

1 **SENATE FLOOR VERSION**

February 12, 2024

2 **AS AMENDED**

3 SENATE BILL NO. 1962

By: Pugh

4
5
6 An Act relating to architects; amending 59 O.S. 2021,
7 Section 46.3, which relates to definitions; modifying
8 definitions; amending 59 O.S. 2021, Section 46.4, as
9 amended by Section 1, Chapter 62, O.S.L. 2023 (59
10 O.S. Supp. 2023, Section 46.4), which relates to
11 Board of Governors of the Licensed Architects,
12 Landscape Architects, and Registered Commercial
13 Interior Designers of Oklahoma; updating statutory
14 language; amending 59 O.S. 2021, Section 46.7, which
15 relates to power and duties of Board; authorizing the
16 Board to use funds to establish certain instructional
17 programs; amending 59 O.S. 2021, Section 46.9, which
18 relates to practice of architecture or landscape
19 architecture; updating certain registration for
20 operation; amending 59 O.S. 2021, Section 46.10,
21 which relates to renewal of licenses; providing
22 timeline for certain renewal of licenses; amending 59
23 O.S. 2021, Section 46.21, which relates to
24 exceptions; providing an exception; amending 59 O.S.
2021, Section 46.21b, which relates to architects
required for certain building; adding certain
structure to exempted buildings; amending 59 O.S.
2021, Section 46.38, which relates to registration of
interior designers; updating statutory language;
repealing 59 O.S. 2021, Section 46.11, which relates
to renewal of license or certificate; and providing
an effective date.

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

23 SECTION 1. AMENDATORY 59 O.S. 2021, Section 46.3, is
24 amended to read as follows:

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

3 1. "Architect" means any person who is licensed in the practice
4 of architecture in the State of Oklahoma as hereinafter defined;

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

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

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

1 (1) a determination of the relationship of the
2 intended use with the environment, topography,
3 vegetation, climate, and geographic aspects, and
4 (2) the legal aspects of site development, including
5 setback requirements, zoning, and other legal
6 restrictions,

7 b. life safety plans and related codes analyses,

8 c. roof plans and details depicting the design of roof
9 system materials, components, drainage, slopes, and
10 directions and location of roof accessories and
11 equipment, not involving structural engineering
12 calculation,

13 d. design of shallow spread footing foundations, and

14 e. incorporation of other design professionals'

15 depictions of building systems, including
16 architectural, structural, mechanical, electrical, and
17 plumbing systems into the design professional's own
18 work, in:

19 (1) plan views,

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

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

24

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

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

11 5. "Board" means the Board of Governors of the Licensed
12 Architects, Landscape Architects and Registered Commercial Interior
13 Designers of Oklahoma;

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

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

24

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

9 9. "Responsible control" means the ~~amount of direct control and~~
10 ~~personal supervision of architectural, landscape architectural or~~
11 ~~registered commercial interior designer's work and detailed~~
12 ~~knowledge of the content of tactical and technical submissions~~
13 ~~during their preparation as is ordinarily exercised by licensed~~
14 ~~architects, landscape architects or registered commercial interior~~
15 ~~designers applying the required professional standard of care. The~~
16 ~~terms direct control and personal supervision, whether used~~
17 ~~separately or together, mean active and personal management of the~~
18 ~~firm's personnel and practice to maintain charge of, and concurrent~~
19 ~~direction over, architecture, landscape architecture or the work of~~
20 ~~a registered commercial interior designer's decisions and the~~
21 ~~instruments of professional services to which the licensee or~~
22 ~~registrant affixes the seal, signature, and date~~ active and personal
23 management by a licensed architect, landscape architect, or
24 registered commercial interior designer of the firm's personnel and

1 practice, applying the required standard of care, to maintain
2 detailed knowledge over the design and technical decisions related
3 to the preparation and implementation of the professional services
4 to which the licensee or registrant affixed his or her seal,
5 signature, and date;

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

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

1 enhancement, or determination of proper land uses, natural land
2 features, ground cover and plantings, or naturalistic and aesthetic
3 values.

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

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

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

24

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

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

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

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

1 registered commercial interior designer in a new constructed or
2 existing building when the core and shell elements are not going to
3 be changed;

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

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

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

20 SECTION 2. AMENDATORY 59 O.S. 2021, Section 46.4, as
21 amended by Section 1, Chapter 62, O.S.L. 2023 (59 O.S. Supp. 2023,
22 Section 46.4), is amended to read as follows:

23 Section 46.4. There is hereby re-created, to continue until
24 July 1, 2026, in accordance with the provisions of the Oklahoma

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

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

17 SECTION 3. AMENDATORY 59 O.S. 2021, Section 46.7, is
18 amended to read as follows:

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

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

1 and to promulgate such rules with reference thereto as it may deem
2 proper as a portion used to determine competency for the issuance of
3 licenses or registrations;

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

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

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

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

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

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

24

1 9. Upon proper showing, reinstate or conditionally reinstate
2 licenses, registrations, certificates of title or certificates of
3 authority previously issued;

4 10. Review, affirm, reverse, vacate or modify its order with
5 respect to any such denial, suspension, revocation, probation and/or
6 educational coursework requirements or refusal to renew;

7 11. Prescribe rules governing proceedings for the denial of
8 issuance of a license, registration, certificate of authority or
9 certificate of title, suspension, revocation or refusal to renew, to
10 issue probation orders and/or require additional educational
11 coursework and determine when the objectives have been met for
12 cause, and reinstate them;

13 12. Prescribe such penalties, as it may deem proper, to be
14 assessed against holders of licenses, registrations, certificates of
15 authority or certificates of title for the failure to pay the
16 biennial fee hereinafter provided for;

17 13. Levy civil penalties plus the legal costs incurred by the
18 Board to prosecute the case against any person or entity who shall
19 violate any of the provisions of the State Architectural and
20 Registered Commercial Interior Designers Act, or any rule
21 promulgated pursuant thereto;

22 14. Obtain an office, secure such facilities, and employ,
23 direct, discharge and define the duties and set the salaries of such
24

1 office personnel and set the salaries of such unclassified and
2 exempt office personnel as deemed necessary by the Board;

3 15. Initiate disciplinary action, prosecute and seek
4 injunctions against any person or entity who has violated any of the
5 provisions of the State Architectural and Registered Commercial
6 Interior Designers Act or any rule of the Board promulgated pursuant
7 to said act and against the owner/developer of the building type not
8 exempt;

9 16. Investigate alleged violations of the State Architectural
10 and Registered Commercial Interior Designers Act or of the rules,
11 orders or final decisions of the Board;

12 17. Promulgate rules of conduct governing the practice of
13 licensed architects , landscape architects and registered commercial
14 interior designers;

15 18. Keep accurate and complete records of proceedings, and
16 certify the same as may be appropriate;

17 19. Whenever it deems it appropriate, confer with the Attorney
18 General or the Attorney General's assistants in connection with all
19 legal matters and questions. The Board may also retain an attorney
20 who is licensed to practice law in this state. The attorney shall
21 serve at the pleasure of the Board for such compensation as may be
22 provided by the Board. The attorney shall advise the Board and
23 perform legal services for the Board with respect to any matters
24 properly before the Board. In addition to the above, the Board may

1 employ hearing examiners to conduct administrative hearings under
2 the provisions of the Administrative Procedures Act;

3 20. Prescribe by rules, fees to be charged as required by this
4 act;

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

15 22. Adopt rules regarding requirements for intern development
16 as a prerequisite for licensure or registration;

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

23 24. Take such other action as may be reasonably necessary or
24 appropriate to effectuate the State Architectural and Registered

1 Commercial Interior Designers Act. The Board may, at its
2 discretion, contract with other state agencies and nonprofit
3 corporations for the endowment, management, and administration of
4 scholarships. The requirements of such scholarships shall be
5 determined by the Board. However, nothing contained herein shall be
6 construed as requiring the Board to endow or award any scholarship;
7 and

8 25. The Board may use its funds to establish and conduct
9 instructional programs for persons who are currently licensed under
10 the State Architectural and Registered Commercial Interior Designers
11 Act and persons seeking licensure, as well as refresher courses for
12 persons interested in obtaining adequate instruction or programs of
13 study to qualify them for licensure to practice. The Board may
14 expend its funds for these purposes and may conduct, sponsor, and
15 arrange for instructional programs and may carry out instructional
16 programs through extension courses or other media. The Board may
17 enter into plans or agreements with community colleges, public or
18 private institutions of higher learning, the State Board of
19 Education, the Oklahoma Department of Career and Technology
20 Education, or nonprofit organizations for the purpose of planning,
21 scheduling, or arranging courses, instruction, extension courses, or
22 in assisting in obtaining courses of study or programs in the fields
23 of architecture, landscape architecture, or commercial interior
24 design. The Board shall encourage the educational institutions in

1 Oklahoma to offer courses necessary to complete the educational
2 requirements of Section 46.1 et seq. of this title. For the purpose
3 of carrying out these objectives, the Board may adopt rules as may
4 be necessary for the educational programs, instruction, extension
5 services, or for entering into plans or contracts with persons or
6 educational institutions and the Oklahoma Department of Career and
7 Technology Education.

8 SECTION 4. AMENDATORY 59 O.S. 2021, Section 46.9, is
9 amended to read as follows:

10 Section 46.9. A. The practice of architecture or landscape
11 architecture or offering to practice these professions for others by
12 persons licensed under this act through a partnership, ~~firm,~~
13 ~~association,~~ corporation, limited liability company or limited
14 liability partnership as directors, partners, officers,
15 shareholders, ~~employees,~~ managers, members, or principals is
16 permitted, subject to the provisions of the State Architectural and
17 Registered Commercial Interior Designers Act, provided:

18 1. One or more of the directors, partners, officers,
19 shareholders, managers, members or principals of said partnership,
20 ~~firm, association,~~ corporation, limited liability company or limited
21 liability partnership is ~~designated as being responsible for the~~
22 ~~entity's activities and decisions~~ legally responsible for the entity
23 of said the partnership, ~~firm, association,~~ corporation, limited
24 liability company or limited liability partnership; provided that,

1 such director, partner, officer, shareholder, manager, member, or
2 principal is duly licensed under the State Architectural and
3 Registered Commercial Interior Designers Act; and

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

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

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

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

20 C. A partnership, ~~firm, association,~~ corporation, limited
21 liability company or limited liability partnership desiring to
22 practice architecture or landscape architecture shall file with the
23 Board an application for a certificate of authority, and pay all
24 fees, for each office location performing work on Oklahoma projects

1 on a form approved by the Board which shall include the names,
2 addresses, state of licensure and license number of all partners,
3 directors, officers, members, managers or principals of the
4 partnership, ~~firm, association,~~ corporation, limited liability
5 company or limited liability partnership legally responsible for the
6 entity's practice. The form shall name an individual having the
7 practice of architecture in such person's charge who is a director,
8 partner, officer, member, manager or principal. The person shall be
9 duly licensed as an architect to practice architecture or licensed
10 as a landscape architect to practice landscape architecture in this
11 state through said partnership, ~~firm, association,~~ corporation,
12 limited liability company or limited liability partnership legally
13 responsible for the entity's practice or services offered and other
14 information required by the Board. In the event there shall be a
15 change in any of these persons during the term of the certification,
16 such change shall be filed with the Board within thirty (30) days
17 after the effective date of said change. If all of the requirements
18 of this section and the Board's current rules have been met, the
19 Board shall issue a certificate of authority to such partnership,
20 ~~firm, association,~~ corporation, limited liability company or limited
21 liability partnership.

22 D. Any other person licensed pursuant to the State
23 Architectural and Registered Commercial Interior Designers Act, not
24 practicing these professions as a partnership, ~~firm, association,~~

1 corporation, limited liability company or limited liability
2 partnership, shall practice as an individual.

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

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

24

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

7 H. The use of the title "Registered Commercial Interior
8 Designer" by a partnership, ~~firm, association,~~ corporation, limited
9 liability company or limited liability partnership is allowed to
10 those entities listed, provided:

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

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

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

23 J. A partnership, ~~firm, association,~~ corporation, limited
24 liability company or limited liability partnership shall file with

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

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

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

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

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

15 SECTION 5. AMENDATORY 59 O.S. 2021, Section 46.10, is
16 amended to read as follows:

17 Section 46.10. A. Every licensed architect, landscape
18 architect ~~and~~, registered commercial interior designer, partnership,
19 corporation, limited liability company, or limited liability
20 partnership shall pay to the Board a renewal fee as prescribed by
21 the rules of the Board prior to or on June 30 of odd-numbered years.
22 No license, registration, certificate of authority, or certificate
23 of title shall be issued or renewed for longer than two (2) years.
24 Upon receipt of the fee the Board shall issue a renewal ~~of the~~

1 ~~license or registration~~, which shall authorize the person,
2 partnership, corporation, limited liability company, or limited
3 liability partnership to practice architecture, landscape
4 architecture or use the title registered commercial interior
5 designer, as the case may be, in this state.

6 B. The license of an architect or landscape architect or the
7 registration of a registered commercial interior designer which has
8 been canceled by the Board for nonpayment of dues may be renewed at
9 any time within three (3) years from the date of the cancellation,
10 upon payment to the Board ~~of the fees which had accrued at the time~~
11 ~~of the cancellation and which would have been paid at the time of~~
12 ~~reinstatement had not the license or registration been suspended,~~
13 ~~together with payment of the amount~~ of the fees and any of the
14 ~~penalties which may have been prescribed by the Board.~~ If a license
15 or registration, initially granted by the state that was the sole
16 license of a professional, remains canceled for a period exceeding
17 three (3) consecutive years, it ~~shall not~~ may be reinstated ~~unless~~
18 ~~the licensee or registrant has taken or submitted to a test or a~~
19 ~~quiz or a~~ subject to Board review ~~or an examination as the~~
20 ~~circumstances of the individual case may warrant and as may be~~
21 ~~prescribed by the Board.~~ Upon review, the Board may prescribe a
22 test or examination in order to determine continued competency of
23 the licensee or registrant. An individual who is licensed in
24 another jurisdiction and whose Oklahoma license has been canceled

1 for a period exceeding three (3) consecutive years may reapply as
2 prescribed by rules of the Board. A partnership, ~~firm, association,~~
3 corporation, limited liability company or limited liability
4 partnership ~~shall pay to the Board the fee prescribed and may~~
5 reinstate a certificate of authority or a certificate of title
6 canceled for a period exceeding three (3) years in the manner
7 provided by the rules of the Board ~~for the renewal of the~~
8 ~~certificate of authority or certificate of title for such~~
9 ~~partnership, firm, association, corporation, limited liability~~
10 ~~company or limited liability partnership.~~

11 SECTION 6. AMENDATORY 59 O.S. 2021, Section 46.21, is
12 amended to read as follows:

13 Section 46.21. A. The State Architectural and Registered
14 Commercial Interior Designers Act shall not apply to any persons,
15 firms, corporations, limited liability companies or limited
16 liability partnerships that do not hold a license, registration or
17 certification in any jurisdiction for exempted Code Use Groups
18 defined by the State Architectural and Registered Commercial
19 Interior Designers Act, providing such persons and/or entities shall
20 not represent such person or entity to be an architect or other
21 title of profession or business using a form of the word,
22 "Architect". This act shall not prevent such persons and/or
23 entities from advertising or selling their services.

24

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

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

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

15 1. Nothing in this act shall prohibit a person or firm from
16 participating in an architectural design competition involving only
17 architectural programming, planning, schematic design or design
18 development information provided to a sponsor; and

19 2. The competition winner, prior to seeking the commission for
20 architectural services on the proposed project, shall apply for
21 licensing in this state within ten (10) days of notification of
22 winning the competition and complete the process within thirty (30)
23 days.

24

1 D. Nothing in this act shall prohibit an officer or employee of
2 the United States Armed Forces or an employee of the United States
3 government from practicing within the scope of his or her authority
4 and employment.

5 SECTION 7. AMENDATORY 59 O.S. 2021, Section 46.21b, is
6 amended to read as follows:

7 Section 46.21b. A. An architect shall be required to plan,
8 design and prepare plans and specifications for the following Code
9 Use Groups except where specifically exempt from the provisions of
10 the State Architectural and Registered Commercial Interior Designers
11 Act. All Code Use Groups in this section are defined by the current
12 International Building Code.

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

- 17 1. Code Use Group I - Institutional;
- 18 2. Code Use Group R-2 - Residential, limited to dormitories,
19 fraternities and sororities, and monasteries and convents;
- 20 3. Code Use Group A-1 - Assembly and theaters;
- 21 4. Code Use Group A-4 - Assembly, arenas and courts;
- 22 5. Code Use Group A-5 - Assembly, bleachers and grandstands;

23 and

24

1 6. Buildings for which the designated Code Use Group changes
2 are not exempt from the State Architectural and Registered
3 Commercial Interior Designers Act.

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

9 1. The construction, addition or alteration of a building no
10 more than two stories in height and with a code-defined occupancy of
11 no more than fifty (50) persons for the Code Use Groups A-2 and A-3
12 - Assembly and Code Use Group E - Education;

13 2. The construction, addition or alteration of a building no
14 more than two stories in height and no more than sixty-four
15 transient lodging units per building for the Code Use Group R1 -
16 Residential, including, but not limited to, hotels and motels;

17 3. The construction, addition or alteration of a building no
18 more than two stories in height and with a gross square footage not
19 exceeding one hundred thousand (100,000) in the Code Use Group B -
20 Business;

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

1 5. The construction, addition or alteration of a building no
2 more than two stories in height in the following Code Use Groups or
3 buildings:

- 4 a. Code Use Group U - Utility,
- 5 b. Code Use Group F - Factory and Industrial,
- 6 c. Code Use Group H - High hazard,
- 7 d. Code Use Group S - Storage,
- 8 e. Code Use Group R2 - Residential, including apartments
9 containing no more than thirty-two dwelling units or
10 thirty-two guest units per building,
- 11 f. Code Use Groups R3 and R4 - Residential,
- 12 g. all buildings used by a municipality, county, state,
13 public trust, public agency or the federal government
14 with a construction value under One Hundred Fifty-
15 eight Thousand Dollars (\$158,000.00),
- 16 h. incidental buildings or appurtenances associated with
17 paragraphs 1 through 5 of this subsection, and
- 18 i. all uninhabitable, privately owned agricultural
19 buildings; and

20 **6. Single or two-family residential dwellings and townhouses**
21 **not exceeding three stories in height, as defined by the**
22 **International Residential Code adopted by the Oklahoma Uniform**
23 **Building Code Commission, are exempted from the State Architectural**
24 **and Registered Commercial Interior Designers Act.**

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

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

11 SECTION 8. AMENDATORY 59 O.S. 2021, Section 46.38, is
12 amended to read as follows:

13 Section 46.38. A. Except as otherwise provided in the State
14 Architectural and Registered Commercial Interior Designers Act, no
15 registration shall be issued to any person to represent that the
16 person is a "registered commercial interior designer" nor shall any
17 person be allowed to use the term unless the person pays to the
18 Board the required fees and/or penalties if applicable as
19 established by the rules of the Board and:

20 1. Holds an accredited professional degree in interior design
21 from an interior design program accredited by the Council for
22 Interior Design Accreditation or its successor, or from an interior
23 design program determined by the Board to be substantially
24 equivalent to an accredited program;

1 2. Provides proof of a minimum of two (2) years of full-time
2 diversified and appropriate experience within established standards
3 as the Board shall prescribe; and

4 3. Provides to the Board proof of passage of the examination
5 administered by the Council for Interior Design Qualification or its
6 successor or an equivalent examination as determined by the Board.

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

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

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

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

23 1. The use of the title "Registered Commercial Interior
24 Designer" by a partnership, ~~firm, association,~~ corporation, limited

1 liability company or limited liability partnership is allowed to
2 those entities listed, provided:

3 a. one or more of the directors, partners, officers,
4 shareholders, members, managers, or principals is a
5 registered commercial interior designer and is in good
6 standing with the Board, and

7 b. the partnership, ~~firm, association,~~ corporation,
8 limited liability company or limited liability
9 partnership has been issued a certificate of title by
10 the Board;

11 2. The Board shall have the power to issue, revoke, deny or
12 refuse to renew a certificate of title for a partnership, ~~firm,~~
13 ~~association,~~ corporation, limited liability company or limited
14 liability partnership as provided for in this act;

15 3. A partnership, ~~firm, association,~~ corporation, limited
16 liability company or limited liability partnership shall file with
17 the Board an application for a certificate of title on a form
18 approved by the Board which shall include the names, addresses,
19 state of registration and registration number of all directors,
20 partners, officers, shareholders, members, managers or principals of
21 the partnership, ~~firm, association,~~ corporation, limited liability
22 company or limited liability partnership. In the event there shall
23 be a change in any of these persons during the term of
24 certification, the change shall be filed with the Board within

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

6 4. The Secretary of State shall not issue a certificate of
7 incorporation or register a foreign corporation or any other entity
8 which includes among the objectives for which it is established the
9 words "Registered Commercial Interior Designer" or any modification
10 or derivation of these words, unless the Board has issued for the
11 applicant either a certificate of title for an entity, or a letter
12 indicating the eligibility for an exemption pursuant to the
13 requirements of this act. The firm applying shall supply the
14 certificate of title or letter from the Board with its application
15 for incorporation or registration;

16 5. The Secretary of State shall not register any trade name or
17 service mark which includes such words as set forth in paragraph 4
18 of this subsection, or modification or derivatives thereof in its
19 firm name or logotype except those entities or individuals holding
20 certificates of title issued under the provisions of this section or
21 letters of eligibility issued by the Board; and

22 6. Upon application for renewal and upon compliance with the
23 provisions of this act and the rules of the Board, a certificate of
24 title shall be renewed as provided by this act.

1 F. No registration for registered commercial interior designers
2 or a certificate of title for a partnership, ~~firm, association,~~
3 corporation, limited liability company or limited liability
4 partnership, shall be issued or renewed for longer than two (2)
5 years. A registration or certificate of title may be renewed upon
6 application, compliance with the rules of the Board and payment of
7 fees prior to or on June 30 of alternate years. The registration
8 for registered commercial interior designers shall begin July 1,
9 2007, and shall end June 30, 2009, unless renewed every two (2)
10 years thereafter. A new registration to replace a lost, destroyed
11 or mutilated registration shall be issued by the Board upon payment
12 of a fee established in accordance with the rules of the Board.

13 SECTION 9. REPEALER 59 O.S. 2021, Section 46.11, is
14 hereby repealed.

15 SECTION 10. This act shall become effective November 1, 2024.

16 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
17 February 12, 2024 - DO PASS AS AMENDED
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