

ESSB 5529 - H COMM AMD
By Committee on Commerce & Labor

ADOPTED 03/03/2010

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 18.08.310 and 1985 c 37 s 2 are each amended to read
4 as follows:

5 (1) It is unlawful for any person to practice or offer to practice
6 architecture in this state, ((architecture,)) or to use in connection
7 with his or her name or otherwise assume, use, or advertise any title
8 or description including the word "architect," "architecture,"
9 "architectural," or language tending to imply that he or she is an
10 architect, unless the person is registered or authorized to practice in
11 the state of Washington under this chapter.

12 (2) An architect or architectural firm registered in any other
13 jurisdiction recognized by the board may offer to practice architecture
14 in this state if:

15 (a) It is clearly and prominently stated in such an offer that the
16 architect or firm is not registered to practice architecture in the
17 state of Washington; and

18 (b) Prior to practicing architecture or signing a contract to
19 provide architectural services, the architect or firm must be
20 registered to practice architecture in this state.

21 (3) A person who has an accredited architectural degree may use the
22 title "intern architect" when enrolled in a structured intern program
23 recognized by the board and working under the direct supervision of an
24 architect.

25 (4) The provisions of this section shall not affect the use of the
26 words "architect," "architecture," or "architectural" where a person
27 does not practice or offer to practice architecture.

28 **Sec. 2.** RCW 18.08.320 and 1985 c 37 s 3 are each amended to read
29 as follows:

1 (~~Unless the context clearly requires otherwise,~~) The definitions
2 in this section apply throughout this chapter unless the context
3 clearly requires otherwise.

4 (1) "Accredited architectural degree" means a professional degree
5 from an institution of higher education accredited by the national
6 architectural accreditation board or an equivalent degree in
7 architecture as determined by the board.

8 (2) "Administration of the construction contract" means the
9 periodic observation of materials and work to observe the general
10 compliance with the construction contract documents, and does not
11 include responsibility for supervising construction methods and
12 processes, site conditions, equipment operations, personnel, or safety
13 on the work site.

14 (~~(2)~~) (3) "Architect" means an individual who is registered under
15 this chapter to practice architecture.

16 (~~(3)~~) (4) "Board" means the state board (~~(of registration)~~) for
17 architects.

18 (~~(4)~~) (5) "Certificate of authorization" means a certificate
19 issued by the director to a (~~corporation or partnership~~) business
20 entity that authorizes the entity to practice architecture.

21 (~~(5)~~) (6) "Certificate of registration" means the certificate
22 issued by the director to newly registered architects.

23 (~~(6)~~) (7) "Department" means the department of licensing.

24 (~~(7)~~) (8) "Director" means the director of licensing.

25 (~~(8)~~) (9) "Engineer" means an individual who is registered as an
26 engineer under chapter 18.43 RCW.

27 (~~(9)~~) (10) "Person" means any individual, partnership,
28 professional service corporation, corporation, joint stock association,
29 joint venture, or any other entity authorized to do business in the
30 state.

31 (~~(10)~~) (11) "Practice of architecture" means the rendering of
32 services in connection with the art and science of building design for
33 construction of any structure or grouping of structures and the use of
34 space within and surrounding the structures or the design for
35 construction of alterations or additions to the structures, including
36 but not specifically limited to predesign services, schematic design,
37 design development, preparation of construction contract documents, and
38 administration of the construction contract.

1 ~~((11))~~ (12) "Prototypical documents" means drawings or
2 specifications, prepared by a person registered as an architect in any
3 state or as otherwise approved by the board, that are not intended as
4 final and complete technical submissions for a building project, but
5 rather are to serve as a prototype for a building or buildings to be
6 adapted by an architect for construction in more than one location.

7 (13) "Registered" means holding a currently valid certificate of
8 registration or certificate of authorization issued by the director
9 authorizing the practice of architecture.

10 ~~((12))~~ (14) "Structure" means any construction consisting of
11 load-bearing members such as the foundation, roof, floors, walls,
12 columns, girders, and beams or a combination of any number of these
13 parts, with or without other parts or appurtenances.

14 (15) "Review" means a process of examination and evaluation, of the
15 documents, for compliance with applicable laws, codes, and regulations
16 affecting the built environment that includes the ability to control
17 the final product.

18 (16) "Registered professional design firm" means a business entity
19 registered in Washington to offer and provide architectural services
20 under RCW 18.08.420.

21 (17) "Managers" means the members of a limited liability company in
22 which management of its business is vested in the members, and the
23 managers of a limited liability company in which management of its
24 business is vested in one or more managers.

25 **Sec. 3.** RCW 18.08.330 and 1985 c 37 s 4 are each amended to read
26 as follows:

27 There is ~~((hereby))~~ created a state board ~~((of registration))~~ for
28 architects consisting of seven members who shall be appointed by the
29 governor. Six members shall be registered architects who are residents
30 of the state and have at least eight years' experience in the practice
31 of architecture as registered architects in responsible charge of
32 architectural work or responsible charge of architectural teaching.
33 One member shall be a public member, who is not and has never been a
34 registered architect and who does not employ and is not employed by or
35 professionally or financially associated with an architect.

36 The terms of each newly appointed member shall be six years. ~~((The~~
37 ~~members of the board of registration for architects serving on July 28,~~

1 1985, shall serve out the remainders of their existing five-year terms.
2 The term of the public member shall coincide with the term of an
3 architect.))

4 Every member of the board shall receive a certificate of
5 appointment from the governor. On the expiration of the term of each
6 member, the governor shall appoint a successor to serve for a term of
7 six years or until the next successor has been appointed.

8 The governor may remove any member of the board for cause.
9 Vacancies in the board for any reason shall be filled by appointment
10 for the unexpired term.

11 The board shall elect a ((~~chairman~~)) chair, a ((~~vice-chairman~~))
12 vice-chair, and a secretary. The secretary may delegate his or her
13 authority to the executive ((~~secretary~~)) director.

14 Members of the board shall be compensated in accordance with RCW
15 43.03.240 and shall be reimbursed for travel expenses in accordance
16 with RCW 43.03.050 and 43.03.060.

17 **Sec. 4.** RCW 18.08.340 and 2002 c 86 s 201 are each amended to read
18 as follows:

19 (1) The board may adopt such rules under chapter 34.05 RCW as are
20 necessary for the proper performance of its duties under this chapter.

21 (2) The director shall employ an executive ((~~secretary~~)) director
22 subject to approval by the board.

23 **Sec. 5.** RCW 18.08.350 and 1997 c 169 s 1 are each amended to read
24 as follows:

25 (1) A certificate of registration shall be granted by the director
26 to all qualified applicants who are certified by the board as having
27 passed the required examination and as having given satisfactory proof
28 of completion of the required experience.

29 (2) Applications for examination shall be filed as the board
30 prescribes by rule. The application and examination fees shall be
31 determined by the director under RCW 43.24.086.

32 (3) An applicant for registration as an architect shall be of a
33 good moral character, at least eighteen years of age, and shall possess
34 ((~~either~~)) one of the following qualifications:

35 (a) Have an accredited architectural degree and at least three

1 years' practical architectural work experience (~~((and have completed the~~
2 ~~requirements of))~~ in a structured intern training program approved by
3 the board; or

4 (b) Have (~~((eight years' practical architectural work experience,~~
5 ~~which may include designing buildings as a principal activity, and have~~
6 ~~completed the requirements of a structured intern training program~~
7 ~~approved by the board. Each year spent in an accredited architectural~~
8 ~~education program approved by the board shall be considered one year of~~
9 ~~practical experience. At least four years' practical work experience~~
10 ~~shall be under the direct supervision of an architect))~~ a high school
11 diploma or equivalent and at least nine years of practical
12 architectural work experience, including the completion of a structured
13 intern training program under the direct supervision of an architect as
14 determined by the board. Prior to applying to enroll in a structured
15 intern training program, the applicant must have at least six years of
16 work experience, of which three years must be under the direct
17 supervision of an architect. This work experience may include
18 designing buildings as a principal activity and postsecondary education
19 as determined by the board. The board may approve up to four years of
20 practical architectural work experience for postsecondary education
21 courses in architecture, architectural technology, or a related field,
22 as determined by the board, including courses completed in a community
23 or technical college if the courses are equivalent to courses in an
24 accredited architectural degree program.

25 **Sec. 6.** RCW 18.08.360 and 1985 c 37 s 7 are each amended to read
26 as follows:

27 (1) The examination for an architect's certificate of registration
28 shall be held at least annually at such time and place as the board
29 determines.

30 (2) The board shall determine the content, scope, and grading
31 process of the examination. The board may adopt an appropriate
32 national examination and grading procedure.

33 (3) Applicants who fail to pass any section of the examination
34 shall be permitted to retake the parts failed as prescribed by the
35 board. Applicants have five years from the date of the first passed
36 examination section to pass all remaining sections. If the entire
37 examination is not successfully completed within five years, (~~a retake~~

1 ~~of the entire examination shall be required))~~ any sections that were
2 passed more than five years prior must be retaken. If a candidate
3 fails to pass all remaining sections within the initial five-year
4 period, the candidate is given a new five-year period from the date of
5 the second oldest passed section. All sections of the examination must
6 be passed within a single five-year period for the applicant to be
7 deemed to have passed the complete examination.

8 (4) Applicants for registration who have an accredited
9 architectural degree may begin taking the examination upon enrollment
10 in a structured intern training program as approved by the board.
11 Applicants who do not possess an accredited architectural degree may
12 take the examination only after completing the experience and intern
13 training requirements of this chapter.

14 **Sec. 7.** RCW 18.08.370 and 1985 c 37 s 8 are each amended to read
15 as follows:

16 (1) The director shall issue a certificate of registration to any
17 applicant who has, to the satisfaction of the board, met all the
18 requirements for registration upon payment of the registration fee as
19 provided in this chapter. All certificates of registration shall show
20 the full name of the registrant, have the registration number, and
21 shall be signed by the ~~((chairman))~~ chair of the board and by the
22 director. The issuance of a certificate of registration by the
23 director is prima facie evidence that the person named therein is
24 entitled to all the rights and privileges of a registered architect.

25 (2) Each registrant shall obtain a seal of the design authorized by
26 the board bearing the architect's name, registration number, the legend
27 "Registered Architect," and the name of this state. ~~((Drawings~~
28 ~~prepared by the registrant shall be sealed and signed by the registrant~~
29 ~~when filed with public authorities.))~~ All technical submissions
30 prepared by an architect and filed with public authorities must be
31 sealed and signed by the architect. It is unlawful to seal and sign a
32 document after a registrant's certificate of registration or
33 authorization has expired, been revoked, or is suspended.

34 (3) An architect may seal and sign technical submissions under the
35 following conditions:

36 (a) An architect may seal and sign technical submissions that are:
37 Prepared by the architect; prepared by the architect's regularly

1 employed subordinates; prepared in part by an individual or firm under
2 a direct subcontract with the architect; or prepared in collaboration
3 with an architect who is licensed in a jurisdiction recognized by the
4 board, provided there is a contractual agreement between the
5 architects.

6 (b) An architect may seal and sign technical submissions based on
7 prototypical documents provided: The architect obtains written
8 permission from the architect who prepared or sealed the prototypical
9 documents, and from the legal owner to adapt the prototypical
10 documents; the architect thoroughly analyzes the prototypical
11 documents, makes necessary revisions, and adds all required elements
12 and design information, including the design services of engineering
13 consultants, if warranted, so that the prototypical documents become
14 suitable complete technical submissions, in compliance with applicable
15 codes, regulations, and site-specific requirements.

16 (c) An architect who seals and signs the technical submissions
17 under this subsection (3) is responsible to the same extent as if the
18 technical submissions were prepared by the architect.

19 **Sec. 8.** RCW 18.08.410 and 1985 c 37 s 12 are each amended to read
20 as follows:

21 This chapter shall not affect or prevent:

22 (1) The practice of naval architecture, landscape architecture as
23 authorized in chapter 18.96 RCW, engineering as authorized in chapter
24 18.43 RCW, or the provision of space planning((~~τ~~)) or interior
25 design((~~τ~~ or any legally recognized profession or trade by persons not
26 registered as architects)) services not affecting public health or
27 safety;

28 (2) Drafters, clerks, project managers, superintendents, and other
29 employees of architects((~~τ~~ engineers, naval architects, or landscape
30 architects)) from acting under the instructions, control, or
31 supervision of ((~~their employers~~)) an architect;

32 (3) The construction, alteration, or supervision of construction of
33 buildings or structures by contractors registered under chapter 18.27
34 RCW or superintendents employed by contractors or the preparation of
35 shop drawings in connection therewith;

36 (4) Owners or contractors registered under chapter 18.27 RCW from

1 engaging persons who are not architects to observe and supervise
2 construction of a project;

3 (5) Any person from doing design work including preparing
4 construction contract documents and administration of the construction
5 contract for the erection, enlargement, repair, or alteration of a
6 structure or any appurtenance to a structure regardless of size, if the
7 structure is to be used for a residential building of up to and
8 including four dwelling units or a farm building or is a structure used
9 in connection with or auxiliary to such residential building or farm
10 building such as a garage, barn, shed, or shelter for animals or
11 machinery;

12 (6) Except as otherwise provided in this section, any person from
13 doing design work including preparing construction contract documents
14 and administering the contract for construction, erection, enlargement,
15 alteration, or repairs of or to a building of any occupancy up to a
16 total building size of four thousand square feet ((of construction));
17 or

18 ~~(7) ((Design build construction by registered general contractors~~
19 ~~if the structural design services are performed by a registered~~
20 ~~engineer;~~

21 ~~(8) Any person from designing buildings or doing other design work~~
22 ~~for any structure prior to the time of filing for a building permit; or~~

23 ~~(9) Any person from designing buildings or doing other design work~~
24 ~~for structures larger than those exempted under subsections (5) and (6)~~
25 ~~of this section, if the plans, which may include such design work, are~~
26 ~~stamped by a registered engineer or architect)) Any person from doing~~

27 design work, including preparing construction contract documents and
28 administration of the contract, for alteration of or repairs to a
29 building where the project size is not more than four thousand square
30 feet in a building greater than four thousand square feet and when the
31 work contemplated by the design does not affect the life safety or
32 structural systems of the building. The combined square footage of
33 simultaneous projects allowed under this subsection (7) may not exceed
34 four thousand square feet.

35 **Sec. 9.** RCW 18.08.420 and 2002 c 86 s 203 are each amended to read
36 as follows:

37 (1) ~~((An architect or architects may organize a corporation formed~~

1 either as a business corporation under the provisions of Title 23B RCW
2 or as a professional corporation under the provisions of chapter 18.100
3 RCW. For an architect or architects to practice architecture through
4 a corporation or joint stock association organized by any person under
5 Title 23B RCW, the corporation or joint stock association shall file
6 with the board:

7 (a) The application for certificate of authorization upon a form to
8 be prescribed by the board and containing information required to
9 enable the board to determine whether the corporation is qualified
10 under this chapter to practice architecture in this state;

11 (b) Its notices of incorporation and bylaws and a certified copy of
12 a resolution of the board of directors of the corporation that
13 designates individuals registered under this chapter as responsible for
14 the practice of architecture by the corporation in this state and that
15 provides that full authority to make all final architectural decisions
16 on behalf of the corporation with respect to work performed by the
17 corporation in this state shall be granted and delegated by the board
18 of directors to the individuals designated in the resolution. The
19 filing of the resolution shall not relieve the corporation of any
20 responsibility or liability imposed upon it by law or by contract; and

21 (c) A designation in writing setting forth the name or names of the
22 person or persons registered under this chapter who are responsible for
23 the architecture of the firm. If there is a change in the person or
24 persons responsible for the architecture of the firm, the changes shall
25 be designated in writing and filed with the board within thirty days
26 after the effective date of the changes.)) Any business entity,
27 including a sole proprietorship, offering architecture services in
28 Washington state must register with the board, regardless of its
29 business structure. A business entity shall file with the board a list
30 of individuals registered under this chapter as responsible for the
31 practice of architecture by the business entity in this state and
32 provides that full authority to make all final architectural decisions
33 on behalf of the business entity with respect to work performed by the
34 business entity in this state. Further, the person having the practice
35 of architecture in his/her charge is himself/herself a general partner
36 (if a partnership or limited liability partnership), or a manager (if
37 a limited liability company), or a director (if a business corporation

1 or professional service corporation) and is registered to practice
2 architecture in this state.

3 (2) The business entity shall furnish the board with such
4 information about its organization and activities as the board shall
5 require by rule.

6 (3) Upon the filing with the board of the application for
7 certificate of authorization, the certified copy of the resolution, and
8 the information specified in subsection (1) of this section, the board
9 shall authorize the director to issue to the ((corporation)) business
10 entity a certificate of authorization to practice architecture in this
11 state ((upon a determination by the board that:

12 (a) ~~The bylaws of the corporation contain provisions that all~~
13 ~~architectural decisions pertaining to any project or architectural~~
14 ~~activities in this state shall be made by the specified architects~~
15 ~~responsible for the project or architectural activities, or other~~
16 ~~responsible architects under the direction or supervision of the~~
17 ~~architects responsible for the project or architectural activities;~~

18 (b) ~~The applicant corporation has the ability to provide, through~~
19 ~~qualified personnel, professional services or creative work requiring~~
20 ~~architectural experience, and with respect to the architectural~~
21 ~~services that the corporation undertakes or offers to undertake, the~~
22 ~~personnel have the ability to apply special knowledge to the~~
23 ~~professional services or creative work such as consultation,~~
24 ~~investigation, evaluation, planning, design, and administration of the~~
25 ~~construction contract in connection with any public or private~~
26 ~~structures, buildings, equipment, processes, works, or projects;~~

27 (c) ~~The application for certificate of authorization contains the~~
28 ~~professional records of the designated person or persons who are~~
29 ~~responsible;~~

30 (d) ~~The application for certificate of authorization states the~~
31 ~~experience of the corporation, if any, in furnishing architectural~~
32 ~~services during the preceding five-year period;~~

33 (e) ~~The applicant corporation meets such other requirements related~~
34 ~~to professional competence in the furnishing of architectural services~~
35 ~~as may be established and promulgated by the board in furtherance of~~
36 ~~the purposes of this chapter; and~~

37 (f) ~~The applicant corporation is possessed of the ability and~~
38 ~~competence to furnish architectural services in the public interest.~~

1 ~~(3) Upon recommendation of the board to impose action as authorized~~
2 ~~in RCW 18.235.110, the director may impose the recommended action upon~~
3 ~~a certificate of authorization to a corporation if the board finds that~~
4 ~~any of the officers, directors, incorporators, or the stockholders~~
5 ~~holding a majority of stock of the corporation have committed an act~~
6 ~~prohibited under RCW 18.08.440 or 18.235.130 or have been found~~
7 ~~personally responsible for misconduct under subsection (6) or (7) of~~
8 ~~this section.~~

9 ~~(4) In the event a corporation, organized solely by a group of~~
10 ~~architects each registered under this chapter, applies for a~~
11 ~~certificate of authorization, the board may, in its discretion, grant~~
12 ~~a certificate of authorization to that corporation based on a review of~~
13 ~~the professional records of such incorporators, in lieu of the required~~
14 ~~qualifications set forth in subsections (1) and (2) of this section.~~
15 ~~In the event the ownership of such corporation is altered, the~~
16 ~~corporation shall apply for a revised certificate of authorization,~~
17 ~~based upon the professional records of the owners if exclusively~~
18 ~~architects, under the qualifications required by subsections (1) and~~
19 ~~(2) of this section).~~

20 ~~((+5))~~ (4) Any ~~((corporation))~~ business entity practicing or
21 offering to practice architecture, whether or not it is authorized to
22 practice architecture under this chapter, ~~((together with its directors~~
23 ~~and officers for their own individual acts, are))~~ shall be jointly and
24 severally responsible to the same degree as an individual registered
25 architect and shall conduct their business without misconduct or
26 malpractice in the practice of architecture as defined in this chapter.

27 ~~((+6))~~ (5) Any ~~((corporation))~~ business entity that has been
28 certified under this chapter and has engaged in the practice of
29 architecture may have its certificate of authorization either suspended
30 or revoked by the board if, after a proper hearing, the board finds
31 that the ~~((corporation))~~ business entity has committed misconduct or
32 malpractice under RCW 18.08.440 or 18.235.130. In such a case, any
33 individual architect registered under this chapter who is involved in
34 such misconduct or malpractice is also subject to disciplinary measures
35 provided in this chapter and RCW 18.235.110.

36 ~~((7) All plans, specifications, designs, and reports when issued~~
37 ~~in connection with work performed by a corporation under its~~
38 ~~certificate of authorization shall be prepared by or under the~~

1 ~~direction of the designated architects and shall be signed by and~~
2 ~~stamped with the official seal of the designated architects in the~~
3 ~~corporation authorized under this chapter.~~

4 ~~(8))~~ (6) For each certificate of authorization issued under this
5 section there shall be paid a certification fee and an annual
6 certification renewal fee as prescribed by the director under RCW
7 43.24.086.

8 ~~((9) This chapter shall not affect the practice of architecture as~~
9 ~~a professional service corporation under chapter 18.100 RCW.))~~

10 **Sec. 10.** RCW 18.08.430 and 1985 c 37 s 14 are each amended to read
11 as follows:

12 (1) The renewal date for certificates of registration shall be set
13 by the director in accordance with RCW 43.24.086. Registrants who fail
14 to pay the renewal fee within thirty days of the due date shall pay all
15 delinquent fees plus a penalty fee equal to one-third of the renewal
16 fee. A registrant who fails to pay a renewal fee for a period of five
17 years may be reinstated under such circumstances as the board
18 determines. The renewal and penalty fees and the frequency of renewal
19 assessment shall be authorized under this chapter. Renewal date for
20 certificates of authorization shall be the anniversary of the date of
21 authorization.

22 (2) Any registrant in good standing may withdraw from the practice
23 of architecture by giving written notice to the director, and may
24 within five years thereafter resume active practice upon payment of the
25 then-current renewal fee. A registrant may be reinstated after a
26 withdrawal of more than five years under such circumstances as the
27 board determines.

28 (3) A registered architect must demonstrate professional
29 development since the architect's last renewal or initial registration,
30 as the case may be. The board shall by rule describe professional
31 development activities acceptable to the board and the form of
32 documentation of the activities required by the board. The board may
33 decline to renew a registration if the architect's professional
34 development activities do not meet the standards set by the board by
35 rule. When adopting rules under the authority of this subsection, the
36 board shall strive to ensure that the rules are consistent with the

1 continuing professional education requirements and systems in use by
2 national professional organizations representing architects and in use
3 by other states.

4 (a) A registered architect shall, as part of his or her license
5 renewal, certify that he or she has completed the required continuing
6 professional development required by this section.

7 (b) The board may adopt reasonable exemptions from the requirements
8 of this section.

9 NEW SECTION. Sec. 11. Sections 7 through 10 of this act take
10 effect July 1, 2011.

11 NEW SECTION. Sec. 12. Section 5 of this act takes effect July 1,
12 2012, and all persons enrolled in an intern training program as
13 approved by the board before July 1, 2012, shall be governed by the
14 statute in effect at the time of enrollment in the program."

EFFECT: Reduces the practical architectural work experience requirement to 9 years from 12 years for those without an accredited architectural degree.

Modifies the exemption for design work on projects up to 4,000 square feet in a building that is bigger than 4,000 square feet. Exempts these projects if the work does not affect the life safety or structural systems of the building. Provides that simultaneous projects allowed under this exemption may not exceed a combined square footage of 4,000 square feet.

Updates effective dates.

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