

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1096 Session of 2013

INTRODUCED BY SONNEY, BIZZARRO, COHEN, DeLUCA, FARRY, LUCAS, SCHLOSSBERG, GROVE, FABRIZIO, P. COSTA, MUSTIO, ROEBUCK, HEFFLEY, McNEILL, ENGLISH AND BRIGGS, APRIL 3, 2013

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, IN SENATE, AS AMENDED, OCTOBER 6, 2014

AN ACT

1 Amending the act of December 14, 1982 (P.L.1227, No.281),
2 entitled "An act regulating the practice of architecture in
3 the Commonwealth of Pennsylvania; providing for the
4 examination and licensure of architects by a State Architects
5 Licensure Board; and providing penalties," further providing
6 for definitions, for powers of board and, for issuance and
7 renewal of certificates AND FOR PERMITTED PRACTICES. <--<--

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 3 of the act of December 14, 1982
11 (P.L.1227, No. 281), known as the Architects Licensure Law, is
12 amended by adding definitions to read:

13 Section 3. Definitions.

14 The following words and phrases when used in this act shall
15 have, unless the context clearly indicates otherwise, the
16 meanings given to them in this section:

17 * * *

18 "Continuing education." Educational activities which:

19 (1) promote competency of licensees;

1 (2) are given by providers that are approved by the
2 board; and

3 (3) meet the criteria established by regulations
4 promulgated by the board.

5 * * *

6 "Health, safety and welfare credits." Technical and
7 professional subjects that the board deems appropriate to
8 safeguard the public's health, safety and welfare. The subjects
9 shall include, but not be limited to, all of the following:

10 (1) Building design.

11 (2) Environmental or land use analysis.

12 (3) Life safety systems.

13 (4) Building programming.

14 (5) Site and soils analysis.

15 (6) Accessibility.

16 (7) Lateral forces and seismic design.

17 (8) Building codes.

18 (9) Evaluation and selection of building systems,
19 products or materials.

20 (10) Construction methods.

21 (11) Contract documentation.

22 (12) Construction administration.

23 (13) Electrical system considerations.

24 (14) Mechanical system considerations.

25 (15) Plumbing system considerations.

26 (16) Structural system considerations.

27 (17) Standards of Professional Conduct and Ethics.

28 * * *

29 Section 2. Section 6 of the act is amended by adding a
30 subsection to read:

1 Section 6. Powers of board.

2 * * *

3 (b.1) The board shall establish, adopt, promulgate and
4 enforce rules and regulations consistent with the provisions of
5 this act setting forth a continuing education requirement to be
6 satisfied by all individuals holding a certificate to engage in
7 the practice of architecture as a condition of renewal of the
8 certificate.

9 * * *

10 Section 3. Section 10(a) of the act is amended to read:

11 Section 10. Issuance and renewal of certificates.

12 (a) Upon payment of the fees required by section 11, an
13 individual who has complied with section 8 or 9 shall be
14 entitled to a certificate indicating that [he] the individual is
15 qualified to engage in the practice of architecture in this
16 Commonwealth. Each certificate shall contain the name of the
17 individual to whom it was issued and shall be valid for [a] the
18 applicable biennial period or the remainder of the applicable
19 biennial licensure period [of two years]. The following shall
20 apply to the continuing education requirement under section
21 6(b.1):

22 (1) As a condition for the biennial renewal of a
23 license, a licensee must provide certification of successful
24 completion of a minimum of 24 hours of continuing education,
25 in accordance with regulations established by the board. A
26 minimum of 12 hours of the continuing education must be in
27 the areas of health, safety and welfare credits of the
28 general public as defined under section 3 and by the board's
29 regulations.

30 (2) A licensee of another jurisdiction in which the

1 architect's primary practice is located shall be deemed to
2 have satisfied the continuing education requirement under
3 paragraph (1) if the licensee:

4 (i) has a continuing education requirement in the
5 jurisdiction of primary practice; and

6 (ii) certifies on the biennial renewal application
7 that the licensee has satisfied the continuing education
8 requirement of the jurisdiction of primary practice.

9 (3) Certification of credit hours submitted by a
10 licensee must be properly signed as being correct and true.

11 (4) An individual applying for initial licensure shall
12 be exempt from the continuing education requirement during
13 the biennial licensure period in which the individual
14 obtained the initial licensure.

15 (5) The board may waive all or part of the continuing
16 education requirement for a licensee who provides evidence
17 satisfactory to the board that the licensee was unable to
18 complete the requirement due to illness, emergency, hardship
19 or active military service.

20 * * *

21 SECTION 4. SECTION 15 OF THE ACT, AMENDED FEBRUARY 18, 1998 <--

22 (P.L.186, NO.31), IS AMENDED TO READ:

23 SECTION 15. PERMITTED PRACTICES.

24 NOTHING CONTAINED IN THIS ACT SHALL BE CONSTRUED TO PROHIBIT:

25 (1) PERSONS ACTING UNDER THE PERSONAL SUPERVISION OF AN
26 ARCHITECT FROM CARRYING OUT THEIR NORMAL DUTIES IN THE
27 PREPARATION OF DRAWINGS, SPECIFICATIONS AND OTHER DESIGN AND
28 CONSTRUCTION DOCUMENTS OR IN ADMINISTERING CONSTRUCTION
29 CONTRACTS OR IN PERFORMING CONSTRUCTION MANAGEMENT SERVICES.

30 (2) ENGINEERS REGISTERED UNDER THE ACT OF MAY 23, 1945

1 (P.L.913, NO.367), KNOWN AS THE "PROFESSIONAL ENGINEERS
2 REGISTRATION LAW," AS AMENDED, FROM PERFORMING THE SERVICES
3 FOR WHICH THEY ARE DULY LICENSED OR FROM PERFORMING SUCH
4 SERVICES INCLUDED IN THE PRACTICE OF ARCHITECTURE AS MAY BE
5 INCIDENTAL TO THEIR ENGINEERING WORK.

6 (3) THE PREPARATION OF ANY SHOP DRAWINGS OR THE
7 PERFORMANCE OF CONSTRUCTION MANAGEMENT SERVICES BY PERSONS
8 CUSTOMARILY ENGAGED IN CONSTRUCTION WORK.

9 (4) THE PREPARATION OF ANY DRAWINGS OR OTHER DESIGN
10 DOCUMENTS FOR DETACHED ONE-FAMILY OR TWO-FAMILY DWELLINGS NOT
11 MORE THAN THREE STORIES IN HEIGHT AND THEIR ACCESSORY
12 STRUCTURES.

13 (5) THE PREPARATION OF ANY DRAWINGS OR OTHER DESIGN
14 DOCUMENTS FOR ANY UTILITY OR FARM STRUCTURE WHEN SUCH UTILITY
15 OR FARM STRUCTURE IS USED IN CONNECTION WITH A FARM
16 RESIDENCE.

17 (6) THE PREPARATION OF ANY DRAWINGS OR OTHER DESIGN
18 DOCUMENTS FOR THE REMODELING OR ALTERATION OF A BUILDING NOT
19 INVOLVING STRUCTURAL OR EGRESS CHANGES OR ADDITIONS THERETO,
20 PROVIDED THAT [THE AUTHOR OF] AN INTERIOR DESIGNER OR OTHER
21 PERSON WHO AUTHORS SUCH PLANS OR OTHER DESIGN DOCUMENTS
22 [SHALL NOT] MAY RECEIVE [ANY] DIRECT COMPENSATION AS THE
23 AUTHOR THEREOF.

24 (7) OFFICERS AND EMPLOYEES OF THE GOVERNMENT OF THE
25 UNITED STATES, WHILE ENGAGED WITHIN THIS COMMONWEALTH, IN THE
26 PRACTICE OF ARCHITECTURE FOR SAID GOVERNMENT.

27 (8) ANY PERSON WHILE IN THE REGULAR EMPLOYMENT OF ANY
28 RAILROAD, TELEPHONE OR TELEGRAPH COMPANY ENGAGED IN
29 INTERSTATE COMMERCE.

30 (9) DESIGN-BUILD SERVICES STRICTLY IN ACCORDANCE WITH

1 THE FOLLOWING PRACTICES: A DESIGN-BUILD ENTITY NOT AUTHORIZED
2 TO PRACTICE UNDER SECTION 13(A) THROUGH (I) MAY OFFER DESIGN-
3 BUILD SERVICES IF THE ARCHITECTURAL SERVICES IN THE DESIGN-
4 BUILD PROCESS ARE PROVIDED IN ACCORDANCE WITH THE FOLLOWING:

5 (I) AN ARCHITECTURAL FIRM WHICH HAS BEEN AUTHORIZED
6 TO PRACTICE ARCHITECTURE IN THIS COMMONWEALTH UNDER
7 SECTION 13(A) THROUGH (I) SHALL INDEPENDENTLY CONTRACT
8 WITH A DESIGN-BUILD ENTITY AND IS RESPONSIBLE FOR ALL
9 MATERIAL ASPECTS OF THE PRACTICE OF ARCHITECTURE AS
10 DEFINED IN SECTION 3.

11 (II) AT THE TIME A DESIGN-BUILD ENTITY OFFERS A
12 WRITTEN DESIGN-BUILD PROPOSAL FOR A SPECIFIC PROJECT, THE
13 DESIGN-BUILD ENTITY SHALL GIVE A WRITTEN DISCLOSURE TO
14 THE CLIENT STATING AN ARCHITECT WILL BE ENGAGED BY AND
15 WILL BE CONTRACTUALLY RESPONSIBLE TO THE DESIGN-BUILD
16 ENTITY OFFERING DESIGN-BUILD SERVICES AND WILL NOT BE
17 RESPONSIBLE TO THE CLIENT.

18 (III) THE DESIGN-BUILD ENTITY SHALL AGREE THAT THE
19 ARCHITECT WILL HAVE DIRECT SUPERVISION OF THE
20 ARCHITECTURAL WORK.

21 (IV) THE CONTRACT BETWEEN THE DESIGN-BUILD ENTITY
22 AND THE CLIENT SHALL SET FORTH THE NAME OF THE
23 ARCHITECTURAL FIRM WHICH WILL BE CONTRACTUALLY
24 RESPONSIBLE TO THE DESIGN-BUILD ENTITY FOR PROVIDING
25 ARCHITECTURAL SERVICES.

26 Section 4 5. This act shall take effect in 60 days.

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