

1 **SENATE FLOOR VERSION**

2 April 8, 2021

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL NO. 1147

By: Osburn of the House

and

Pugh of the Senate

6  
7  
8  
9 An Act relating to professions and occupations;  
10 amending 59 O.S. 2011, Sections 46.1, as amended by  
11 Section 1, Chapter 234, O.S.L. 2014, 46.2, as amended  
12 by Section 2, Chapter 234, O.S.L. 2014, 46.3, as  
13 amended by Section 3, Chapter 234, O.S.L. 2014, 46.4,  
14 as last amended by Section 1, Chapter 116, O.S.L.  
15 2020, 46.7, as last amended by Section 1, Chapter 24,  
16 O.S.L. 2015, 46.9, as amended by Section 7, Chapter  
17 234, O.S.L. 2014, 46.10, 46.12, 46.14, as last  
18 amended by Section 3, Chapter 363, O.S.L. 2019,  
19 46.17, 46.18, as amended by Section 10, Chapter 234,  
20 O.S.L. 2014, 46.19, 46.21, as amended by Section 12,  
21 Chapter 234, O.S.L. 2014, 46.21b, as amended by  
22 Section 13, Chapter 234, O.S.L. 2014, 46.24, as last  
23 amended by Section 4, Chapter 363, O.S.L. 2019,  
24 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  
Board of Governors of the Licensed Architects,

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

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

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

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

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

21 Section 46.2. In order to safeguard life, health and property  
22 and to promote ~~the~~ public welfare, the professions of architecture  
23 ~~and~~, landscape architecture and registered commercial interior  
24 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 the provisions of the State Architectural and Registered

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

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

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

- 21 1. "Architect" means any person who is licensed in the practice  
22 of architecture in the State of Oklahoma as hereinafter defined;
- 23 2. "Practice of architecture" means rendering or offering to  
24 render certain services, in connection with the design and

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

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

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

21 5. "Board" means the Board of Governors of the Licensed  
22 Architects, Landscape Architects and Registered Commercial Interior  
23 Designers of Oklahoma;

24

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

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

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

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

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

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

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

1 standards, and to the extent that the dominant purpose of such  
2 services or creative works is the preservation, conservation,  
3 enhancement, or determination of proper land uses, natural land  
4 features, ground cover and plantings, or naturalistic and aesthetic  
5 values.

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

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

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

23 14. "Registered commercial interior designer" means a person  
24 recognized by this state who is registered, qualified by ~~education,~~

1 ~~experience and~~ examination and meeting all the requirements set  
2 forth in the State Architectural and Registered Commercial Interior  
3 Designers Act and the Board's rules;

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

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

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



1 existing building when the core and shell elements are not going to  
2 be changed;

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

10 19. "Fire and life safety systems" means those systems and  
11 construction that pertain to fire and life safety protection, such  
12 as fire sprinklers, fire alarms, smoke evacuation systems, fire  
13 walls, fire barriers or smoke barriers as defined by the current  
14 International Building Code adopted by the Oklahoma Uniform Building  
15 Code Commission.

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

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

22 Section 46.4. There is hereby re-created, to continue until  
23 July 1, 2023, in accordance with the provisions of the Oklahoma  
24 Sunset Law, a board to be known as the "Board of Governors of the

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

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

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

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

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

1 proper as a portion used to determine competency for the issuance of  
2 licenses or registrations;

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

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

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

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

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

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

23

24

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  
24

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.

24

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  
15 and registered commercial interior designer shall pay to the Board a  
16 fee as prescribed by the rules of the Board. Upon receipt of the  
17 fee 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;

24

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,

24



- 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  
14 Commercial 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  
24

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.

23  
24

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~~ Board to regulate or prohibit persons who are rendering

1 interior design services and are not a registered commercial  
2 interior ~~designer~~ designers under the provisions of this act or to  
3 adopt 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 commercial interior  
9 designers or a certificate of title for a partnership, firm,  
10 association, corporation, limited liability company or limited  
11 liability partnership, shall be issued or renewed for longer than  
12 two (2) years. A registration or certificate of title may be  
13 renewed upon application, compliance with the rules of the Board and  
14 payment of fees prior to or on June 30 of alternate years. The  
15 registration for registered commercial interior designers shall  
16 begin July 1, 2007, and shall end June 30, 2009, unless renewed  
17 every two (2) years thereafter. A new registration to replace a  
18 lost, destroyed or mutilated registration shall be issued by the  
19 Board upon payment of a fee established in accordance with the rules  
20 of the Board.

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

24



1 Section 46.39. Any person who applies to become a registered  
2 commercial interior designer and remits the application and initial  
3 fees after July 1, 2007, shall be registered by the Board of  
4 Governors of the Licensed Architects, Landscape Architects and  
5 Registered Commercial Interior Designers if:

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

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

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

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

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

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

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

23 Section 46.41. A. It shall be unlawful for any person or  
24 entity to use the title "Registered Commercial Interior Designer" or

1 any other derivation of these words to indicate that the person or  
2 entity is registered under the provisions of ~~this act~~ the State  
3 Architectural and Registered Commercial Interior Designers Act, if  
4 the person is not registered under this act.

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

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

16 Each registered commercial interior designer shall have a seal,  
17 the image of which must contain the name of the registered  
18 commercial interior designer, the person's registration number and  
19 the words, "Registered Commercial Interior Designer, State of  
20 Oklahoma". All technical submissions prepared by such registered  
21 commercial interior designer, or under the responsible control of  
22 the registered commercial interior designer, shall be sealed, signed  
23 and dated, which shall mean that the registered commercial interior  
24 designer was in responsible control over the content of such

1 technical submissions during their preparation and has applied the  
2 required professional standard of care, unless prepared under the  
3 responsible control of an architect licensed in this state and  
4 signed and sealed by that licensed architect. No registered  
5 commercial interior designer may sign or seal interior technical  
6 submissions unless they were prepared by or under the responsible  
7 control of the registered commercial interior designer, except that:

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

16 2. Registered commercial interior designers may submit  
17 technical submissions, excluding Fire and Life Safety Systems, for  
18 nonstructural interior construction for the Code Use Groups as  
19 defined and listed in Section 46.21b of Title 59 of the Oklahoma  
20 Statutes.

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

24

1       It shall be unlawful for a registered commercial interior  
2 designer to accept or to receive compensation, directly or  
3 indirectly, from a person or entity other than his or her client in  
4 connection with the reparation, alteration or construction of a  
5 building interior that he or she has accepted employment in any  
6 manner.

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

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

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

19       The privilege of engaging in practice as a registered commercial  
20 interior designer is personal based upon the qualifications of the  
21 individual and evidenced by the individual's registration. The  
22 registration is not transferable.

23

24

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

4 The Board of Governors of the Licensed Architects, Landscape  
5 Architects and Registered Commercial Interior Designers of Oklahoma  
6 may restore a registration to any person whose registration has  
7 lapsed or has been revoked or suspended. Application for the  
8 reissuance of a registration shall be made in the manner as the  
9 Board may direct. The fees prescribed by the rules shall accompany  
10 the application for reissuance.

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

14 Registration under the State Architectural and Registered  
15 Commercial Interior Designers Act shall not authorize a registered  
16 commercial interior designer to engage in the practice of  
17 architecture or landscape architecture as described herein.

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

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

23 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM  
24 April 8, 2021 - DO PASS AS AMENDED