

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 360

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO ARCHITECTS; AMENDING SECTION 54-302, IDAHO CODE, TO REMOVE A  
2 CERTAIN REQUIREMENT OF PERSONS APPLYING FOR AN ARCHITECTURE LICENSE  
3 EXAMINATION; AMENDING SECTION 54-303, IDAHO CODE, TO REVISE PROVISIONS  
4 RELATING TO REGULAR EXAMINATIONS; AMENDING SECTION 54-305, IDAHO CODE,  
5 TO PROVIDE ADDITIONAL GROUNDS FOR DISCIPLINE AND TO MAKE TECHNICAL  
6 CORRECTIONS; AMENDING SECTION 54-307, IDAHO CODE, TO REMOVE LICENSING  
7 PROVISIONS FOR FIRM NAMES; AMENDING SECTION 54-308, IDAHO CODE, TO RE-  
8 VISE PROVISIONS RELATING TO LICENSED ARCHITECTS' SEALS; AND REPEALING  
9 SECTION 54-316, IDAHO CODE, RELATING TO FOREIGN PARTNERSHIP AND CORPO-  
10 RATE PRACTICE.  
11

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

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

15 54-302. QUALIFICATIONS FOR EXAMINATION AND LICENSE. (1) A person ap-  
16 plying for examination shall submit satisfactory evidence of the following  
17 to the board of architectural examiners:

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

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

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

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

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

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

6 54-303. REGULAR EXAMINATIONS. The bureau of occupational licenses  
7 shall facilitate examinations for a license to practice architecture, if  
8 there be any such applicants. The examinations shall be ~~conducted~~ approved  
9 by the board of architectural examiners ~~under~~ and be administered using  
10 fair and wholly impartial methods and subject to such rules as the board may  
11 establish to test the applicant's qualifications in all branches of the pro-  
12 fessional practice of architecture with special reference to the structural  
13 stability of buildings and the protection of life, health, and property. The  
14 board may adopt, by rule, the examinations and recommended grading proce-  
15 dures of the national council of architectural registration boards.

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

18 54-305. GROUNDS FOR DISCIPLINE -- JUDICIAL REVIEW -- PENALTIES -- SUB-  
19 SEQUENT LICENSE. (1) The board may refuse to grant, or may temporarily sus-  
20 pend or otherwise restrict a license to practice architecture in this state  
21 for a period not to exceed two (2) years, or may revoke a license, upon any one  
22 (1) of the following grounds:

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

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

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

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

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

41 (f) Receiving of rebates, commissions, grants of money or other favors  
42 in connection with the work, without the knowledge of the party for whom  
43 he is working, or having a pecuniary interest in the performance of the  
44 contract for the work designed, planned or supervised by him without the  
45 knowledge and consent of the owner.

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

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

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

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

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

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

21 (3) Any person aggrieved by the action of the board is entitled to ju-  
 22 dicial review thereof in accordance with the provisions of chapter 52, title  
 23 67, Idaho Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

21           54-308. LICENSED ARCHITECT'S SEAL. (1) Every licensed architect shall  
22    have a seal, the impression of which must contain the name and Idaho archi-  
23    tect license number of the architect and the words "licensed architect" and  
24    "state of Idaho," with which he shall seal all technical submissions issued  
25    from his office.

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

42           (a) The copy includes a notice that the original document is on file  
43           with the date and architect's signature;

44           (b) The words "original signed by" and "date original signed" are  
45           placed adjacent to or across the seal on the electronic document; and

46           (c) The storage location of the original document is identified.

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

48           (3) Technical submissions involving the practice of architecture which  
49    are submitted to any public or governmental agency for the purpose of obtain-

1 ing a building permit which are not clearly identified by the affixed seal of  
2 the architect and the ~~original~~ signature of the architect and date thereof  
3 shall be deemed unacceptable submissions for the purpose of obtaining such  
4 building permit.

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

7 (a) Prepared by the architect;

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

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

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

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

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

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

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

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