

SENATE BILL REPORT

ESSB 5529

As Passed Senate, March 10, 2009

Title: An act relating to architects.

Brief Description: Regarding architects.

Sponsors: Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Jarrett and King).

Brief History:

Committee Activity: Labor, Commerce & Consumer Protection: 2/09/09, 2/19/09 [DPS, DNP, w/oRec].

Passed Senate: 3/10/09, 42-2.

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Majority Report: That Substitute Senate Bill No. 5529 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

Minority Report: Do not pass.

Signed by Senators Honeyford and King.

Minority Report: That it be referred without recommendation.

Signed by Senator Holmquist, Ranking Minority Member.

Staff: Kathleen Buchli (786-7488)

Background: A person practicing architecture must be registered. In order to qualify for registration, an applicant must meet the registration requirements and pass an examination that is adopted by the State Board of Registration for Architects (Board). Applicants who fail to pass any section of the examination may retake those sections. If the entire examination is not passed within a five-year period, the applicant must retake the entire exam. To become a registered architect, an applicant must be at least 18 years old, of good moral character, and possess a degree in architecture, three years' work experience, and completion of a structured intern program approved by the Board; or eight years experience, which may include designing buildings as a principal activity, and completion of a structured intern training program approved by the Board.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

An architect or architects may form as a business corporation or a professional corporation. Corporations must file with the Board to receive a certificate of authorization. The applicant must submit information relating to the qualifications of the architects, notices of incorporation, bylaws, and the names of the registered architects responsible for the firm.

Applicants must obtain a seal of the design authorized by the Board bearing the architect's name, registration number, the legend "Registered Architect" and the name of the state. Drawings prepared by the registrant must be sealed and signed by the registrant when filed with public authorities. It is unlawful to seal and sign a document after a registrant's certificate of registration or authorization has expired or been revoked or suspended.

Summary of Engrossed Substitute Bill: An architect or architectural firm that is registered in another jurisdiction recognized by the Board may offer to practice in Washington if it is clearly and prominently stated in the offer that they are not registered to practice in Washington and they register to practice in the state before practicing architecture or signing a contract to provide architectural services. A person with an accredited architectural degree may use the title "intern architect" when enrolled in an intern program recognized by the Board and working under the supervision of an architect. The name of the Board is changed to the State Board for Architects.

The method for qualifying with work experience is modified. Applicants holding a high school diploma or equivalent and 12 years practical architectural work experience qualify for registration. Six years of work experience must be under the direct supervision of a registered architect. Four years of work experience may be received for postsecondary education courses that are equivalent to education courses in an accredited architectural degree program.

An applicant who fails to pass a section of the examination is permitted to retake the parts failed. If the applicant does not pass the entire examination within five years, any sections passed in the five years prior must be retaken. If all parts of the test are not passed within five years, the applicant is given a new five-year period that starts from the date of the second oldest passed section. All sections must be passed within a five-year period.

Several clarifications and technical changes are made to the seal and sign provisions. Technical submissions prepared by an architect and filed with public authorities must be sealed and signed. An architect may seal and sign technical submissions that are prepared by the architect or the architect's regularly employed subordinates, or prepared in part by an individual or firm under a direct subcontract with the architects. An architect may seal and sign technical submissions based on prototypical documents provided that the architect obtains written permission from the architect who prepared or sealed the prototypical documents, and from the legal owner to adapt the prototypical documents; and the architect thoroughly analyzes the prototypical documents and adds all required elements and design information. The architect sealing and signing technical submissions retains full responsibility.

A continuing education requirement is added. To renew a registration, an architect must demonstrate professional development since the last renewal or initial registration. The

Board must develop rules, procedures, and exemptions for acceptable professional development activities.

Any business offering architecture services in Washington must register with the Board. A business must file a list of individuals registered as responsible for the practice of architecture by the business entity in the state and information about its organization and activities as the Board establishes by rule. Any business entity practicing or offering to practice architecture is jointly and severally responsible to the same degree as an individual registered architect.

An additional exemption is added for persons doing design work, preparing construction contract documents, and administering a contract for the enlargement, repair, or alteration of up to 4,000 square feet in a building that is larger than 4,000 square feet.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed, except for section 5 which takes effect July 1, 2011, and sections 7 through 10 which take effect July 1, 2010.

Staff Summary of Public Testimony: PRO: This updates regulations for architects. There has always been a difficulty between the architects and designers around these bills. In this case, both professions are happy with the bill and are happy with where the line is drawn. We support the bill as written. We have been working on the bill for four years with all the stakeholders who have reached agreement on all points. The architects' act has not been updated since 1985. Since that time, technology has advanced, there have been numerous energy code updates, and there have been advancements in science and technology; all demonstrate the importance of the updates in the bill. The bill clarifies and continues current exemptions.

Persons Testifying: PRO: Senator Jarrett, prime sponsor; Jon Simpson, Certified Professional Building Designer; Stan Bowman, American Institute of Architects, Washington Council; Timothy Buckley, American Institute of Architects, Greenstone Architecture; Ed Horner, Certified Professional Building Designer, American Institute of Building Design, Washington Chapter.