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Section 46.1. Short Title - State Architectural and Licensed Interior Designers Act

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

Section 46.2. Purpose of Act

In order to safeguard life, health and property and to promote public welfare, the professions of architecture, landscape architecture and ~~registered commercial licensed interior design~~ are declared to be subject to regulation in the public interest. It is unlawful for any person to practice or offer to practice architecture ~~or~~, landscape architecture, or licensed interior design in this state, as defined in the provisions of the State Architectural and ~~Registered Commercial Licensed Interior Designers Act~~, use in connection with the person's name, or otherwise assume the title of architect, landscape architect or ~~registered commercial licensed interior designer~~, or advertise any title or description tending to convey the impression that the person is a ~~licensed an~~ architect or landscape architect or ~~registered commercial licensed interior designer~~ unless the person is duly licensed or exempt from licensure ~~or registration~~ under the State Architectural and ~~Registered Commercial Licensed Interior Designers Act~~. The practice of architecture and, landscape architecture and the use of the titles architect, landscape architect and ~~registered commercial licensed interior designer~~ are privileges granted by the state through the Board of Governors of the ~~Licensed Architects, Landscape Architects and Registered Commercial Licensed Interior Designers of Oklahoma~~ based upon the qualifications of the individual as evidenced by a certificate of licensure ~~or registration~~ which shall not be transferable.

Section 46.3. Definitions

As used in the State Architectural and ~~Registered Commercial Licensed Interior Designers Act~~:

1. "Architect" means any person who is licensed in the practice of architecture in the State of Oklahoma as hereinafter defined;
2. "Practice of architecture" means rendering or offering to render certain services, in connection with the design and construction, enlargement or alteration of a building or a group of buildings and the space surrounding such buildings, including buildings which have as their principal purpose human occupancy or habitation. The services referred to include planning, providing preliminary studies,

designs, drawings, specifications, investigations ~~and other or~~ technical submissions, the administration of construction contracts, and the coordination of any elements of technical submissions prepared by other consultants including, as appropriate and without limitation, consulting engineers and landscape architects; provided, that the practice of architecture shall include such other professional services as may be necessary for the rendering of or offering to render architectural services.

The preparation of plans and specifications for the following tasks is within the scope of practice of both architecture and engineering:

a. site plans depicting the location and orientation of a building on the site based on:

(1) a determination of the relationship of the intended use with the environment, topography, vegetation, climate, and geographic aspects, and

(2) the legal aspects of site development, including setback requirements, zoning, and other legal restrictions,

b. life safety plans and related codes analyses,

c. roof plans and details depicting the design of roof system materials, components, drainage, slopes, and directions and location of roof accessories and equipment, not involving structural engineering calculations,

d. design of shallow spread footing foundations, and

e. the incorporation of other design professionals' depiction of building systems, including architectural, structural, mechanical, electrical, and plumbing systems into the design professionals' own work, in:

(1) plan views,

(2) cross-sections depicting building components from a hypothetical cut line through buildings, and

(3) the design of details of components and assemblies;

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

~~4. "Building" means a structure consisting of a foundation, walls, all floors and roof, with or without other parts any structure used, or intended to be used, to support, shelter, or enclose any use or occupancy;~~

~~5. "Board" means the Board of Governors of the Licensed Architects, Landscape Architects and Registered Commercial Licensed Interior~~

Designers of Oklahoma;

6. "Certificate of authority" means the authorization granted by the Board for persons to practice or offer to practice architecture, ~~or~~ landscape architecture, or licensed interior design through a partnership, ~~firm, association, corporation,~~ limited liability company or limited liability partnership;

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

~~7.-8.~~ "Technical submissions" means drawings, plans, specifications, studies and any other technical reports or documents which are issued in the course of practicing architecture, landscape architecture or registered commercial interior design with the intent that they be considered as formal or final documents ~~but~~. Technical submissions shall not include record drawings. Prototypical plans are not technical submissions or prototypical plans. However, technical submissions may be further defined by Board rules;

~~8.9.~~ "Responsible control" means ~~the amount of direct control and personal supervision of architectural, landscape architectural or registered commercial interior designer's work and detailed knowledge of the content of tactical and technical submissions during their preparation as is ordinarily exercised by licensed architects, landscape architects or registered commercial interior designers applying the required professional standard of care. The terms direct control and personal supervision, whether used separately or together, mean active and personal management of the firm's personnel and practice to maintain charge of, and concurrent direction over, architecture, landscape architecture or the work of a registered commercial interior designer's decisions and the instruments of professional services to which the licensee or registrant affixes the seal, signature, and date~~ the active and personal management by a licensed architect, landscape architect, or licensed interior designer of the firm's personnel and practice, applying the required standard of care, to maintain detailed knowledge over the design and technical decisions related to the preparation and implementation of the professional services to which the licensee or registrant affixes his or her seal, signature, and date;

~~9.10.~~ "Landscape architect" means a person licensed to practice landscape architecture as provided in the State Architectural and Registered Commercial Licensed Interior Designers Act;

~~10.11.~~ "Landscape architecture" means the performance of professional services defined as teaching, consultations, investigations, reconnaissance, research, planning, design, preparation of construction drawings and specifications, construction observation and the coordination of any elements of technical submissions prepared by others in connection with the planning and arranging of land and the elements thereon for public and private use and enjoyment, including the design and layout of roadways, service areas, parking areas, walkways, steps, ramps, pools, parks, parkways, trails and recreational areas, the location and site of improvements including buildings and other structures, and the grading of the land, surface and subsoil drainage, erosion control, planting, reforestation, and the preservation of the natural landscape, in accordance with accepted professional standards, and to the extent that the dominant purpose of such services or creative works is the preservation, conservation, enhancement, or determination of proper land uses, natural land features, ground cover and plantings, or naturalistic and aesthetic values.

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

~~11.12.~~ "Code" means the nationally recognized codes adopted by the Uniform Building Code Commission of the State of Oklahoma;

~~12.13.~~ ~~"Applicable building official"~~ "Building official" means the official responsible for the application of the adopted officer, other designated authority, or duly authorized representative charged with the administration and enforcement of the building code as implemented by the local, municipal or county jurisdiction in which a building is located. Where no building code has been adopted by the local, municipal or county jurisdiction, the applicable building official shall be defined as the State Fire Marshal;

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

13. "Licensed interior designer" means a person licensed to practice licensed interior design as provided in the State Architectural and Licensed Interior Designers Act;

~~14.15.~~ "Plans" means technical documents issued by the licensed and/or registered professionals intended to meet all current and applicable codes as adopted by the Uniform Building Code Commission of the State of Oklahoma, other statutory codes and applicable federal codes and which shall be submitted to all required building code and/or permit offices required by the State of Oklahoma, county, municipal and/or federal government;

~~15.16.~~ "Equivalent standards" means those standards adopted by the Board intended to be used as alternative equivalents to determine competency for education, training and testing for licensing architects and/or, landscape architects and registering commercial-licensed interior designers and for complying with the Military Service Occupation, Education and Credentialing Act for military personnel and their spouses;

~~17. "Commercial interior design" means the rendering of or the offering to render designs, consultations, studies, planning, drawings, specifications, contract documents or other technical submissions and the administration of interior construction and contracts relating to nonstructural interior construction by a registered commercial interior designer in a new constructed or existing building when the core and shell elements are not going to be changed;~~

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

16. "Licensed interior design" means the rendering of or the offering to render services relating to nonstructural interior construction by a licensed interior designer in a newly constructed or existing building, including but not limited to:

- a. analysis, research, planning, and design of the interior spaces of a building for the purpose of enhancing and protecting the health, safety, and welfare of the public by preparation of interior drawings, specifications, or other technical

submissions and administration of nonstructural interior construction,

- b. design and specification of code-compliant interior finishes, furnishings, fixtures, or equipment,
- c. design or modification of existing nonstructural interior partitions, doors, suspended ceiling systems, or constructed ceiling elements,
- d. design or modification of existing internal circulation systems or number and configuration of interior exits for suite occupant load, or
- e. review, analysis, and evaluation of building codes, accessibility standards, or guidelines for interior planning, design, and nonstructural interior construction compliance;

17. "Nonstructural interior construction" means the construction of elements which do not include:

- f. design of, or the responsibility for, architectural and engineering work, except as explicitly provided for in this act,
- g. altering the building's existing primary structural, fire and life safety, mechanical, electrical, and plumbing systems, as set out in Oklahoma state law, this act, or the current International Building Code as adopted by the Oklahoma Uniform Building Code Commission, or other related primary building systems, and
- h. changes to the building's core and shell; and

~~19.~~ 18. "Fire and life safety systems" means those systems and construction that pertain to fire and life safety protection, such as fire sprinklers, fire alarms, smoke evacuation systems, fire walls, fire barriers or smoke barriers as defined by the current International Building Code adopted by the Oklahoma Uniform Building Code Commission.

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

Section 46.4. Board of Governors of the Architects, Landscape Architects and Licensed Interior Designers

There is hereby re-created, to continue until July 1, 2026, in accordance with the provisions of the Oklahoma Sunset Law, a board to be known as the "Board of Governors of the ~~Licensed Architects, Landscape Architects and Registered Commercial~~ Licensed Interior Designers of Oklahoma", hereinafter referred to as the Board. The Board shall be composed of eleven (11) members including six persons who are duly licensed to practice architecture and are in good standing in this state, two persons who are duly licensed to practice landscape architecture and are in good standing in this state, two persons who are ~~registered commercial~~ duly licensed interior designers and who are active and in good standing and one lay member. Each member of the Board shall be a qualified elector of this state, and the architect, landscape architect and ~~registered commercial licensed~~ interior designer members shall have had five (5) years' licensing ~~or registration~~ experience as the professional position requires in this state. Re-creation of the Board shall not alter existing staggered terms. Board members, other than the lay member, shall be appointed for a period of five (5) years ~~thereafter; provided, that nothing herein shall affect the tenure of office of anyone who is a member of the Board on May 31, 1957.~~ A member may be reappointed to succeed ~~such membership themselves.~~ The ~~licensed architect, landscape architect or the registered commercial licensed~~ interior designer members may be appointed by the Governor from a list of nominees submitted by respective professional societies of this state. Membership in a professional society shall not be a prerequisite to appointment to the Board. The lay member of the Board shall be appointed by the Governor to a term coterminous with that of the Governor. The lay member shall serve at the pleasure of the Governor. Provided, All board members, including the lay member, may continue to serve after the expiration of ~~the their term of the member~~ until such time as a successor is appointed. Vacancies which may occur in the membership of the Board shall be filled by appointment by the Governor. Each person who has been appointed to fill a vacancy shall serve for the remainder of the term for which the member the person shall succeed was appointed and until a successor, in turn, has been appointed and shall have qualified. Each member of the Board, before entering upon the discharge of the duties of the member, shall make and file with the Secretary of State a written oath or affirmation for the faithful discharge of official duties. Each member of the Board ~~and staff~~ shall be reimbursed for travel expenses pursuant to the State Travel Reimbursement Act.

Section 46.5

Repealed July 1, 1998

Section 46.6. Meeting - Officers - Salary - Quorum

The Board shall hold regular meetings with the dates, times and place to be fixed by the Board. The Board shall hold a regular meeting in June of each year, which meeting shall be the annual meeting, at which time it shall elect its officers for the next fiscal year and conduct all other business required under this act. At the regular meeting of the Board herein in June of each year, the Board shall elect from its membership a chair, a vice-chair, and a secretary-treasurer, each of whom shall serve until such officer's respective successor shall have been elected and shall have qualified. The position of the Secretary-Treasurer shall not count against the agency's full time equivalent limits authorized by the Legislature. The chair shall preside at all meetings of the Board and shall perform such other duties as the Board may prescribe. The secretary-treasurer shall receive a monthly salary to be fixed by the Board and shall be reimbursed pursuant to the State Travel Reimbursement Act for travel and other expenses which shall have been incurred while in the performance of the duties of this office. Six Board members shall constitute a quorum for the transaction of business.

Section 46.7. Powers and Duties of Board

A. In addition to the other powers and duties imposed by law, the Board of Governors of the Architects, Landscape Architects and Licensed Interior Designers of Oklahoma shall have the power and duty to:

1. Prescribe such rules and to make such orders, as it may deem necessary or expedient in the performance of its duties;
2. Prepare, conduct, and grade examinations of persons who shall apply for the issuance of licenses ~~and registrations~~ to them, and to promulgate such rules with reference thereto as it may deem proper as a portion used to determine competency for the issuance of licenses ~~or registrations~~;
3. Work with nationally recognized licensing ~~and registration~~ organizations to prepare, conduct, and grade examinations, written or oral, of persons who shall apply for the issuance of licenses ~~or~~

~~registrations;~~

4. Determine the satisfactory passing score on examinations and issue licenses ~~and registrations~~ to persons who shall have passed examinations, or who shall otherwise be entitled thereto;
5. Determine eligibility for licenses and certificates of authority and issue them;
- ~~6. Determine eligibility for registration as a registered commercial interior designer and for certificate of title and issue them;~~
- ~~6.7.~~ Promulgate rules to govern the issuing of reciprocal licenses ~~and registrations~~;
- ~~7.8.~~ Upon good cause shown, as hereinafter provided, deny the issuance of a license, ~~registration, or~~ certificate of authority ~~or certificate of title~~ or suspend, revoke, refuse to renew or issue probation orders for licenses ~~or registrations~~, and/or require additional educational coursework and determine when the objectives have been met;
- ~~8.9.~~ Upon proper showing, reinstate or conditionally reinstate licenses, ~~registrations, certificates of title~~ or certificates of authority previously issued;
- ~~9.10.~~ Review, affirm, reverse, vacate or modify its order with respect to any such denial, suspension, revocation, probation and/or educational coursework requirements or refusal to renew;
- ~~10.11.~~ Prescribe rules governing proceedings for the denial of issuance of a license, ~~registration, or~~ certificate of authority ~~or certificate of title~~, suspension, revocation or refusal to renew, to issue probation orders and/or require additional educational coursework and determine when the objectives have been met for cause, and reinstate them;
- ~~11.12.~~ Prescribe such penalties, as it may deem proper, to be assessed against holders of licenses, ~~registrations,~~ or certificates of authority ~~or certificates of title~~ for the failure to pay the biennial fee hereinafter provided for;

- 12.13. Levy civil penalties plus the legal costs incurred by the Board to prosecute the case against any person or entity who shall violate any of the provisions of the State Architectural and ~~Registered Commercial~~ Licensed Interior Designers Act, or any rule promulgated pursuant thereto;
- 13.14. Obtain an office, secure such facilities, and employ, direct, discharge and define the duties and set the salaries of such office personnel and set the salaries of such unclassified and exempt office personnel as deemed necessary by the Board;
- 14.15. Initiate disciplinary action, prosecute and seek injunctions against any person or entity who has violated any of the provisions of the State Architectural and ~~Registered Commercial~~ Licensed Interior Designers Act or any rule of the Board promulgated pursuant to said act and against the owner/developer of the building type not exempt;
- 15.16. Investigate alleged violations of the State Architectural and ~~Registered Commercial~~ Licensed Interior Designers Act or of the rules, orders or final decisions of the Board;
- 16.17. Promulgate rules of conduct governing the practice of ~~licensed~~ architects, landscape architects and ~~registered commercial~~ licensed interior designers;
- 17.18. Keep accurate and complete records of proceedings, and certify the same as may be appropriate;
- 18.19. Whenever it deems it appropriate, confer with the Attorney General or the Attorney General's assistants in connection with all legal matters and questions. The Board may also retain an attorney who is licensed to practice law in this state. The attorney shall serve at the pleasure of the Board for such compensation as may be provided by the Board. The attorney shall advise the Board and perform legal services for the Board with respect to any matters properly before the Board. In addition to the above, the Board may employ hearing examiners to conduct administrative hearings under the provisions of the Administrative Procedures Act;

19.20. Prescribe by rules, fees to be charged as required by this act;

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

21.22. Adopt rules regarding requirements for intern development as a prerequisite for licensure ~~or registration~~;

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

23.24. Take such other action as may be reasonably necessary or appropriate to effectuate the State Architectural and ~~Registered Commercial Licensed~~ Interior Designers Act. The Board may, at its discretion, contract with other state agencies and nonprofit corporations for the endowment, management, and administration of scholarships. The requirements of such scholarships shall be determined by the Board. However, nothing contained herein shall be construed as requiring the Board to endow or award any scholarship.

B. The Board may use its funds to establish and conduct instructional programs for persons who are currently licensed under this act, persons seeking licensure, as well as refresher courses for persons interested in obtaining adequate instruction or programs of study to qualify them for licensure to practice. The Board may expend its funds for these purposes and may conduct, sponsor, and arrange for instructional programs and may carry out instructional programs through extension courses or other media. The Board may enter into

plans or agreements with community colleges, public or private institutions of higher learning, the State Board of Education, the Oklahoma Department of Career and Technology Education, or nonprofit organizations for the purpose of planning, scheduling or arranging courses, instruction, extension courses, or assisting in obtaining courses of study or programs in the fields of architecture, landscape architecture, or commercial interior design. The Board shall encourage the educational institutions in Oklahoma to offer courses necessary to complete the educational requirements of Section 46.1 et seq. of this title. For the purpose of carrying out these objectives, the Board may adopt rules as may be necessary for educational programs, instruction, extension services or for entering into plans or contracts with persons or educational institutions and the Oklahoma Department of Career and Technology Education.

Section 46.8

Repealed July 1, 1998

Section 46.8a. Unlawful Practice or Use of Title - License - Reciprocity

A. It shall be unlawful for any person to directly or indirectly engage in the practice of architecture in this state or use the title "Architect", "Registered or Licensed Architect", "Architectural Designer", or display or use any words, letters, figures, titles, signs, cards, advertisements, or other symbols or devices indicating or tending to indicate that such person is an architect or is practicing architecture, unless the person is licensed under the provisions of this act. No person shall aid or abet any person, not licensed under the provisions of this act, in the practice of architecture.

B. Every person applying to the Board for an initial license shall submit an application accompanied by the fee established in accordance with the rules of the Board, with satisfactory evidence that such person holds an accredited professional degree in architecture or has completed such other education as the Board deems equivalent to an accredited professional degree and with satisfactory evidence that such person has completed such practical training in architectural work as the Board requires. If an applicant is qualified in accordance with this subsection, the Board shall, by means of a written examination, examine the applicant on such technical and professional subjects as are prescribed by the Board. None of the examination materials shall be considered public records. The Board may exempt from such written examination an applicant who holds a certification issued by the National Council of Architectural

Registration Boards or its successor or in any case the Board decides the interest of the public will be served and the person is determined to be qualified and competent by equivalent standards for education, training and examination.

The Board shall adopt as its own rules governing practical training and education and may use those guidelines published from time to time by the National Council of Architectural Registration Boards or its successor. The Board may also adopt the examinations and grading procedures of the National Council of Architectural Registration Boards or its successor and the accreditation decisions of the National Architectural Accrediting Board or its successor. The Board shall issue its license to each applicant who satisfies the requirements set forth in this section and the Board's current rules. Such license shall be effective upon issuance.

C. Pursuant to this act and such rules as it may have adopted, the Board shall have the power to issue licenses without requiring an examination to persons who have been licensed to practice architecture in states other than the State of Oklahoma, in a territory of the United States, in the District of Columbia, or in a country other than the United States; provided that the state or country has a similar reciprocal provision to authorize the issuance of licenses to persons who have been licensed in this state. If a person who has been licensed in a state other than the State of Oklahoma, or in a territory of the United States, in the District of Columbia, or in a country other than the United States complies with this act and the rules of the Board, the secretary-treasurer, acting in the exercise of his or her discretion or upon the order of the Board in the exercise of its discretion and upon the receipt of the stated payment to the Board pursuant to the rules of the Board, shall issue to the person a license to practice architecture in this state.

Section 46.9. Practice Through Partnership, Corporation, Limited Liability Company or Limited Liability Partnership - Certificate of Authority or Title - Foreign Entities - Registration of Trade Name or Service Mark

A. The practice of architecture, ~~or~~ landscape architecture, or licensed interior design or offering to practice these professions for others by persons licensed under this act through a partnership, ~~firm,~~ ~~association,~~ corporation, limited liability company or limited liability partnership as directors, partners, officers, shareholders, ~~employees,~~ managers, members or principals is permitted, subject to the provisions of the State Architectural and ~~Registered Commercial Licensed Interior Designers Act~~, provided:

1. One or more of the directors, partners, officers, shareholders, managers, members or principals of said

partnership, ~~firm, association, corporation,~~ limited liability company or limited liability partnership is ~~designated as being responsible for the entity's activities and decisions~~ legally responsible for the entity of said partnership, ~~firm, association, corporation,~~ limited liability company or limited liability partnership;

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

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

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

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

C. A partnership, ~~firm, association,~~ corporation, limited liability company or limited liability partnership desiring to practice architecture, or landscape architecture, or licensed interior design shall file with the Board an application for a certificate of authority, and pay all fees, for each office location performing work on Oklahoma projects on a form approved by the Board which shall include the names, addresses, state of licensure and license number of all partners, directors, officers, members, managers or principals of the partnership, ~~firm, association, corporation,~~ limited liability company or limited liability partnership legally responsible for the entity's practice. The form shall name an individual having the practice of architecture in such person's charge who is a director, partner, officer, member, manager or principal. The person shall be duly licensed as an architect to practice architecture or licensed as a landscape architect to practice landscape architecture, or as a licensed interior designer to practice licensed interior design in this state through said partnership, ~~firm, association, corporation,~~ limited liability company or limited liability partnership legally responsible for the entity's practice or services offered and other

information required by the Board. In the event there shall be a change in any of these persons during the term of the certification, such change shall be filed with the Board within thirty (30) days after the effective date of said change. If all of the requirements of this section and the Board's current rules have been met, the Board shall issue a certificate of authority to such partnership, ~~firm,~~ ~~association,~~ corporation, limited liability company or limited liability partnership.

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

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

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

G. The Secretary of State shall not register any trade name or service mark which includes such words, as set forth in subsection F of this section, or modifications or derivatives thereof in its firm name or logotype except those entities or individuals holding certificates of authority issued under the provisions of this section or letters of eligibility issued by the Board.

~~H. The use of the title "Registered Commercial Interior Designer"~~

~~by a partnership, firm, association, corporation, limited liability company or limited liability partnership is allowed to those entities listed, provided:~~

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

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

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

~~J. A partnership, firm, association, corporation, limited liability company or limited liability partnership shall file with the Board an application for a certificate of title on a form approved by the Board which shall include the names, addresses, state of registration and registration number of all directors, partners, officers, shareholders, members, managers, or principals of the partnership, firm, association, corporation, limited liability company or limited liability partnership. In the event there shall be a replacement of any of these persons during the term of certification, the change shall be filed with the Board within thirty (30) days after the effective date of the change. If all the requirements of this section, this act and the current rules of the Board have been met, the Board shall issue a certificate of title to such partnership, firm, association, corporation, limited liability company or limited liability partnership.~~

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

~~for incorporation or registration.~~

~~L. The Secretary of State shall not register any trade name or service mark which includes such words as set forth in subsection K of this section, or modification or derivatives thereof in its firm name or logotype except those entities or individuals holding certificates of title issued under the provisions of this section or letters of eligibility issued by the Board.~~

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

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

Section 46.10. Dues - Cancellation of License for Nonpayment

A. Every licensed architect, landscape architect and ~~registered-commercial-licensed interior designer, partnership, corporation, limited liability company, or limited liability partnership~~ shall pay to the Board a renewal fee as prescribed by the rules of the Board prior to or on June 30 of odd years. No license, registration, certificate of authority, or certificate of title shall be issued or renewed for longer than two (2) years. Upon receipt of the fee the Board shall issue a renewal of the license ~~or registration~~, which shall authorize the person to practice architecture, landscape architecture or use the title registered commercial-licensed interior designer design, as the case may be, in this state.

B. The license of an architect or, landscape architect, or the registration of a registered commercial-licensed interior designer which has been canceled by the Board for nonpayment of dues may be renewed at any time within three (3) years from the date of the cancellation, upon payment to the Board of the fees ~~which had accrued at the time of the cancellation and which would have been paid at the time of reinstatement had not the license or registration been suspended, together with payment of the amount of and any penalties which may have been prescribed by the Board.~~ If a license, initially granted by the State of Oklahoma that was the sole license of a professional, or registration remains canceled for a period exceeding three (3) consecutive years, it shall not may be reinstated unless the licensee or registrant has taken or submitted to a test or a quiz or a subject to Board review or an examination as the circumstances of the

~~individual case may warrant and as may be prescribed by the Board. Upon review, the Board may prescribe a test or an examination in order to determine continued competency of the licensee or registrant. An individual who is licensed in another jurisdiction and whose Oklahoma license has been canceled for a period exceeding three (3) consecutive years may reapply as prescribed in the rules of the Board. A partnership, firm, association, corporation, limited liability company or limited liability partnership shall pay to the Board the fee prescribed and may reinstate a certificate of authority or a certificate of title canceled for a period exceeding three (3) years in the manner provided by the rules of the Board for the renewal of the certificate of authority or certificate of title for such partnership, firm, association, corporation, limited liability company or limited liability partnership.~~

Section 46.11. Renewal of License or Certificate - Display

~~No license for architects or landscape architects or a certificate of authority for a partnership, firm, association, corporation, limited liability company or limited liability partnership, shall be issued or renewed for longer than two (2) years. A license or certificate may be renewed upon application, compliance with this act or the rules of the Board, and payment of fees prior to or on June 30 of alternate years. Every licensed architect or, landscape architect, or licensed interior designer having a place of business or employment within the state shall display such person's license in a conspicuous place in such place of business or employment. A new license to replace a lost, destroyed or mutilated license shall be issued by the Board upon payment of a fee established in accordance with the rules of the Board.~~

Section 46.12. Reinstatement of License or Certificate

~~After the expiration of a period of six (6) months and upon payment to the Board of a fee as prescribed by the rules of the Board, a person or entity whose license, registration or certificate of authority has been suspended or revoked for cause, pursuant to the provisions of the State Architectural and Registered Commercial Licensed Interior Designers Act, may file an application with the Board for the reinstatement of said license, registration, or certificate of authority or certificate of title. After a showing has been made by the applicant to the Board that the interests of the public will not suffer by reason of reinstatement, the Board in its discretion may order the reinstatement of the license, registration, or certificate of authority or certificate of title upon the payment of a sum equal to the fees which would have accrued had not the license, registration, or certificate of authority or~~

~~certificate of title~~ of the applicant been suspended or revoked.

Section 46.13

Repealed July 1, 1998

Section 46.14. Grounds for Suspension, Revocation or Nonrenewal of License or Certificate - Hearing - Definitions

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

1. Has been convicted of a felony crime that substantially relates to the practice of architecture, landscape architecture or licensed interior design and poses a reasonable threat to public safety;
2. Has been guilty of fraud or misrepresentation;
3. Has been guilty of gross incompetence or recklessness in the practice of architecture relating to the construction of buildings or structures, or of dishonest practices;
4. Has been guilty of gross incompetence or recklessness in the practice of landscape architecture, or of dishonest practices;
5. Has been guilty of gross incompetence or recklessness in the practice of licensed interior design, or of dishonest practices;
6. Presents the license, ~~registration~~ or certification of another as his or her own;
- ~~6.~~ 7. Gives false or forged evidence to the Board;
- ~~7.~~ 8. Conceals information relative to any inquiry, investigation or violation of this act or rules promulgated under this act; or

- ~~8.~~ 9. Has been found to be guilty of a violation of a provision of the State Architectural and ~~Registered Commercial-Licensed~~ Interior Designers Act, or the rules of the Board; provided, that a person or entity complained of shall be afforded the opportunity for a formal hearing carried out as described under the current Administrative Procedures Act or settled by the Board with a consent order or final order approved by the Board.

The Board shall keep a record of the evidence in, and a record of each proceeding for the suspension, revocation of or refusal to renew a license or certificate of authority and shall make findings of fact and render a decision therein. If, after a hearing, the charges shall have been found to have been sustained by the vote of a majority of the members of the Board it shall immediately enter its order of suspension, revocation, penalties, probation, educational coursework and objectives or refusal to renew, as the case may be.

B. As used in this section:

1. "Substantially relates" means the nature of criminal conduct for which the person was convicted has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the occupation; and
2. "Poses a reasonable threat" means the nature of criminal conduct for which the person was convicted involved an act or threat of harm against another and has a bearing on the fitness or ability to serve the public or work with others in the occupation.

Section 46.15. Appeals from Board - Jurisdiction of District Court of Oklahoma County

Any person or entity aggrieved by a final order of the Board may appeal from such decision by filing a petition in the District Court of Oklahoma County within thirty (30) days from the date of such final order. The District Court of Oklahoma County shall have jurisdiction of an appeal from the Board, and shall have power to affirm, reverse or modify the decisions of the Board. Such appeals shall be subject to the law and practice applicable to other civil actions. Provided, that any party to said appeal may appeal from the decision of said district court to the

Supreme Court of Oklahoma in the same manner as provided by law in other civil actions.

Section 46.16

Repealed July 1, 1998

Section 46.17. Criminal Penalties

Any person or entity convicted of violating any provision of the State Architectural and ~~Registered Commercial Licensed~~ Interior Designers Act shall be guilty of a misdemeanor. The continued violation of any provision of the State Architectural and ~~Registered Commercial Licensed~~ Interior Designers Act during each day shall be deemed to be a separate offense. Upon conviction thereof, the person or entity shall be punished by imprisonment in the county jail not to exceed one (1) year, or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment for each offense. The Board may request the appropriate district attorney to prosecute such violation and seek an injunction against such practice.

Section 46.18. Civil Penalties

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

B. The amount of the penalty shall be assessed by the Board pursuant to the provisions of subsection A of this section, after notice and hearing. In determining the amount of the penalty, the Board shall include but not be limited to consideration of the nature, circumstances, and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business, and any show of good faith in attempting to achieve compliance with the provisions of the State Architectural and ~~Registered Commercial Licensed~~ Interior Designers Act. All monies collected from such civil penalties shall be deposited with the State Treasurer of Oklahoma and placed in the Board of Architects' Fund.

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

Section 46.19. Board of Architect's Fund

All monies which shall be paid to the Board pursuant to the provisions of the State Architectural and ~~Registered Commercial-Licensed Interior Designers Act~~ shall be deposited with the State Treasurer of Oklahoma and placed in a separate and distinct fund to be known as the "Board of Architects' Fund". At the end of each fiscal year hereafter such unexpended balance remaining in the Board of Architects' Fund shall be carried over and continued therein. All sums of money now or hereafter to be or to come into the fund are hereby appropriated for the purpose of effectuating the purposes of the State Architectural and ~~Registered Commercial-Licensed Interior Designers Act~~, and to pay all costs and expenses heretofore and hereafter incurred in connection therewith.

Section 46.20. Annual Report

At the close of each fiscal year, the Board shall make a full report of its proceedings during the year to the Governor and shall pay into the General Revenue Fund of the state ten percent (10%) of all license, ~~registration,~~ and certificate of authority ~~and certificate of title~~ issuance and renewal fees collected and received during the fiscal year.

Section 46.21. Persons, Corporations, Limited Liability Companies or Limited Liability Partnerships Excepted from Act

A. The State Architectural and ~~Registered Commercial-Licensed Interior Designers Act~~ shall not apply to any persons, firms, corporations, limited liability companies or limited liability partnerships that do not hold a license, ~~registration~~ or certification in any jurisdiction for exempted Code Use Groups defined by the State Architectural and ~~Registered Commercial-Licensed Interior Designers Act~~, providing such persons and/or entities shall not represent such person or entity to be an architect, licensed interior designer, or other title of profession or business using a form of the ~~word~~ words, "Architect" or "Licensed Interior Designer". This act shall not prevent such persons and/or

entities from advertising or selling their services.

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

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

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

1. Nothing in this act shall prohibit a person or firm from participating in an architectural design competition involving only architectural programming, planning, schematic design or design development information provided to a sponsor; and
2. The competition winner, prior to seeking the commission for architectural services on the proposed project, shall apply for licensing in this state within ten (10) days of notification of winning the competition and complete the process within thirty (30) days.

D. Nothing in this act shall prohibit an officer or employee of the United States Armed Forces or an employee of the United States government from practicing within the scope of their authority and employment.

Section 46.21b. Architects Required for Certain Buildings - Code Use Groups - Exempted Buildings

A. An architect shall be required to plan, design and prepare plans and specifications for the following Code Use Groups except where specifically exempt from the provisions of the State Architectural and ~~Registered Commercial Licensed~~ Interior Designers Act. All Code Use

Groups in this section are defined by the current International Building Code.

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

1. Code Use Group I - Institutional;
2. Code Use Group R-2 - Residential, limited to dormitories, fraternities and sororities, and monasteries and convents;
3. Code Use Group A-1 - Assembly and theaters;
4. Code Use Group A-4 - Assembly, arenas and courts;
5. Code Use Group A-5 - Assembly, bleachers and grandstands; ~~and~~
6. Code Use Group H - High hazard; and
7. Buildings for which the designated Code Use Group changes are not exempt from the State Architectural and ~~Registered Commercial~~ Licensed Interior Designers Act.

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

8. The construction, addition or alteration of a building no more than two stories in height and with a code-defined occupancy of no more than fifty (50) persons for the Code Use Groups A-2 and A-3 - Assembly and Code Use Group E - Education;
9. The construction, addition or alteration of a building no more than two stories in height and no more than sixty-four transient lodging units per building for the Code Use Group R1 - Residential, including, but not limited to, hotels and motels;
10. The construction, addition or alteration of a building no more than two stories in height and

with a gross square footage not exceeding one hundred thousand (100,000) in the Code Use Group B - Business;

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

12. The construction, addition or alteration of a building no more than two stories in height in the following Code Use Groups or buildings:
 - a. Code Use Group U - Utility,
 - b. Code Use Group F - Factory and Industrial,
 - ~~e. Code Use Group H - High hazard,~~
 - c. Code Use Group S - Storage,
 - d. Code Use Group R2 - Residential, including apartments containing no more than thirty-two dwelling units or thirty-two guest units per building,
 - e. Code Use Groups R3 and R4 - Residential,
 - f. all buildings used by a municipality, county, state, public trust, public agency or the federal government with a construction value under One Hundred Fifty- eight Thousand Dollars (\$158,000.00),
 - g. incidental buildings or appurtenances associated with paragraphs 1 through 5 of this subsection, and
 - h. all uninhabitable, privately owned agricultural buildings.

13. Single or two-family residential dwellings, as defined by the International Residential Code adopted by the Oklahoma Uniform Building Code Commission.

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

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

F. Nonstructural interior construction projects in Code Use Groups requiring an architect are exempt from hiring an architect if the services are performed by a licensed interior designer.

Section 46.22

Repealed July 1, 1998

Section 46.23

Repealed July 1, 1998

Section 46.24. Issuance of Architecture License - Qualifications - Examination - License Certificate - Confidential Records

A. Except as otherwise provided in the State Architectural and ~~Registered Commercial-Licensed Interior Designers Act~~, no license shall be issued to any person to practice architecture in this state unless the person:

1. Is twenty-one (21) years of age or over;
2. Is the holder of an accredited professional degree in architecture and shall have had such practical training as this act and the Board, by rule, shall deem appropriate. In lieu of the requirement of an accredited professional degree, the Board may license an applicant who demonstrates in accordance with such standards and requirements as determined by this act and/or the Board's rules that the person has such other educational experience as the Board deems equivalent to an accredited professional degree in architecture or in any case the Board decides the interest of the public will be served and the person is determined to be qualified and competent by

equivalent standards for architects and in compliance with this act and rules or in compliance with the Military Service Occupation, Education and Credentialing Act;

3. Has paid to the Board a fee as prescribed by the rules of the Board plus the actual cost of the examination given by the Board; and
4. Has passed the examinations prescribed by the Board for the issuance of a license.

B. Upon meeting the requirements of subsection A of this section and payment of an initial fee as may be prescribed by the rules of the Board, the Board shall issue to the applicant a license which shall authorize the applicant to engage in the practice of architecture in this state. The Board has the authority to issue temporary licenses while qualifying the applicant in compliance with the Military Service Occupation, Education and Credentialing Act or with any declared state of emergency.

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

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

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

Section 46.25. Seal of Architect

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

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

1. The person may sign or seal those portions of the technical submissions that were prepared by or under the responsible control of persons who are licensed under the State Architectural and ~~Registered Commercial~~ Licensed Interior Designers Act if the architect has reviewed and adapted in whole or in part such portions and has either coordinated their preparation or integrated them into the work; and
2. The person may sign or seal those portions of the technical submissions that are not required to be prepared by or under the responsible control of an architect if the architect has reviewed and adapted in whole or in part such submissions and integrated them into the work. The seal may be a rubber stamp or may be generated electronically, pursuant to rules adopted by the Board.

Section 46.26. Acceptance of Compensation from Other than Client - Unlawful

It shall be unlawful for an architect to accept or to receive compensation, directly or indirectly, from another than his or her client in connection with the reparation, alteration or construction of a building or structure in relation to which he shall have accepted employment in any manner.

Section 46.27. Prohibition Against Architects Bidding or Holding Financial Interests in Bidding Entities for Certain Contracts

It shall be unlawful for an architect, at any time, to bid or hold a financial interest in any entity competitively bidding for a contract

for the reparation, alteration or erection of a building or other structure for which he has prepared the plans and specifications unless the contract is a design/build contract.

Section 46.28. Scope of Act

The State Architectural and ~~Registered Commercial Licensed~~ Interior Designers Act shall not require the licensing ~~or registration~~ of practitioners of the following professions and occupations to practice landscape architecture:

1. A professional ~~civil~~ engineer, as defined in Section 475.2 of this title, certified to practice the profession in this state under any act to regulate the practice of that profession. Nothing contained in the State Architectural and ~~Registered Commercial Licensed~~ Interior Designers Act shall be construed as precluding an architect or engineer from performing services included within the definition of "landscape architecture" when incidental, meaning less than ten percent (10%) of the total project cost, to the performance of his or her normal practice as an architect or engineer;
2. A landscape contractor building or installing what was designed by a landscape architect;
3. An agriculturist, horticulturist, forester as defined in Section 1202 of this title, nursery operator, gardener, landscape gardener, garden or lawn caretaker and grader or cultivator of land involved in the selection, placement, planting and maintenance of plant material;
4. Persons who act under the supervision of a licensed landscape architect or an employee of a person lawfully engaged in the practice of landscape architecture and who, in either event, does not assume responsible charge of design or supervision;
5. Regional planners or urban planners, who evaluate and develop land-use plans to provide for community and municipal projections of growth patterns based on demographic needs;
6. A landscape designer or contractor whose business is choosing types of plants, planning their location and

the design of landscapes for those projects or whose work is limited to projects for a single-family residential home. Landscape design or installation work may also be performed by an owner or occupant on the single-family residence of the owner or occupant;

7. Persons other than landscape architects who prepare details and shop drawings for use in connection with the execution of their work; and
8. Builders or their superintendents in the supervision of landscape architectural projects.

Section 46.29. Landscape Architecture License Required

No person shall practice landscape architecture in this state, or use the title "landscape architect" or derivations of those words on any sign, title, card or device to indicate that such person is practicing landscape architecture or is a landscape architect, unless such person shall have secured a license from the Board.

Section 46.30. Licensing of Landscape Architects - Temporary licenses - Certificate of Qualification

The Board shall license, as a landscape architect, each applicant who demonstrates to the satisfaction of the Board his or her qualification and competence or in any case the Board decides the interest of the public will be served for such license as provided in equivalent standards for education, training and examination in this act and the Board's current rules or in compliance with the Military Service Occupation, Education and Credentialing Act. The Board has the authority to issue temporary licenses while qualifying the applicant in compliance with the Military Service Occupation, Education and Credentialing Act or with any declared state of emergency.

The Board shall issue to each individual licensed a certificate of qualification and the right to use the title "landscape architect" and to practice landscape architecture in the state.

Section 46.31. Examination of Landscape Architects - License Certificate - Issuance of License Without Examination

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

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

B. If the Board determines the interest of the public will be served and the person is deemed by the Board to be qualified and competent by equivalent standards as the Board sets by rule or in compliance with the Military Service Occupation, Education and Credentialing Act, the application shall be approved by the Board after the person has fulfilled all requirements of this act and rules of the Board.

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

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

Upon passage of the examination, completion of the Board's requirements as prescribed by this act and rules, and the payment of all applicable fees prescribed by the rules of the Board, the Board

shall issue to the applicant a license which shall authorize the person to engage in the practice of landscape architecture in this state.

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

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

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

1. Nothing in this act shall prohibit a person or firm from participating in a landscape architectural design competition involving only programming, planning, schematic design or design development information provided to a sponsor; and
2. The competition winner, prior to seeking the commission for services on the proposed project, shall apply for licensing in this state within ten (10) days of notification of winning the competition and complete the process within thirty (30) days.

Section 46.32. Practice of Landscape Architecture - Not Transferable

The privilege of engaging in the practice of landscape architecture is personal based upon the qualifications of the individual and evidenced by the individual's license. The license is not transferable.

Section 46.33. Restoration of License - Application

The Board may restore a license to any person whose license has lapsed or has been revoked or suspended. Application for the reissuance of a license shall be made in the manner as the Board may direct. The fees prescribed by the rules shall accompany the application for reissuance.

Section 46.34. Seal of Landscape Architect

A. Each ~~licensed~~ landscape architect shall have a seal, the image of which shall contain the name of the landscape architect, the person's license number and the words "Licensed Landscape Architect, State of Oklahoma". All technical submissions prepared by such landscape architect, or under the responsible control of the landscape architect, shall be sealed, signed and dated, which shall mean that the landscape architect was in responsible control over the content of such technical submissions during their preparation and has applied the required professional standard of care. No ~~licensed~~ landscape architect may sign or seal technical submissions unless they were prepared by or under the responsible control of the landscape architect, except that:

1. The person may sign or seal those portions of the technical submissions under the responsible control of persons who are licensed under the State Architectural and ~~Registered Commercial Licensed~~ Interior Designers Act if the landscape architect has reviewed and adapted in whole or in part such portions and has either coordinated their preparation or integrated them into the work; and
2. The person may sign or seal those portions of the technical submissions that are not required to be prepared by or under the responsible control of a landscape architect if the landscape architect has reviewed and adapted in whole or in part such submissions and integrated them into the work. The seal may be a rubber stamp or may be generated electronically pursuant to rules adopted by the

Board.

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

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

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

Section 46.35. Unlawful Compensation

It shall be unlawful for a landscape architect to accept or to receive compensation, directly or indirectly, from any person other than the client in connection with the reparation, alteration or construction of a project in relation to which the landscape architect shall have accepted employment in any manner.

Section 46.36. Prohibition Against Landscape Architects Bidding or Holding Financial Interests in Bidding Entities for Certain Contracts

It shall be unlawful for a landscape architect, at any time, to bid or hold a financial interest in any entity competitively bidding for a contract for the reparation, alteration, or erection of a building or

other structure for which he or she has prepared the plans and specifications unless the contract is a design/build contract.

Section 46.37

Repealed July 1, 2006

Section 46.38. Licensure of Interior Designers - Effective Date - Qualifications - Reciprocity - Certificate of Authority - Term of License or Certificate

A. Except as otherwise provided in the State Architectural and ~~Registered Commercial-Licensed~~ Interior Designers Act, no ~~registration-license~~ shall be issued to any person to represent that the person is a "~~registered-commercial-licensed interior designer~~" nor shall any person be allowed to use the term or practice licensed interior design unless the person pays to the Board the required fees and/or penalties if applicable as established by the rules of the Board and:

1. Holds an accredited professional degree in interior design from an interior design program accredited by the Council for Interior Design Accreditation or its successor, or from an interior design program determined by the Board to be substantially equivalent to an accredited program;
2. Provides proof of a minimum of two (2) years of full-time diversified and appropriate experience within established standards as the Board shall prescribe; and
3. Provides to the Board proof of passage of the examination administered by the Council for Interior Design Qualification or its successor or an equivalent examination as determined by the Board.

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

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

D. Nothing in this act shall be construed to authorize the Board to regulate or prohibit persons who are rendering interior design services and are not ~~registered commercial licensed~~ interior designers under the provisions of this act or to adopt regulations that would exceed the powers and responsibilities expressly authorized under this act.

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

1. The use of the title "~~Registered Commercial Licensed~~ Interior Designer" by a partnership, ~~firm,~~ ~~association,~~ corporation, limited liability company or limited liability partnership is allowed to those entities listed, provided:
 - a. one or more of the directors, partners, officers, shareholders, members, managers, or principals is a ~~registered commercial licensed~~ interior designer and is in good standing with the Board, and
 - b. the partnership, ~~firm,~~ ~~association,~~ corporation, limited liability company or limited liability partnership has been issued a certificate of ~~title~~ authority by the Board;
2. The Board shall have the power to issue, revoke, deny or refuse to renew a certificate of ~~title~~ authority for a partnership, ~~firm,~~ ~~association,~~ corporation, limited liability company or limited liability partnership as provided for in this act;
3. A partnership, ~~firm,~~ ~~association,~~ corporation, limited liability company or limited liability partnership shall file with the Board an application for a certificate of ~~title~~ authority on a form approved by the Board which shall include the names, addresses, state of registration or licensure and registration or license number of all directors, partners, officers, shareholders, members, managers or principals of the partnership, ~~firm,~~ ~~association,~~ corporation, limited liability company or limited liability partnership. In the event there shall be a change in any of these persons during the term of certification, the change

shall be filed with the Board within thirty (30) days after the effective date of the change. If all the requirements of this section and the Board's current rules have been met, the Board shall issue a certificate of ~~title authority~~ to the partnership, ~~firm, association, corporation,~~ limited liability company or limited liability partnership;

4. The Secretary of State shall not issue a certificate of incorporation or register a foreign corporation or any other entity which includes among the objectives for which it is established the words "~~Registered Commercial Licensed Interior Designer~~" or any modification or derivation of these words, unless the Board has issued for the applicant either a certificate of title for an entity, or a letter indicating the eligibility for an exemption pursuant to the requirements of this act. The firm applying shall supply the certificate of ~~title authority~~ or letter from the Board with its application for incorporation or registration;
5. The Secretary of State shall not register any trade name or service mark which includes ~~such the~~ words as set forth in paragraph 4 of this subsection, ~~or modification or derivatives thereof~~ in its firm name or logotype except those entities or individuals holding certificates of ~~title authority~~ issued under the provisions of this section or letters of eligibility issued by the Board; and
6. Upon application for renewal and upon compliance with the provisions of this act and the rules of the Board, a certificate of ~~title authority~~ shall be renewed as provided by this act.

F. No ~~registration license~~ for ~~registered commercial licensed~~ interior designers or a certificate of ~~title authority~~ for a partnership, ~~firm, association, corporation,~~ limited liability company or limited liability partnership, shall be issued or renewed for longer than two (2) years. A ~~registration license~~ or certificate of ~~title authority~~ may be renewed upon application, compliance with the rules of the Board and payment of fees prior to or on June 30 of alternate years. ~~The registration for registered commercial interior designers shall begin July 1, 2007, and shall end June 30, 2009, unless renewed every two (2) years thereafter.~~ A new ~~registration license~~ to replace a lost, destroyed or mutilated

~~registration~~license shall be issued by the Board upon payment of a fee established in accordance with the rules of the Board.

Section 46.39. Alternative Requirements for Interior Designer Licensure

Any person who applies to become a ~~registered commercial~~licensed interior designer and remits the application and initial fees after July 1, 2007, shall be ~~registered~~licensed by the Board of Governors of the ~~Licensed Architects, Landscape Architects and Registered Commercial Licensed Interior Designers of Oklahoma~~ if an applicant demonstrates, in accordance with this act, or in compliance with the Military Service Occupation, Education and Credentialing Act and requirements as the Board adopts by rule, that the applicant has the interior design education and training that the Board deems equivalent to an accredited professional degree in interior design and the applicant has passed the examination of the Council for Interior Design Qualification or its successor, or an equivalent examination as determined by the Board.

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

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

Section 46.40. Waiver of Educational and Examination Requirements for Interior Designer Licensure - Licensed Architect Granted Use of Interior Design Term

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

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

Section 46.41. Unlawful Use of Licensed Interior Designer Title

A. It shall be unlawful for any person or entity to use the title "~~Registered Commercial Licensed~~ Interior Designer" or any other derivation of these words to indicate that the person or entity is ~~registered licensed~~ under the provisions of the State Architectural and ~~Registered Commercial Licensed~~ Interior Designers Act or engages in the practice of licensed interior design, if the person is not ~~registered licensed~~ under this act.

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

Section 46.42. Licensed Interior Designer Seal

Each ~~registered commercial licensed~~ interior designer shall have a seal, the image of which must contain the name of the ~~registered commercial licensed~~ interior designer, the person's ~~registration license~~ number and the words, "~~Registered Commercial Licensed~~ Interior Designer, State of Oklahoma". All technical submissions prepared by such ~~registered commercial licensed~~ interior designer, or under the responsible control of the ~~registered commercial licensed~~ interior designer, shall be sealed, signed and dated, which shall mean that the ~~registered commercial licensed~~ interior designer was in responsible control over the content of such technical submissions during their preparation and has applied the required professional standard of care, unless prepared under the responsible control of an architect licensed in this state and signed and sealed by that licensed architect. No ~~registered commercial licensed~~ interior designer may sign or seal interior technical submissions unless they were prepared by or under the responsible control of the ~~registered commercial licensed~~ interior designer, except that:

1. The person may sign or seal those portions of the technical submissions that were prepared by or under the responsible control of persons who are ~~registered-licensed~~ under the State Architectural and ~~Registered-Commercial-Licensed Interior Designers Act~~ if the licensed interior designer has reviewed and adapted in whole or in part such portions and has either coordinated their preparation or integrated them into the work. The seal may be a rubber stamp or may be generated electronically, pursuant to rules adopted by the Board; and
2. ~~Registered-commercial-Licensed interior designers~~ may submit technical submissions, excluding fire and life safety systems, for nonstructural interior construction for the Code Use Groups as defined and listed in Section 46.21b of ~~Title 59 of the Oklahoma Statutes~~ this title.

Section 46.43. Unlawful to Receive Compensation Except from Client

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

Section 46.44. Unlawful to Bid or Hold Financial Interest in Entities Competitively Bidding

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

Section 46.45. Personal Privilege-Registration Non-Transferable

The privilege of engaging in practice as a ~~registered-commercial-licensed interior designer~~ is personal based upon the qualifications of the individual and evidenced by the individual's ~~registration-license~~. The registration-license is not transferable.

Section 46.46. Application for Reissuance of Licensed

The Board of Governors of the ~~Licensed-Architects~~, Landscape

Architects and ~~Registered Commercial Licensed~~ Interior Designers of Oklahoma may restore a ~~registration license~~ to any person whose ~~registration license~~ has lapsed or has been revoked or suspended. Application for the reissuance of a ~~registration license~~ shall be made in the manner as the Board may direct. The fees prescribed by the rules shall accompany the application for reissuance.

Section 46.47. NO Authority to Engage in Practice of Architecture or Landscape Architecture

~~Registration Licensure~~ under the State Architectural and ~~Registered Commercial Licensed~~ Interior Designers Act shall not authorize a ~~registered commercial licensed~~ interior designer to engage in the practice of architecture or landscape architecture as described herein.