercial interior designer;

15 22. Adopt rules regarding requirements for intern development
16 as a prerequisite for licensure or registration;

17 23. Give scholarships, as determined by the Board, to an
18 individual or individuals advancing toward obtaining an accredited
19 National Architectural Accreditation Board, Landscape Architectural
20 Accreditation Board or Council for Interior Design Accreditation
21 degree in one of these three professions in an Oklahoma higher
22 education institution; and

23 24. Take such other action as may be reasonably necessary or
24 appropriate to effectuate the State Architectural and Registered

1 Commercial Interior Designers Act. The Board may, at its
2 discretion, contract with other state agencies and nonprofit
3 corporations for the endowment, management, and administration of
4 scholarships. The requirements of such scholarships shall be
5 determined by the Board. However, nothing contained herein shall be
6 construed as requiring the Board to endow or award any scholarship.

7 SECTION 6. AMENDATORY 59 O.S. 2011, Section 46.9, as
8 amended by Section 7, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2020,
9 Section 46.9), is amended to read as follows:

10 Section 46.9 A. The practice of architecture or landscape
11 architecture or offering to practice these professions for others by
12 persons licensed under this act through a partnership, firm,
13 association, corporation, limited liability company or limited
14 liability partnership as directors, partners, officers,
15 shareholders, employees, managers, members or principals is
16 permitted, subject to the provisions of the State Architectural and
17 Registered Commercial Interior Designers Act, provided:

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

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

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

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

12 B. The Board shall have the power to issue, revoke, deny, or
13 refuse to renew a certificate of authority for a partnership, firm,
14 association, corporation, limited liability company or limited
15 liability partnership as provided for in the State Architectural and
16 Registered Commercial Interior Designers Act.

17 C. A partnership, firm, association, corporation, limited
18 liability company or limited liability partnership desiring to
19 practice architecture or landscape architecture shall file with the
20 Board an application for a certificate of authority for each office
21 location performing work on Oklahoma projects on a form approved by
22 the Board which shall include the names, addresses, state of
23 licensure and license number of all partners, directors, officers,
24 members, managers or principals of the partnership, firm,

1 association, corporation, limited liability company or limited
2 liability partnership legally responsible for the entity's practice.
3 The form shall name an individual having the practice of
4 architecture in such person's charge who is a director, partner,
5 officer, member, manager or principal. The person shall be duly
6 licensed as an architect to practice architecture or licensed as a
7 landscape architect to practice landscape architecture in this state
8 through said partnership, firm, association, corporation, limited
9 liability company or limited liability partnership legally
10 responsible for the entity's practice or services offered and other
11 information required by the Board. In the event there shall be a
12 change in any of these persons during the term of the certification,
13 such change shall be filed with the Board within thirty (30) days
14 after the effective date of said change. If all of the requirements
15 of this section and the Board's current rules have been met, the
16 Board shall issue a certificate of authority to such partnership,
17 firm, association, corporation, limited liability company or limited
18 liability partnership.

19 D. Any other person licensed pursuant to the State
20 Architectural and Registered Commercial Interior Designers Act, not
21 practicing these professions as a partnership, firm, association,
22 corporation, limited liability company or limited liability
23 partnership, shall practice as an individual.

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1 E. No such partnership, firm, association, corporation, limited
2 liability company or limited liability partnership shall be relieved
3 of responsibility for the conduct or acts of its agents, employees,
4 partners, directors, officers, managers, members or principals by
5 reason of its compliance with the provisions of this section, or
6 shall any individual practicing these professions be relieved of
7 responsibility for professional services performed as an individual
8 by reason of such person's employment or relationship with such
9 partnership, firm, association, corporation, limited liability
10 company or limited liability partnership.

11 F. The Secretary of State shall not issue a certificate of
12 incorporation or register a foreign corporation or any other entity
13 which includes among the objectives for which it is established any
14 of the words "Architect", "Architectural", "Architecture",
15 "Landscape Architect", "Landscape Architecture" or any modification
16 or derivation of these words, unless the Board has issued for said
17 applicant either a certificate of authority for an entity, or a
18 letter indicating eligibility for an exemption pursuant to the State
19 Architectural and Registered Commercial Interior Designers Act. The
20 entity applying shall supply such certificate or letter from the
21 Board with its application for incorporation or registration.

22 G. The Secretary of State shall not register any trade name or
23 service mark which includes such words, as set forth in subsection F
24 of this section, or modifications or derivatives thereof in its firm

1 name or logotype except those entities or individuals holding
2 certificates of authority issued under the provisions of this
3 section or letters of eligibility issued by the Board.

4 H. The use of the title "Registered Commercial Interior
5 Designer" by a partnership, firm, association, corporation, limited
6 liability company or limited liability partnership is allowed to
7 those entities listed, provided:

8 1. One or more of the directors, partners, officers,
9 shareholders, members, managers or principals is registered with the
10 Board as a registered commercial interior designer and is in good
11 standing with the Board; and

12 2. The partnership, firm, association, corporation, limited
13 liability company or limited liability partnership has been issued a
14 certificate of title by the Board.

15 I. The Board shall have the power to issue, revoke, deny or
16 refuse to renew a certificate of title for a partnership, firm,
17 association, corporation, limited liability company or limited
18 liability partnership as provided for in the State Architectural and
19 Registered Commercial Interior Designers Act.

20 J. A partnership, firm, association, corporation, limited
21 liability company or limited liability partnership shall file with
22 the Board an application for a certificate of title on a form
23 approved by the Board which shall include the names, addresses,
24 state of registration and registration number of all directors,

1 partners, officers, shareholders, members, managers, or principals
2 of the partnership, firm, association, corporation, limited
3 liability company or limited liability partnership. In the event
4 there shall be a replacement of any of these persons during the term
5 of certification, the change shall be filed with the Board within
6 thirty (30) days after the effective date of the change. If all the
7 requirements of this section, this act and the current rules of the
8 Board have been met, the Board shall issue a certificate of title to
9 such partnership, firm, association, corporation, limited liability
10 company or limited liability partnership.

11 K. The Secretary of State shall not issue a certificate of
12 incorporation or register a foreign corporation or any other entity
13 which includes among the objectives for which it is established any
14 of the words "Registered Commercial Interior Designer" or any
15 modification or derivation of these words, unless the Board has
16 issued for the applicant either a certificate of title for an
17 entity, or a letter indicating the eligibility for an exemption
18 pursuant to the State Architectural and Registered Commercial
19 Interior Designers Act. The firm applying shall supply such
20 certificate of title or letter from the Board with its application
21 for incorporation or registration.

22 L. The Secretary of State shall not register any trade name or
23 service mark which includes such words as set forth in subsection K
24 of this section, or modification or derivatives thereof in its firm

1 name or logotype except those entities or individuals holding
2 certificates of title issued under the provisions of this section or
3 letters of eligibility issued by the Board.

4 M. Upon application for renewal and upon compliance with the
5 provisions of the State Architectural and Registered Commercial
6 Interior Designers Act and the rules of the Board, a certificate of
7 title shall be renewed as provided in this act.

8 N. Upon application for renewal and upon compliance with the
9 provisions of the State Architectural and Registered Commercial
10 Interior Designers Act and the rules of the Board, a certificate of
11 authority shall be renewed as provided in this act.

12 SECTION 7. AMENDATORY 59 O.S. 2011, Section 46.10, is
13 amended to read as follows:

14 Section 46.10 Every licensed architect, landscape architect and
15 registered commercial interior designer shall pay to the Board a fee
16 as prescribed by the rules of the Board. Upon receipt of the fee
17 the Board shall issue a renewal of the license or registration,
18 which shall authorize the person to practice architecture, landscape
19 architecture or use the title registered commercial interior
20 designer, as the case may be, in this state. The license of an
21 architect or landscape architect or the registration of a registered
22 commercial interior designer which has been canceled by the Board
23 for nonpayment of dues may be renewed at any time within three (3)
24 years from the date of the cancellation, upon payment to the Board

1 of the fees which had accrued at the time of the cancellation and
2 which would have been paid at the time of reinstatement had not the
3 license or registration been suspended, together with payment of the
4 amount of penalties which may have been prescribed by the Board. If
5 a license or registration remains canceled for a period exceeding
6 three (3) consecutive years, it shall not be reinstated unless the
7 licensee or registrant has taken or submitted to a test or a quiz or
8 a Board review or an examination as the circumstances of the
9 individual case may warrant and as may be prescribed by the Board in
10 order to determine continued competency of the licensee or
11 registrant. A partnership, firm, association, corporation, limited
12 liability company or limited liability partnership shall pay to the
13 Board the fee prescribed and in the manner provided by the rules of
14 the Board for the renewal of the certificate of authority or
15 certificate of title for such partnership, firm, association,
16 corporation, limited liability company or limited liability
17 partnership.

18 SECTION 8. AMENDATORY 59 O.S. 2011, Section 46.12, is
19 amended to read as follows:

20 Section 46.12 After the expiration of a period of six (6)
21 months and upon payment to the Board of a fee as prescribed by the
22 rules of the Board, a person or entity whose license, registration
23 or certificate of authority has been suspended or revoked for cause,
24 pursuant to the provisions of the State Architectural and Registered

1 Commercial Interior Designers Act, may file an application with the
2 Board for the reinstatement of said license, registration,
3 certificate of authority or certificate of title. After a showing
4 has been made by the applicant to the Board that the interests of
5 the public will not suffer by reason of reinstatement, the Board in
6 its discretion may order the reinstatement of the license,
7 registration, certificate of authority or certificate of title upon
8 the payment of a sum equal to the fees which would have accrued had
9 not the license, registration, certificate of authority or
10 certificate of title of the applicant been suspended or revoked.

11 SECTION 9. AMENDATORY 59 O.S. 2011, Section 46.14, as
12 last amended by Section 3, Chapter 363, O.S.L. 2019 (59 O.S. Supp.
13 2020, Section 46.14), is amended to read as follows:

14 Section 46.14 A. The Board of Governors of the Licensed
15 Architects, Landscape Architects and Registered Commercial Interior
16 Designers of Oklahoma shall have power to suspend, to revoke or
17 refuse to renew a license, registration, certificate of authority or
18 certificate of title issued by it, pursuant to the provisions of the
19 State Architectural and Registered Commercial Interior Designers
20 Act, when the holder thereof:

- 21 1. Has been convicted of a felony crime that substantially
22 relates to the practice of architecture, landscape architecture or
23 interior design and poses a reasonable threat to public safety;
- 24 2. Has been guilty of fraud or misrepresentation;

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

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

6 5. Presents the license, registration or certification of
7 another as his or her own;

8 6. Gives false or forged evidence to the Board;

9 7. Conceals information relative to any inquiry, investigation
10 or violation of this act or rules promulgated under this act; or

11 8. Has been found to be guilty of a violation of a provision of
12 the State Architectural and Registered Commercial Interior Designers
13 Act, or the rules of the Board; provided, that a person or entity
14 complained of shall be afforded the opportunity for a formal hearing
15 carried out as described under the current Administrative Procedures
16 Act or settled by the Board with a consent order or final order
17 approved by the Board.

18 The Board shall keep a record of the evidence in, and a record
19 of each proceeding for the suspension, revocation of or refusal to
20 renew a license or certificate of authority and shall make findings
21 of fact and render a decision therein. If, after a hearing, the
22 charges shall have been found to have been sustained by the vote of
23 a majority of the members of the Board it shall immediately enter
24 its order of suspension, revocation, penalties, probation,

1 educational ~~course work~~ coursework and objectives or refusal to
2 renew, as the case may be.

3 B. As used in this section:

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

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

12 SECTION 10. AMENDATORY 59 O.S. 2011, Section 46.17, is
13 amended to read as follows:

14 Section 46.17 Any person or entity convicted of violating any
15 provision of the State Architectural and Registered Commercial
16 Interior Designers Act shall be guilty of a misdemeanor. The
17 continued violation of any provision of the State Architectural and
18 Registered Commercial Interior Designers Act during each day shall
19 be deemed to be a separate offense. Upon conviction thereof the
20 person or entity shall be punished by imprisonment in the county
21 jail not to exceed one (1) year, or by a fine of not more than One
22 Thousand Dollars (\$1,000.00), or by both such fine and imprisonment
23 for each offense. The Board may request the appropriate district
24

1 attorney to prosecute such violation and seek an injunction against
2 such practice.

3 SECTION 11. AMENDATORY 59 O.S. 2011, Section 46.18, as
4 amended by Section 10, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2020,
5 Section 46.18), is amended to read as follows:

6 Section 46.18 A. Any person or entity who has been determined
7 by the Board to have violated any provision of the State
8 Architectural and Registered Commercial Interior Designers Act or
9 any rule or order issued pursuant to the provisions of the State
10 Architectural and Registered Commercial Interior Designers Act may
11 be liable for a civil penalty of not more than One Hundred Dollars
12 (\$100.00) for each day that said violation continues plus the legal
13 costs incurred by the Board to prosecute the case. The maximum
14 civil penalty shall not exceed Ten Thousand Dollars (\$10,000.00) for
15 any violation plus the legal costs incurred by the Board to
16 prosecute the case.

17 B. The amount of the penalty shall be assessed by the Board
18 pursuant to the provisions of subsection A of this section, after
19 notice and hearing. In determining the amount of the penalty, the
20 Board shall include but not be limited to consideration of the
21 nature, circumstances, and gravity of the violation and, with
22 respect to the person or entity found to have committed the
23 violation, the degree of culpability, the effect on ability of the
24 person or entity to continue to do business, and any show of good

1 faith in attempting to achieve compliance with the provisions of the
2 State Architectural and Registered Commercial Interior Designers
3 Act. All monies collected from such civil penalties shall be
4 deposited with the State Treasurer of Oklahoma and placed in the
5 Board of ~~Architects~~ Architects' Fund.

6 C. Any license, registration, certificate of authority or
7 certificate of title holder may elect to surrender the license,
8 registration, certificate of authority or certificate of title in
9 lieu of said fine but shall be forever barred from obtaining a
10 reissuance of said license, registration, certificate of authority
11 or certificate of title.

12 SECTION 12. AMENDATORY 59 O.S. 2011, Section 46.19, is
13 amended to read as follows:

14 Section 46.19 All monies which shall be paid to the Board
15 pursuant to the provisions of the State Architectural and Registered
16 Commercial Interior Designers Act shall be deposited with the State
17 Treasurer of Oklahoma and placed in a separate and distinct fund to
18 be known as the "Board of Architects' Fund". At the end of each
19 fiscal year hereafter such unexpended balance remaining in the Board
20 of Architects' Fund shall be carried over and continued therein.
21 All sums of money now or hereafter to be or to come into the fund
22 are hereby appropriated for the purpose of effectuating the purposes
23 of the State Architectural and Registered Commercial Interior
24

1 Designers Act, and to pay all costs and expenses heretofore and
2 hereafter incurred in connection therewith.

3 SECTION 13. AMENDATORY 59 O.S. 2011, Section 46.21, as
4 amended by Section 12, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2020,
5 Section 46.21), is amended to read as follows:

6 Section 46.21 A. The State Architectural and Registered
7 Commercial Interior Designers Act shall not apply to any persons,
8 firms, corporations, limited liability companies or limited
9 liability partnerships that do not hold a license, registration or
10 certification in any jurisdiction for exempted Code Use Groups
11 defined by the State Architectural and Registered Commercial
12 Interior Designers Act, providing such persons and/or entities shall
13 not represent such person or entity to be an architect or other
14 title of profession or business using a form of the word,
15 "Architect". This act shall not prevent such persons and/or
16 entities from advertising or selling their ~~service~~ services.

17 Any architect, landscape architect or registered commercial
18 interior designer from any jurisdiction that contracts, provides or
19 holds out to the public that they are able to provide professional
20 services in Oklahoma is required to hold a license, registration or
21 certificate of authority or certificate of title as needed from the
22 Board, even on exempt Code Use Groups, and an architect or landscape
23 architect is required to sign, seal and date all construction
24 documents and technical submissions.

1 B. Nothing in this act shall be construed to prevent the
2 preparation of technical submissions or the administration of
3 construction contracts by employees of a person or entity lawfully
4 engaged in the practice of architecture when such employees are
5 acting under the responsible control of a licensed architect.

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

7 1. Nothing in this act shall prohibit a person or firm from
8 participating in an architectural design competition involving only
9 architectural programming, planning, schematic design or design
10 development information provided to a sponsor; and

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

16 SECTION 14. AMENDATORY 59 O.S. 2011, Section 46.21b, as
17 amended by Section 13, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2020,
18 Section 46.21b), is amended to read as follows:

19 Section 46.21b A. An architect shall be required to plan,
20 design and prepare plans and specifications for the following Code
21 Use Groups except where specifically exempt from the provisions of
22 the State Architectural and Registered Commercial Interior Designers
23 Act. All Code Use Groups in this section are defined by the current
24 International Building Code.

1 B. The construction, addition or alteration of a building of
2 any size or occupancy in the following Code Use Groups shall be
3 subject to the provisions of the State Architectural and Registered
4 Commercial Interior Designers Act:

5 1. Code Use Group I - Institutional;

6 2. Code Use Group R-2 - Residential, limited to dormitories,
7 fraternities and sororities, and monasteries and convents;

8 3. Code Use Group A-1 - Assembly and theaters;

9 4. Code Use Group A-4 - Assembly, arenas and courts;

10 5. Code Use Group A-5 - Assembly, bleachers and grandstands;

11 and

12 6. Buildings for which the designated Code Use Group changes
13 are not exempt from the State Architectural and Registered
14 Commercial Interior Designers Act.

15 C. The following shall be exempt from the provisions of the
16 State Architectural and Registered Commercial Interior Designers
17 Act; provided that, for the purposes of this subsection, a basement
18 is not to be counted as a story for the purpose of counting stories
19 of a building for height regulations:

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

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

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

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

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

- 16 a. Code Use Group U - Utility,
- 17 b. Code Use Group F - Factory and Industrial,
- 18 c. Code Use Group H - High hazard,
- 19 d. Code Use Group S - Storage,
- 20 e. Code Use Group R2 - Residential, including apartments
21 containing no more than thirty-two dwelling units or
22 thirty-two guest units per building,
- 23 f. Code Use Groups R3 and R4 - Residential,

- 1 g. all buildings used by a municipality, county, state,
2 public trust, public agency or the federal government
3 with a construction value under One Hundred Fifty-
4 eight Thousand Dollars (\$158,000.00),
5 h. incidental buildings or appurtenances associated with
6 paragraphs 1 through 5 of this subsection, and
7 i. all uninhabitable, privately owned agricultural
8 buildings.

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

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

19 SECTION 15. AMENDATORY 59 O.S. 2011, Section 46.24, as
20 last amended by Section 4, Chapter 363, O.S.L. 2019 (59 O.S. Supp.
21 2020, Section 46.24), is amended to read as follows:

22 Section 46.24 A. Except as otherwise provided in the State
23 Architectural and Registered Commercial Interior Designers Act, no
24

1 license shall be issued to any person to practice architecture in
2 this state unless the person:

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

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

17 3. Has paid to the Board a fee as prescribed by the rules of
18 the Board plus the actual cost of the examination given by the
19 Board; and

20 4. Has passed the examinations prescribed by the Board for the
21 issuance of a license.

22 B. Upon meeting the requirements of subsection A of this
23 section and payment of an initial fee as may be prescribed by the
24 rules of the Board, the Board shall issue to the applicant a license

1 which shall authorize the applicant to engage in the practice of
2 architecture in this state. The Board has the authority to issue
3 temporary licenses while qualifying the applicant in compliance with
4 the ~~Post~~-Military Service Occupation, Education and Credentialing
5 Act or with any declared state of emergency.

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

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

1 E. The following Board records and papers are of a confidential
2 nature and are not public records: Examination material for
3 examinations before and after they are given, file records of
4 examination problem solutions, letters of inquiry and reference
5 concerning applicants, Board inquiry forms concerning applicants,
6 and investigation files.

7 SECTION 16. AMENDATORY 59 O.S. 2011, Section 46.25, is
8 amended to read as follows:

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

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

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

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

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

10 SECTION 17. AMENDATORY 59 O.S. 2011, Section 46.28, as
11 amended by Section 17, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2020,
12 Section 46.28), is amended to read as follows:

13 Section 46.28 The State Architectural and Registered Commercial
14 Interior Designers Act shall not require the licensing or
15 registration of practitioners of the following professions and
16 occupations to practice landscape architecture:

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

3 2. A landscape contractor building or installing what was
4 designed by a landscape architect;

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

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

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

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

23

24

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

4 8. Builders or their superintendents in the supervision of
5 landscape architectural projects.

6 SECTION 18. AMENDATORY 59 O.S. 2011, Section 46.31, as
7 last amended by Section 5, Chapter 363, O.S.L. 2019 (59 O.S. Supp.
8 2020, Section 46.31), is amended to read as follows:

9 Section 46.31 A. Except as otherwise provided in the State
10 Architectural and Registered Commercial Interior Designers Act, no
11 license shall be issued to any person to practice landscape
12 architecture in this state unless the person:

- 13 1. Is twenty-one (21) years of age or older;
- 14 2. Holds a degree from an accredited landscape architecture
15 program and has such practical training as this act and the Board's
16 rules deem appropriate;
- 17 3. Has passed the examinations prescribed by the Board
18 including the Oklahoma Plant Materials Exam; and
- 19 4. Has paid all applicable fees.

20 B. If the Board determines the interest of the public will be
21 served and the person is deemed by the Board to be qualified and
22 competent by equivalent standards as the Board sets by rule or in
23 compliance with the ~~Post~~-Military Service Occupation, Education and
24 Credentialing Act, the application shall be approved by the Board

1 after the person has fulfilled all requirements of this act and
2 rules of the Board.

3 C. Examinations may be administered by an electronic method and
4 shall be held not less than once each year. Notices of the time and
5 place for the holding of examinations shall be given in the manner
6 and form as prescribed by the Board. All landscape architects are
7 required to take and pass the Oklahoma Plant Materials Exam.

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

1 Upon passage of the examination, completion of the Board's
2 requirements as prescribed by this act and rules, and the payment of
3 all applicable fees prescribed by the rules of the Board, the Board
4 shall issue to the applicant a license which shall authorize the
5 person to engage in the practice of landscape architecture in this
6 state.

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

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

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

5 1. Nothing in this act shall prohibit a person or firm from
6 participating in a landscape architectural design competition
7 involving only programming, planning, schematic design or design
8 development information provided to a sponsor; and

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

13 SECTION 19. AMENDATORY 59 O.S. 2011, Section 46.34, as
14 amended by Section 23, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2020,
15 Section 46.34), is amended to read as follows:

16 Section 46.34 A. Each licensed landscape architect shall have
17 a seal, the image of which shall contain the name of the landscape
18 architect, the person's license number and the words "Licensed
19 Landscape Architect, State of Oklahoma". All technical submissions
20 prepared by such landscape architect, or under the responsible
21 control of the landscape architect, shall be sealed, signed and
22 dated, which shall mean that the landscape architect was in
23 responsible control over the content of such technical submissions
24 during their preparation and has applied the required professional

1 standard of care. No licensed landscape architect may sign or seal
2 technical submissions unless they were prepared by or under the
3 responsible control of the landscape architect, except that:

4 1. The person may sign or seal those portions of the technical
5 submissions under the responsible control of persons who are
6 licensed under the State Architectural and Registered Commercial
7 Interior Designers Act if the landscape architect has reviewed and
8 adapted in whole or in part such portions and has either coordinated
9 their preparation or integrated them into the work; and

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

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

1 C. The seal, signature and date of the landscape architect may
2 be applied to tracings to produce legible reproduction of the
3 drawings or to reprints made from the tracings. This provision,
4 however, does not in any manner modify the requirements of the other
5 subsections of this section.

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

15 SECTION 20. AMENDATORY 59 O.S. 2011, Section 46.38, as
16 amended by Section 25, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2020,
17 Section 46.38), is amended to read as follows:

18 Section 46.38 A. ~~On July 1, 2007, the effective date of~~
19 ~~registration of interior designers began.~~

20 ~~B.~~ Except as otherwise provided in the State Architectural and
21 Registered Commercial Interior Designers Act, no registration shall
22 be issued to any person to represent that the person is a
23 "registered commercial interior designer" nor shall any person be
24 allowed to use the term unless the person pays to the Board the

1 required fees and/or penalties if applicable as established by the
2 rules of the Board and:

3 1. Holds an accredited professional degree in interior design
4 from an interior design program accredited by the Council for
5 Interior Design Accreditation or its successor, or from an interior
6 design program determined by the Board to be substantially
7 equivalent to an accredited program;

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

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

14 ~~C.~~ B. The Board may waive the requirements of the State
15 Architectural and Registered Commercial Interior Designers Act for
16 an individual who holds a current valid registration from another
17 state, jurisdiction or foreign country where the requirements for
18 registration are substantially equivalent to those required for
19 registration in this state and pays the required fees and/or
20 penalties, if applicable, to the Board.

21 ~~D.~~ C. This section does not apply to a person licensed to
22 practice architecture pursuant to the laws of this state.

23 ~~E.~~ D. Nothing in this act shall be construed to authorize the
24 Board to regulate or prohibit persons who are rendering interior

1 design services and are not a registered commercial interior
2 ~~designer~~ designers under the provisions of this act or to adopt
3 regulations that would exceed the powers and responsibilities
4 expressly authorized under this act.

5 ~~F.~~ E. Certificate of title shall be subject to the following:

6 1. The use of the title "Registered Commercial Interior
7 Designer" by a partnership, firm, association, corporation, limited
8 liability company or limited liability partnership is allowed to
9 those entities listed, provided:

10 a. one or more of the directors, partners, officers,
11 shareholders, members, managers, or principals is a
12 registered commercial interior designer and is in good
13 standing with the Board, and

14 b. the partnership, firm, association, corporation,
15 limited liability company or limited liability
16 partnership has been issued a certificate of title by
17 the Board;

18 2. The Board shall have the power to issue, revoke, deny or
19 refuse to renew a certificate of title for a partnership, firm,
20 association, corporation, limited liability company or limited
21 liability partnership as provided for in this act;

22 3. A partnership, firm, association, corporation, limited
23 liability company or limited liability partnership shall file with
24 the Board an application for a certificate of title on a form

1 approved by the Board which shall include the names, addresses,
2 state of registration and registration number of all directors,
3 partners, officers, shareholders, members, managers or principals of
4 the partnership, firm, association, corporation, limited liability
5 company or limited liability partnership. In the event there shall
6 be a change in any of these persons during the term of
7 certification, the change shall be filed with the Board within
8 thirty (30) days after the effective date of the change. If all the
9 requirements of this section and the Board's current rules have been
10 met, the Board shall issue a certificate of title to the
11 partnership, firm, association, corporation, limited liability
12 company or limited liability partnership;

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

23 5. The Secretary of State shall not register any trade name or
24 service mark which includes such words as set forth in paragraph 4

1 of this subsection, or modification or derivatives thereof in its
2 firm name or logotype except those entities or individuals holding
3 certificates of title issued under the provisions of this section or
4 letters of eligibility issued by the Board; and

5 6. Upon application for renewal and upon compliance with the
6 provisions of this act and the rules of the Board, a certificate of
7 title shall be renewed as provided by this act.

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

20 SECTION 21. AMENDATORY 59 O.S. 2011, Section 46.39, as
21 amended by Section 26, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2020,
22 Section 46.39), is amended to read as follows:

23 Section 46.39 Any person who applies to become a registered
24 commercial interior designer and remits the application and initial

1 fees after July 1, 2007, shall be registered by the Board of
2 Governors of the Licensed Architects, Landscape Architects and
3 Registered Commercial Interior Designers if:

4 ~~1. In lieu of the requirement of an accredited professional~~
5 ~~degree,~~ an applicant demonstrates, in accordance with this act, or
6 in compliance with the ~~Post~~-Military Service Occupation, Education
7 and Credentialing Act and requirements as the Board adopts by rule,
8 that the applicant has the interior design education and training
9 that the Board deems equivalent to an accredited professional degree
10 in interior design and the applicant has passed the examination of
11 the Council for Interior Design Qualification or its successor, or
12 an equivalent examination as determined by the Board; ~~and.~~

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

19 The Board has the authority to issue temporary registrations
20 while qualifying the applicant in compliance with the ~~Post~~-Military
21 Service Occupation, Education and Credentialing Act.

22 SECTION 22. AMENDATORY 59 O.S. 2011, Section 46.40, is
23 amended to read as follows:
24

1 Section 46.40 A. The Board of Governors of the Licensed
2 Architects, Landscape Architects and Registered Commercial Interior
3 Designers of Oklahoma may waive the educational and examination
4 requirements of the State Architectural and Registered Commercial
5 Interior Designers Act for persons with diversified and appropriate
6 experience in the practice of interior design for a period of
7 fifteen (15) years prior to July 1, 2007, if the person is not
8 registered under the State Architectural and Registered Commercial
9 Interior Designers Act and not exempt from the requirement for
10 registration in order to use the title "Registered Commercial
11 Interior Designer".

12 B. The State Architectural and Registered Commercial Interior
13 Designers Act shall not be construed to prohibit or interfere with
14 the ability of a licensed architect to perform those activities that
15 are associated with his or her practice as provided under the
16 provisions of the State Architectural and Registered Commercial
17 Interior Designers Act.

18 SECTION 23. AMENDATORY 59 O.S. 2011, Section 46.41, as
19 amended by Section 27, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2020,
20 Section 46.41), is amended to read as follows:

21 Section 46.41 A. It shall be unlawful for any person or entity
22 to use the title "Registered Commercial Interior Designer" or any
23 other derivation of these words to indicate that the person or
24 entity is registered under the provisions of ~~this act~~ the State

1 Architectural and Registered Commercial Interior Designers Act, if
2 the person is not registered under this act.

3 B. Any person who holds himself or herself out as a registered
4 commercial interior designer, advertises, puts out any sign, card or
5 drawings in this state designating himself or herself as a
6 "Registered Commercial Interior Designer" or uses some form of the
7 term in the title of a profession or business without first having
8 complied with the provisions of the State Architectural and
9 Registered Commercial Interior Designers Act shall be deemed guilty
10 of a misdemeanor.

11 SECTION 24. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 46.42 of Title 59, unless there
13 is created a duplication in numbering, reads as follows:

14 Each registered interior designer shall have a seal, the image
15 of which must contain the name of the registered interior designer,
16 the person's registration number and the words, "Registered
17 Commercial Interior Designer, State of Oklahoma". All interior
18 technical submissions prepared by such registered interior designer,
19 or under the responsible control of the registered interior
20 designer, shall be sealed, signed and dated, which shall mean that
21 the registered interior designer was in responsible control over the
22 content of such interior technical submissions during their
23 preparation and has applied the required professional standard of
24 care. No registered interior designer may sign or seal interior

1 technical submissions unless they were prepared by or under the
2 responsible control of the registered interior designer, except
3 that:

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

12 2. Registered commercial interior designers may submit
13 technical submissions, excluding Fire and Life Safety Systems, for
14 nonstructural interior construction for the code use groups as
15 defined and listed in Section 46.21b of title 59 of the Oklahoma
16 Statutes.

17 SECTION 25. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 46.43 of Title 59, unless there
19 is created a duplication in numbering, reads as follows:

20 It shall be unlawful for a registered commercial interior
21 designer to accept or to receive compensation, directly or
22 indirectly, from another other than his or her client in connection
23 with the reparation, alteration or construction of a building
24

1 interior in relation to which he or she shall have accepted
2 employment in any manner.

3 SECTION 26. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 46.44 of Title 59, unless there
5 is created a duplication in numbering, reads as follows:

6 It shall be unlawful for an registered commercial interior
7 designer, at any time, to bid or hold a financial interest in any
8 entity competitively bidding for a contract for the reparation,
9 alteration or erection of a building or other structure for which he
10 or she has prepared the plans and specifications unless the contract
11 is a design/build contract.

12 SECTION 27. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 46.45 of Title 59, unless there
14 is created a duplication in numbering, reads as follows:

15 The privilege of engaging in practice as a registered commercial
16 interior designer is personal based upon the qualifications of the
17 individual and evidenced by the individual's registration. The
18 registration is not transferable.

19 SECTION 28. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 46.46 of Title 59, unless there
21 is created a duplication in numbering, reads as follows:

22 The Board of Governors of the Licensed Architects, Landscape
23 Architects and Registered Commercial Interior Designers of Oklahoma
24 may restore a registration to any person whose registration has

1 | lapsed or has been revoked or suspended. Application for the
2 | reissuance of a registration shall be made in the manner as the
3 | Board may direct. The fees prescribed by the rules shall accompany
4 | the application for reissuance.

5 | SECTION 29. NEW LAW A new section of law to be codified
6 | in the Oklahoma Statutes as Section 46.47 of Title 59, unless there
7 | is created a duplication in numbering, reads as follows:

8 | Registration under the State Architectural and Registered
9 | Commercial Interior Designers Act shall not authorize a registered
10 | commercial interior designer to engage in the practice of
11 | architecture or landscape architecture as described herein.

12 | SECTION 30. This act shall become effective July 1, 2021.

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

17 |
18 | COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/10/2021 - DO PASS,
19 | As Amended.

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