

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 460

BY BUSINESS COMMITTEE

AN ACT

RELATING TO ARCHITECTS; AMENDING SECTION 54-309, IDAHO CODE, TO REVISE A
LICENSURE EXEMPTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54-309, Idaho Code, be, and the same is hereby
amended to read as follows:

54-309. DEFINITIONS -- LIMITATION ON APPLICATION. (1) Within the
meaning and intent of this chapter, the following words shall be defined as
follows:

(a) "Architect" means a person who engages in the practice of
architecture as herein defined, and is licensed under the provisions of
this chapter.

(b) "Building" is an enclosure including improvements related
thereto, which has as its principal purpose the adaptation of space for
occupancy, or habitation by human beings.

(c) "Practice of architecture" consists of rendering or offering
those services hereinafter described, in connection with the
design, construction, enlargement, or alteration of a building
or a group of buildings. The services covered within this
definition include architectural planning, advice and consultation;
providing preliminary studies; architectural designs, drawings
and specifications; technical submissions; and, administration of
construction contracts.

(d) "Prototypical building" means any commercial building or space
within a commercial building that is intended to be constructed in
multiple locations and that in fact has been constructed in multiple
locations, and which conveys an owner's intended uniform business
program, plan or image.

(e) "Prototypical building documents" means technical submissions for
prototypical buildings that:

(i) Are prepared by or under the responsible control of an
architect then licensed in any jurisdiction and holding the
certification issued by the national council of architectural
registration boards;

(ii) Identify such architect together with the architect's
license number, jurisdiction or license and national council of
registration boards certification number; and

(iii) Are marked "Prototypical Design Documents Not For
Construction." Prototypical building documents do not comprise
a final, comprehensive set of design and construction documents
because a prototypical building also requires adaptations for

1 local conditions including site conditions and may require
2 additional design as well.

3 (f) "Responsible control" means that amount of control over and
4 detailed knowledge of the content of technical submissions during
5 their preparation as is ordinarily exercised by registered architects
6 applying the required professional standard of care. Reviewing,
7 or reviewing and correcting, technical submissions after they
8 have been prepared by others does not constitute the exercise of
9 responsible control because the reviewer has neither control over nor
10 detailed knowledge of the content of such submissions throughout their
11 preparation.

12 (g) "Technical submissions" involving the practice of architecture,
13 consist of designs, drawings, specifications, studies and other
14 technical reports prepared in the course of practicing architecture.

15 (2) Nothing contained in this chapter shall be held or construed to have
16 any application to, or to prevent or affect the following:

17 (a) The practice of engineering or any other profession or trade for
18 which a license is required under any law of this state, or the practice
19 of consultants, officers, and employees of the United States while
20 engaged solely in the practice of architecture for said government.

21 (b) Draftsmen, students, clerks of work, project representatives,
22 and others working under the supervision of those lawfully practicing
23 as architects under the provisions of this chapter from acting under
24 the instruction, control, or supervision of their supervisors, or to
25 prevent the employment of clerks of work or inspectors of buildings
26 paid by the owners from acting, if under the control or direction of a
27 licensed architect who has prepared the drawings and specifications for
28 the building.

29 (c) The rendering of any architectural service required in the
30 erection, enlargement, alteration, or repair of any building, where
31 such building is to be, or is used as a single or multiple family
32 residence not exceeding three (3) units or ~~two~~ three (23) stories
33 in height, or as a farm building; or for the purpose of outbuildings
34 or auxiliary buildings in connection with such residential or farm
35 premises.

36 (d) The rendering of any architectural service required in the
37 erection, enlargement, alteration, or repair of any building which does
38 not involve the public health or safety.

39 (e) The preparation of shop drawings by persons other than architects
40 for use in connection with the execution of their work; or the
41 preparation of drawings of fixtures, or other appliances or equipment,
42 or for any work necessary to provide for their installation.

43 (f) Expert consultation rendered to an architect by a consultant,
44 whether licensed or not, employed by the architect to consult, advise,
45 and assist as long as the architect approves, adopts and is responsible
46 for the results of such consultation, advice and assistance.

47 (g) An intern working under the supervision of a licensed architect,
48 including the use of the title "architectural intern," as may be
49 established and limited by board rule.

- 1 (h) The use of the title "architect" by a person previously licensed
2 as an architect in good standing whose license has lapsed based upon
3 retirement, to identify the person's profession but not for the purpose
4 of practicing architecture.
- 5 (i) The use of the title "architect" in this state by a person licensed
6 as an architect and in good standing in another jurisdiction, to
7 identify the person's profession in circumstances that would not
8 lead a reasonable person to believe that the person using the title
9 "architect" is offering to perform any of the services within the
10 practice of architecture in this state.