

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 74

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO THE BOARD OF ARCHITECTURAL EXAMINERS; AMENDING SECTION 54-302,
2 IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE QUALIFICATION FOR EX-
3 AMINATION AND TO REVISE PROVISIONS RELATING TO THE QUALIFICATION FOR A
4 LICENSE; AMENDING SECTION 54-303, IDAHO CODE, TO PROVIDE THAT EXAMINA-
5 TIONS SHALL BE APPROVED BY THE BOARD AND TO PROVIDE THAT EXAMINATIONS
6 SHALL BE ADMINISTERED USING FAIR AND IMPARTIAL METHODS; AMENDING SEC-
7 TION 54-305, IDAHO CODE, TO REMOVE A REFERENCE TO A PERIOD OF YEARS, TO
8 REVISE PROVISIONS RELATING TO THE GROUNDS FOR DISCIPLINE AND TO MAKE
9 TECHNICAL CORRECTIONS; AMENDING SECTION 54-307, IDAHO CODE, TO REVISE
10 A TERM AND TO DELETE PROVISIONS RELATING TO THE REGISTRATION OF FIRM
11 NAMES; AMENDING SECTION 54-308, IDAHO CODE, TO REVISE PROVISIONS RE-
12 LATING TO THE USE OF AN ARCHITECT'S SEAL; AND REPEALING SECTION 54-316,
13 IDAHO CODE, RELATING TO FOREIGN PARTNERSHIP AND CORPORATE PRACTICE.
14

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

16 SECTION 1. That Section 54-302, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 54-302. QUALIFICATIONS FOR EXAMINATION AND LICENSE. (1) A person ap-
19 plying for examination shall submit satisfactory evidence of the following
20 to the board of architectural examiners:

21 (a) Graduation from an accredited architectural curriculum in a school
22 or college approved by the board of architectural examiners as of satis-
23 factory standing, and a specific record of having started or completed
24 ~~an additional three (3) years or more of~~ experience in architectural
25 work in an internship setting of a character deemed satisfactory by the
26 board, by rule indicating that the applicant is competent to practice
27 architecture; or

28 (b) That the applicant has attained standards, as the board may adopt
29 by rule, of knowledge and skill approximating that attained through
30 graduation from an accredited architectural curriculum, and a specific
31 record of eight (8) years or more of experience in architectural work of
32 a character deemed satisfactory by the board by rule, indicating that
33 the applicant is competent to practice architecture, and a specific
34 record of having started or completed ~~an additional three (3) years or~~
35 ~~more of~~ experience in architectural work in an internship setting of a
36 character deemed satisfactory by the board.

37 (2) A person is qualified for all examination divisions once they have
38 met the graduation requirement and started the internship program as defined
39 in the board rules or met the eight (8) years of experience requirement as
40 approved by the board and started the internship program as defined in the
41 board rules.

1 (3) A person is qualified for a license once they have established a
 2 specific record of successful passage of all examination divisions and the
 3 completion of ~~three (3) years or more~~ of experience in architectural work in
 4 an internship setting of a character deemed satisfactory by the board.

5 (4) The board may adopt, by rule, as its own standards for education and
 6 experience, the guidelines published by the national council of architec-
 7 tural registration boards.

8 SECTION 2. That Section 54-303, Idaho Code, be, and the same is hereby
 9 amended to read as follows:

10 54-303. REGULAR EXAMINATIONS. The bureau of occupational licenses
 11 shall facilitate examinations for a license to practice architecture, if
 12 there be any such applicants. The examinations shall be ~~conducted~~ approved
 13 by the board of architectural examiners ~~under~~ and be administered using
 14 fair and wholly impartial methods and subject to such rules as the board may
 15 establish to test the applicant's qualifications in all branches of the pro-
 16 fessional practice of architecture with special reference to the structural
 17 stability of buildings and the protection of life, health, and property. The
 18 board may adopt, by rule, the examinations and recommended grading proce-
 19 dures of the national council of architectural registration boards.

20 SECTION 3. That Section 54-305, Idaho Code, be, and the same is hereby
 21 amended to read as follows:

22 54-305. GROUNDS FOR DISCIPLINE -- JUDICIAL REVIEW -- PENALTIES -- SUB-
 23 SEQUENT LICENSE. (1) The board may refuse to grant, or may temporarily sus-
 24 pend or otherwise restrict a license to practice architecture in this state
 25 ~~for a period not to exceed two (2) years,~~ or may revoke a license, upon any one
 26 (1) of the following grounds:

27 (a) The employment of any fraud or deception in applying for a license
 28 or in passing the examination required under this chapter.

29 (b) The employment of a fraud or deceit in the practice of his pro-
 30 fession or procuring any contract in the practice of his profession by
 31 fraudulent means.

32 (c) A display of incompetency or recklessness in the practice of archi-
 33 tecture resulting in a detriment to life, health, or public safety.

34 (d) The conviction, finding of guilt, receipt of a withheld judgment
 35 or suspended sentence in this or any other state for a felony or a mis-
 36 demeanor, which misdemeanor involved a violation of the provisions of
 37 this ~~act~~ chapter, a willful violation of state or local building codes,
 38 or a violation of other laws relating to public health and safety and
 39 which were committed in the course of practicing architecture.

40 (e) Affixing of his signature to, or impressing his seal upon, any
 41 plans, drawings, specifications, or other instruments of service which
 42 have not been prepared by him, or under his responsible control, or has
 43 permitted his name to be used for the purpose of assisting any person,
 44 not a licensed architect, to evade the provisions of this chapter.

45 (f) Receiving of rebates, commissions, grants of money or other favors
 46 in connection with the work, without the knowledge of the party for whom
 47 he is working, or having a pecuniary interest in the performance of the

1 contract for the work designed, planned or supervised by him without the
2 knowledge and consent of the owner.

3 (g) Practicing architecture contrary to the provisions and require-
4 ments of this chapter.

5 (h) Violation of rules of conduct for architects which the board may
6 adopt in accordance with guidelines published by the national council
7 of architectural registration boards.

8 (i) Practicing architecture without being licensed, in violation of
9 licensing laws of the jurisdiction in which the practice took place.

10 (j) Has had a license, certificate or registration to practice archi-
11 itecture revoked, suspended or otherwise disciplined in any jurisdic-
12 tion.

13 (k) Failure to comply with a board order entered in a disciplinary ac-
14 tion.

15 (2) Before any license shall be revoked or suspended, or the issuance
16 thereof denied under subsection 3. of section 54-302A, Idaho Code, the
17 holder or applicant shall be entitled to at least twenty (20) days' notice
18 in writing of the nature of the charge against him and of the time and place
19 of the hearing before the board for the purpose of hearing and determining
20 such charge. The proceedings shall be governed by the provisions of chapter
21 52, title 67, Idaho Code. Any revocation or suspension of license shall be
22 certified in writing by the said board and attested to with the official seal
23 of said board affixed thereto; and such revocation or suspension of license
24 shall be filed in the office of the bureau of occupational licenses.

25 (3) Any person aggrieved by the action of the board is entitled to ju-
26 dicial review thereof in accordance with the provisions of chapter 52, title
27 67, Idaho Code.

28 (4) Upon the finding of the existence of grounds for discipline of any
29 person holding a license, seeking a license, or renewing a license under the
30 provisions of this chapter, the board may impose one (1) or more of the fol-
31 lowing penalties:

32 (a) Suspension of the offender's license for a term to be determined by
33 the board;

34 (b) Revocation of the offender's license;

35 (c) Restriction of the offender's license to prohibit the offender from
36 performing certain acts or from engaging in the practice of architec-
37 ture in a particular manner for a term to be determined by the board;

38 (d) Refusal to renew the offender's license;

39 (e) Placement of the offender on probation and supervision by the board
40 for a period to be determined by the board;

41 (f) Imposition of an administrative fine not to exceed two thousand
42 dollars (\$2,000).

43 (5) Any person whose license has been revoked, suspended or the is-
44 suance of which has been denied by said board for cause and the order denying,
45 revoking or suspending the same not having been revoked by a court of com-
46 petent jurisdiction, may apply for a reissuance, reinstatement or issuance
47 of a license and the board, for reasons it may deem sufficient, may reissue,
48 reinstate or issue the license to such person, provided, however, that it
49 shall not take such action until the expiration of one (1) year after the date
50 of such order.

1 SECTION 4. That Section 54-307, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 54-307. LICENSE IS INDIVIDUAL ~~--- FIRM NAME~~. (1) Every person practic-
4 ing or offering to practice architecture as herein defined, and not other-
5 wise ~~excepted~~ exempted, shall have a separate license under his own name. A
6 license shall not be issued in the name of any firm or corporation.

7 (2) The holder of a license shall not maintain, in the practice of ar-
8 chitecture, any person who does not hold a license to practice architecture
9 in this state, unless such unlicensed person works under the responsible
10 control of his licensed supervisor.

11 ~~(3) All architects practicing architecture as individuals, all exist-~~
12 ~~ing firms and all firms organized and formed henceforth, or when any change~~
13 ~~in the personnel of the firm occurs, whether by withdrawal, addition, res-~~
14 ~~ignation or death, or upon a change in the firm name, shall make and file~~
15 ~~with the bureau of occupational licenses, a sworn statement giving the names~~
16 ~~and addresses of all its present members and the name under which the firm is~~
17 ~~practicing architecture. Nothing in this section shall prevent the surviv-~~
18 ~~ing members of a partnership, professional association or professional cor-~~
19 ~~poration, from continuing the existing firm name as long as the practice and~~
20 ~~business is continued under the existing firm name without change.~~

21 SECTION 5. That Section 54-308, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 54-308. LICENSED ARCHITECT'S SEAL. (1) Every licensed architect shall
24 have a seal, the impression of which must contain the name and Idaho archi-
25 tect license number of the architect and the words "licensed architect" and
26 "state of Idaho," with which he shall seal all technical submissions issued
27 from his office.

28 (2) The seal, signature and date may be a rubber stamp manually or an
29 electronically applied seal. Whenever the seal is applied to a technical
30 submission, the ~~original~~ signature of the architect and the date thereof
31 shall be written adjacent to or across the seal. ~~Faecsimile signatures shall~~
32 ~~not be utilized.~~ The signature, date and seal shall appear on all technical
33 submissions prepared by the architect or ~~prepared under his direction and~~
34 ~~personal supervision, and the original signature and seal may be placed on~~
35 ~~original submissions or on prints or copies of original submissions, at the~~
36 ~~option of the architect that meet the requirements set forth in subsection~~
37 (4) of this section. Only the title page of reports, specifications and like
38 documents must bear the date and the seal and signature of the architect.
39 It is the responsibility of the architect sealing the document to provide
40 adequate security when documents with electronic seals are distributed.
41 Electronically produced documents distributed for informational uses, such
42 as for bidding purposes or as working copies, may be issued with only the
43 architect's seal if:

- 44 (a) The copy includes a notice that the original document is on file
45 with the date and architect's signature;
46 (b) The words "original signed by" and "date original signed" are
47 placed adjacent to or across the seal on the electronic document; and
48 (c) The storage location of the original document is identified.

1 The design and use of the seal shall be as required by board rule.

2 (3) Technical submissions involving the practice of architecture which
3 are submitted to any public or governmental agency for the purpose of obtain-
4 ing a building permit which are not clearly identified by the affixed seal of
5 the architect and the original signature of the architect and date thereof
6 shall be deemed unacceptable submissions for the purpose of obtaining such
7 building permit.

8 (4) An architect may sign and seal technical submissions only if the
9 technical submissions were:

10 (a) Prepared by the architect;

11 (b) Prepared by persons under the architect's responsible control;

12 (c) Prepared by another architect licensed in Idaho if the signing and
13 sealing architect has reviewed the other architect's work and either
14 has coordinated the preparation of the work or has integrated the work
15 into his or her own technical submissions; or

16 (d) Prepared by another architect licensed in any state and holding the
17 certification issued by the national council of architectural regis-
18 tration boards if:

19 (i) The signing and sealing architect has reviewed the other
20 architect's work and has integrated the work into his or her own
21 technical submissions; and

22 (ii) The other architect's technical submissions are prototypi-
23 cal building documents.

24 (5) An architect may sign and seal drawings, specifications or other
25 work that is not required to be prepared by an architect if the architect has
26 reviewed such work and has integrated it into his or her own technical sub-
27 missions.

28 (6) Any licensed architect signing or sealing technical submissions
29 not prepared by that architect but prepared under the architect's respon-
30 sible control by persons not regularly employed in the office where the
31 architect is resident shall maintain and make available to the board upon
32 request, for at least five (5) years following such signing and sealing,
33 adequate and complete records demonstrating the nature and extent of the ar-
34 chitect's control over and detailed knowledge of such technical submissions
35 throughout their preparation. Any licensed architect signing or sealing
36 technical submissions integrating the work of another architect into the
37 registered architect's own work as permitted under subsection (4) (c) or (d)
38 of this section shall maintain and make available to the board upon request
39 for at least five (5) years following such signing and sealing adequate and
40 complete records demonstrating the nature and extent of the registered ar-
41 chitect's review of and integration of the work of such other architect's
42 work into his or her own technical submissions and that such review and inte-
43 gration met the required professional standard of care.

44 SECTION 6. That Section [54-316](#), Idaho Code, be, and the same is hereby
45 repealed.