

SENATE BILL NO. 291

BY SENATOR ABRAHAM

1 AN ACT

2 To amend and reenact R.S. 37:141 through 154, 156, 157, and 158 and to repeal R.S.
3 37:146.1, relative to architects; to provide for licensing of entities engaged in
4 architecture; to provide for composition of the State Board of Architectural
5 Examiners; to provide for the powers, duties, and functions of the board; to provide
6 for licensing requirements; to provide for initial licenses and qualifications; to
7 provide for issuance of reciprocal licenses; to provide for board approval to revoke,
8 rescind, and suspend licenses; to provide for violations and enforcement of board
9 actions; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 37:141 through 154, 156, 157, and 158 are hereby amended and
12 reenacted to read as follows:

13 §141. Policy and definitions

14 A. ~~In order~~ **The legislature finds that the practice of architecture by**
15 **qualified individuals with professional expertise is necessary** to safeguard life,
16 health, and property and to promote the public welfare, ~~the practice of architecture~~
17 ~~in this state is reserved to those persons who have the proper qualifications and have~~
18 ~~been registered by the board.~~

19 B. **The legislature further finds that the practice of architecture by**
20 **individuals and firms should be regulated in the public interest.**

21 **C. Therefore, it is the legislative intent and the purpose of this Chapter**
22 **to promote, preserve, and protect the public health, safety, and welfare by**
23 **regulating the practice of architecture and ensuring that any individual or firm**
24 **practicing or offering to practice architecture shall be registered with and**
25 **licensed by the board before engaging in the practice. In furtherance of this**
26 **purpose, this Chapter creates the State Board of Architectural Examiners**
27 **whose members, authority, functions, and procedures shall be established in**

1 accordance with the provisions of this Chapter. This Chapter shall be liberally
2 construed to carry out these objectives and purposes.

3 D. As used in this Chapter:

4 (1) "Applicant" means an individual who seeks a license in accordance
5 with the process set forth by the board.

6 (2) "Approved educational program" means an educational program for
7 architecture that is accepted by the board.

8 (3) "Approved examination" means an examination for architecture that
9 is accepted by the board.

10 (4) "Approved experience program" means an experience program for
11 architecture that is accepted by the board.

12 (5) "Architect" means a person who is technically and legally qualified to
13 practice architecture an individual currently licensed by the board who
14 demonstrates competence to engage in the practice of architecture as provided
15 in this Chapter.

16 ~~(2)(6)~~ "Board" means the State Board of Architectural Examiners.

17 (7) "Competence" means the knowledge, experience, and skill required
18 by an architect for the practice of architecture in accordance with the accepted
19 standard of care.

20 (8) "Firm" means any legally formed business entity registered with the
21 board through which architectural services are provided.

22 (9) "Jurisdiction" means any state, commonwealth, the District of
23 Columbia, or other insular territory of the United States.

24 (10) "License" means an approval granted by the board to an individual
25 or a firm to engage in the practice of architecture.

26 (11) "Licensing authority" means the public board, agency, or body
27 which has been authorized by a jurisdiction's governing authority to grant
28 licenses and regulate the practice of architecture in that jurisdiction.

29 (12) "NCARB" means the National Council of Architectural
30 Registration Boards.

1 (13) "Person" means any individual, firm, partnership, association, joint
 2 venture, cooperative, corporation, or other group or combination acting in
 3 concert.

4 ~~(3)~~**(14)** The "practice of architecture" is the rendering or offering of the
 5 services specified in this Paragraph in connection with the design, construction,
 6 enlargement, or alteration of a building, a group of buildings, or the space within and
 7 surrounding buildings which have human occupancy or habitation as their principal
 8 purpose. Such services shall include the following: planning; providing preliminary
 9 studies, designs, drawings, specifications, and other technical submissions;
 10 administration of construction contracts; and the coordination of any element of
 11 technical submissions prepared by others, including but not limited to engineers and
 12 landscape architects, as appropriate. The practice of architecture shall not include the
 13 practice of engineering as defined in R.S. 37:682; however, a registered architect
 14 may perform such engineering work as is incidental to the practice of architecture.

15 (15) "Responsible control" means responsibility for exercising the
 16 ultimate authority over, and possessing the knowledge and ability to oversee,
 17 delegate, and integrate the design and technical decisions related to the
 18 preparation of the project's instruments of service and the project's
 19 implementation in conformance with the standard of care.

20 (16) "Technical submissions" means the documents necessary to
 21 demonstrate compliance with applicable regulatory requirements or to
 22 fabricate or construct a project including but not limited to drawings,
 23 specifications, performance criteria, and installation requirements.

24 ~~C.E.~~ The definition of the practice of architecture set forth in Paragraph ~~B(3)~~
 25 **(D)(14)** of this Section may include, but shall not be construed as precluding
 26 nonlicensed persons from performing the following services: project development;
 27 feasibility studies; planning; energy consumption analysis; and interior design.

28 §142. Board appointed by governor; removal

29 A.(1) The State Board of Architectural Examiners is hereby created within
 30 the office of the governor and shall consist of seven members, five of whom shall be

1 architects selected by the governor as provided for in Subsection B **of this Section**,
 2 one selected by the governor as provided for in Subsection C **of this Section**, and
 3 one selected by the governor as provided for in Subsection D **of this Section**. All
 4 nominees and appointees shall be domiciled in the state of Louisiana. The five
 5 architect members shall be appointed, one each, from the five districts provided for
 6 in Paragraph (2) of this Subsection. The governor has the right to remove any or all
 7 members of the board for inefficiency or neglect of duty.

8 (2) The districts shall be composed as follows:

9 (a) District 1: Orleans, Plaquemines, and St. Bernard.

10 (b) District 2: Assumption, Jefferson, Lafourche, St. Charles, St. James, St.
 11 John the Baptist, St. Tammany, Terrebonne, and Washington.

12 (c) District 3: Ascension, East Baton Rouge, East Feliciana, Iberville,
 13 Livingston, St. Helena, St. Martin, Tangipahoa, West Baton Rouge, and West
 14 Feliciana.

15 (d) District 4: Acadia, Allen, Avoyelles, Beauregard, Calcasieu, Cameron,
 16 Evangeline, Grant, Iberia, Jefferson Davis, Lafayette, Natchitoches, Pointe Coupee,
 17 Rapides, Sabine, St. Landry, St. Mary, Vermilion, and Vernon.

18 (e) District 5: Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne,
 19 Concordia, DeSoto, East Carroll, Franklin, Jackson, LaSalle, Lincoln, Madison,
 20 Morehouse, Ouachita, Red River, Richland, Tensas, Union, Webster, West Carroll,
 21 and Winn.

22 **(3) Changes by the legislature in the composition of any of the districts**
 23 **provided for in Paragraph (2) of this Subsection made after an appointment of**
 24 **a member to the board shall not affect an appointment in any way, and any**
 25 **member lawfully appointed prior to such changes shall be allowed to serve the**
 26 **full term for which the member was appointed.**

27 B.(1) The five architect members shall be and shall remain domiciled in this
 28 state and in the district from which ~~he~~ **the member** is nominated and appointed.
 29 Each shall be a licensed architect and shall have practiced architecture for at least
 30 seven years. Each architect member shall be appointed by the governor from a list

1 of ~~three~~ **no more than five** nominees elected from each of the five districts. **An**
2 **eligible architect desiring nomination shall write a letter to the board so stating.**
3 **If letters from five or fewer eligible architects are received, no election shall be**
4 **held, and the board shall submit the names of all eligible architects who have**
5 **sought nomination from the governor for consideration. If letters from more**
6 **than five eligible architects are received, an election conducted by the board**
7 **shall be held to determine the five eligible architects to be included on the list**
8 **of nominees.** The board shall not adopt any rule or regulation which imposes further
9 eligibility requirements for membership on the board.

10 (2) In order to determine the list of nominees for the architect members, there
11 shall be a statewide election to elect ~~three~~ **no more than five** nominees from each
12 district. Any licensed architect who wishes to be a candidate and have his name
13 placed on the ballot shall send a letter by certified mail to the director of the board
14 indicating his intent to be a candidate. The letter shall be accompanied by a
15 curriculum vitae and shall certify that, if elected, the architect will serve.

16 (3) The election for nominees shall be by **either** mail ballot **or online voting**,
17 and only one architect shall be a candidate for nomination from the same
18 architectural firm, corporation, agency, partnership, or other entity. After the
19 election, the ~~three~~ **five** candidates from each district who received the highest
20 numbers of votes shall have their names submitted to the governor as nominees. All
21 licensed architects residing in this state shall be eligible to vote in the election.

22 (4) The initial and subsequent elections shall be to fill vacancies as they
23 occur. The elections shall be completed by the board within ninety days of the
24 effective vacancy.

25 C. The governor shall appoint one member of the board who shall be an
26 architect who for seven years prior to appointment has been employed full time in
27 architectural education, or who for seven years prior to appointment, has been an
28 administrator of building design, construction, or design standards for government
29 at the local, state, or national level.

30 D. The governor shall appoint one **public** member of the board who shall be

1 a citizen of the United States who is not actively engaged in or retired from the
2 professions of architecture, engineering, interior design, or landscape architecture,
3 or the occupation of a contractor, or the design or construction of buildings.

4 E. Each board member shall at all times maintain eligibility to serve on
5 the board by avoiding relationships that would interfere with the board's
6 mission of public protection.

7 F. No board member shall be an officer or hold any leadership position
8 in this state's professional association or the national professional association
9 serving architects for the term of the board member's appointment to the
10 board.

11 G. Any vacancy that occurs in the board membership for any reason,
12 including expiration of a term, removal, resignation, death, disability, or
13 disqualification, shall be filled as prescribed in this Section in a timely manner
14 so that the board may fulfill its duties as charged.

15 H. The board may recommend removal of a board member to the
16 governor upon an affirmative vote of a majority of members otherwise eligible
17 to vote upon one or more of the following grounds:

18 (1) The refusal or inability for any reason of a board member to perform
19 the duties required of a board member in an efficient, responsible, and
20 professional manner.

21 (2) The misuse of a board member's position to obtain, or attempt to
22 obtain, any financial or material gain, or any advantage personally or for
23 another, through the office.

24 (3) A final adjudication by a recognized body, including any court, that
25 there has been a violation of the laws governing the practice of architecture by
26 the board member.

27 (4) Conviction of a felony or misdemeanor other than a minor traffic
28 offense.

29 §143. Term of office

30 A. Each member shall serve six years; or until his successor is duly

1 appointed, ~~except the initial educational or regulatory member appointed pursuant~~
 2 ~~to R.S. 37:142(C) shall serve a term of four years and the initial public member~~
 3 ~~appointed pursuant to R.S. 37:142(D) shall serve a term of five years~~ **and**
 4 **confirmed.**

5 **B. In the event of the death or resignation of any board member, the**
 6 **appointment by the governor of his successor shall be only for the remainder**
 7 **of the unexpired term.**

8 **C. Each appointment by the governor shall be submitted to the Senate**
 9 **for confirmation.**

10 **D.** The board shall advise the governor of the expiration of the term of the
 11 board members. All vacancies shall be filled in the same manner as prescribed for
 12 new members in R.S. 37:142.

13 §144. Powers, authority, and domicile of board

14 A. Four members of the board constitute a quorum for the purpose of holding
 15 examinations, **meetings and hearings, adjudicating,** granting certificates, and
 16 **renewing licenses, engaging in rule making, and** transacting other business within
 17 the scope of this Chapter.

18 **B. The board shall elect from its members a president, secretary, and**
 19 **other officers as it deems appropriate and necessary to conduct its business. The**
 20 **president shall preside at all meetings of the board, sign all certificates of**
 21 **licensure, and perform those duties customarily associated with the position and**
 22 **any other duties assigned from by the board. The president may establish board**
 23 **committees as appropriate and necessary for the furtherance of board business**
 24 **and may designate or remove board members as committee members.**

25 **C. The secretary shall be the official custodian of the records of the**
 26 **board, sign minutes of the board meetings, sign the president's certificates of**
 27 **licensure, and perform the duties of the president when the president is unable**
 28 **to do so.**

29 **D. The board may delegate authority to its executive director as is**
 30 **customary and necessary to properly fulfill the board's duties. The executive**

1 **director shall perform such administrative and ministerial duties as the board**
 2 **authorizes.**

3 ~~E.~~ The certificate of **issuance of a license by** the board **to an individual or**
 4 **a firm** shall entitle the holder to practice ~~as an architect~~ **architecture** in Louisiana.

5 ~~E.F.~~ The board shall have the ~~power~~ **powers and duties as may be**
 6 **necessary to carry out the purposes and enforce any provision of this Chapter**
 7 **and any rule promulgated by the board, including granting and renewing**
 8 **licenses, regulating individuals and firms engaged in the practice of**
 9 **architecture, establishing by rule the requirements and procedures for use of**
 10 **the title "Architect Emeritus". The board shall also have the power** to adopt and
 11 amend ~~such~~ rules and regulations as are reasonably necessary for the proper
 12 performance of its duties, for carrying out the purposes of this Chapter, for
 13 continuing education, for the regulation of ~~the~~ proceedings before it, and for the
 14 regulation of the practice of architecture under the laws of this state.

15 ~~D.G.~~ The procedure for the adoption, amendment, and repeal of any rule or
 16 regulation shall be in accordance with the Administrative Procedure Act, R.S. 49:950
 17 et seq., and the rules and regulations which may be adopted by the board shall be
 18 available for public inspection at the office of the State Board of Architectural
 19 Examiners.

20 ~~E.H.~~ The board may employ **executive**, clerical, ~~or other~~ **and office** assistants
 21 as are necessary, **including an executive director**, for the proper performance of its
 22 work; may make expenditures from its funds for any purpose which is reasonably
 23 necessary for the proper performance of its duties under this Chapter; and may, if
 24 necessary, or upon advice of the attorney general, hire counsel for advice, for the
 25 representation of the board against violators of this Chapter and for the defense of
 26 any action brought against the board or its members or staff.

27 ~~F.I.~~ The domicile of the board shall be Baton Rouge, Louisiana.

28 **J. The board, its members, and its agents shall be immune from personal**
 29 **liability for actions taken in good faith in the discharge of the board's**
 30 **responsibilities. The state shall hold the board, its members, and its agents**

1 harmless from all costs, damages, and attorney fees arising from claims and
 2 suits against them with respect to matters to which the immunity applies.

3 ~~G.K.~~(1) The board may allocate up to ten percent of all license renewal and
 4 delinquent fees each fiscal year to a fund to be named the Louisiana Architecture
 5 Education and Research Fund. The purpose of the fund is to better prepare students
 6 for internships and future careers as architects by authorizing the board to make
 7 awards to universities in this state accredited by and in good standing with the
 8 National Architectural Accrediting Board (NAAB).

9 (2) The fund shall be used exclusively for one or more of the following in
 10 order to improve architectural education and the licensure of student interns in this
 11 state:

12 (a) Integration of practice and education in the professional NAAB degree
 13 curriculum.

14 (b) Implementation of a path to licensure resulting in an architectural license
 15 at the time of graduation from a NAAB-accredited professional degree program.

16 (c) Facilitation of enrollment and completion of training requirements for the
 17 ~~Intern Development Program (IDP)~~ **approved experience program** as administered
 18 by the National Council of Architectural Registration Boards (NCARB).

19 (d) Assistance of students and interns in preparation for the taking of the
 20 ~~Architectural Registration Exam (ARE)~~ **approved examination**.

21 (e) Methods for raising awareness of the responsibilities of architects and of
 22 the ways that public health, safety, and welfare are impacted by architects.

23 (3) An accredited university architectural program shall submit an annual
 24 proposal and budget, including any information deemed necessary by the board, to
 25 be considered for any award from the board.

26 (4) The board shall submit an annual report to the appropriate legislative
 27 oversight committee regarding its allocation of monies from the fund for the
 28 preceding fiscal year.

29 §145. Architects; requirements for; ~~certificate~~ **license**; continuing education

30 A. No person shall practice architecture in this state or use the title

1 "architect", or any term derived therefrom, or display or use any title, sign,
 2 advertisement, or other device to indicate that ~~such~~ **the** person practices or offers to
 3 practice architecture, or renders architectural services, or is an architect, unless ~~such~~
 4 **the person shall have has registered with and** secured from the board a ~~certificate~~
 5 ~~of registration and~~ license in the manner hereinafter provided, and shall thereafter
 6 comply with the provisions of the laws of the state of Louisiana governing the
 7 registration and licensing of architects **and architectural firms.**

8 B. ~~Persons licensed by the board to practice architecture may, by rule of the~~
 9 ~~board, be required to earn annually up to twelve hours of board-approved continuing~~
 10 ~~education pertaining to building design in connection with public health, safety, or~~
 11 ~~welfare. The board may, by rule, establish procedures and requirements for~~
 12 ~~continuing education by an architect to demonstrate continuing competence in~~
 13 ~~the practice of architecture for the protection of the public. The requirements~~
 14 ~~shall include a description of acceptable activities and appropriate~~
 15 ~~documentation required for license renewal.~~

16 §146. Examination before board; **Initial license** qualifications

17 A. ~~Unless previously registered and currently licensed on September 1, 1972,~~
 18 ~~no person shall practice architecture until he has passed an examination approved by~~
 19 ~~the board.~~

20 B. ~~For the purpose of qualifying for the examination, the applicant shall~~
 21 ~~present satisfactory evidence to the board that he:~~

22 (1) ~~Is of good moral character.~~

23 (2) ~~Has paid his debt to society if he has ever been convicted of a felony.~~

24 (3) ~~Holds a professional degree from a school whose curriculum has been~~
 25 ~~accredited by the National Architectural Accrediting Board.~~

26 (4) ~~Is enrolled in the Intern Development Program administered by the~~
 27 ~~National Council of Architectural Registration Boards.~~

28 C. Any applicant not the holder of a first professional degree from a school
 29 whose curriculum has been accredited by the National Architectural Accrediting
 30 Board may take the examination if he has done all of the following:

1 (1) ~~Has made formal application for examination to the board prior to April~~
2 1, 1984; and

3 (2) ~~Has completed all of the education equivalency requirements for~~
4 qualifying for the examination as delineated in the National Council of Architectural
5 Registration Boards' "Circular of Information Number One"; and

6 (3) ~~Has furnished evidence to the board that he has had practical architectural~~
7 work experience, requirements for which are delineated by the National Council of
8 Architectural Registration Boards or the board.

9 ~~D. The board may adopt rules and regulations in accordance with the~~
10 ~~Administrative Procedure Act governing the approval, selection, administration,~~
11 ~~participation, and completion of the examination and the Intern Development~~
12 ~~Program.~~

13 **A. To obtain an initial license to practice architecture in Louisiana, an**
14 **applicant shall satisfy all of the following requirements:**

15 **(1) Provide documentation satisfactory to the board that the applicant**
16 **has successfully completed all of the following:**

17 **(a) An approved education program.**

18 **(b) An approved experience program.**

19 **(c) An approved examination.**

20 **(2) Submit to the board a completed application and pay the required**
21 **fee.**

22 **(3) Paid restitution if the applicant has ever been convicted of a felony.**

23 **B. Any of the following acts may preclude an applicant's eligibility as a**
24 **candidate for initial licensure:**

25 **(1) Conviction by any court for the commission of any felony.**

26 **(2) Conviction by any court of a misdemeanor involving fraud, deceit, or**
27 **misrepresentation.**

28 **(3) Misstatement or misrepresentation of fact by the applicant in**
29 **connection with the applicant's application for registration in this state or**
30 **another jurisdiction.**

1 (4) Violation of any of the rules of conduct required of applicants or
 2 architects as adopted by the board.

3 (5) Practicing architecture, or holding oneself out as capable of
 4 practicing architecture, in this state in violation of this Chapter.

5 §147. Rules governing examinations Reciprocal license qualifications

6 A. ~~The board will make all necessary rules and regulations governing the~~
 7 ~~time, place, and method of conducting examinations and the grading of them, and~~
 8 ~~prescribe the types of examinations to be given. The examination shall consist of~~
 9 ~~technical and professional subjects that the board may prescribe.~~

10 B. ~~Copies of board examinations and answers of applicants shall be~~
 11 ~~maintained for one year. The board examinations and the answers of applicants shall~~
 12 ~~be exempt from disclosure pursuant to the Public Records Law as provided for in~~
 13 ~~R.S. 44:1 et seq.~~

14 To obtain a reciprocal license to practice architecture in Louisiana, an
 15 applicant shall satisfy both of the following requirements:

16 (1) Provide documentation satisfactory to the board that the applicant
 17 holds both of the following:

18 (a) A current and valid license issued by another jurisdiction or licensing
 19 authority recognized by the board.

20 (b) A current NCARB certificate.

21 (2) Submit to the board a completed application and pay the required
 22 fee.

23 §148. Examinations; persons exempt Firm regulation

24 A. ~~Upon application and the payment of a fee equivalent to that required for~~
 25 ~~written examination and certificate and upon certification issued by the National~~
 26 ~~Council of Architectural Registration Boards, the board may issue a certificate of~~
 27 ~~registration and license to practice the profession of architecture in this state to any~~
 28 ~~person who has passed a standard National Council of Architectural Registration~~
 29 ~~Boards' examination if such examination is equivalent to that prescribed by the~~
 30 ~~board.~~

1 ~~B. The board may review the examination referred to in this section to~~
 2 ~~determine and decide whether the examination is equivalent to that prescribed by the~~
 3 ~~board.~~

4 ~~C. The board may also require that the applicant under this section submit~~
 5 ~~other proper evidence of his ability to engage in the practice of architecture and~~
 6 ~~evidence of his continued honorable professional conduct after passing the~~
 7 ~~examination before the National Council of Architectural Registration Boards.~~

8 **To offer or perform architectural services as a firm in this state, a legally**
 9 **formed business entity shall meet the rule requirements adopted by the board.**

10 §149. Fees

11 The applicant shall pay the actual cost of the examination. Upon passing all
 12 divisions of the examination, a fee to be determined by the board, not to exceed two
 13 hundred dollars, shall be charged **to an individual domiciled in this state** for
 14 issuing a **becoming registered and obtaining an initial** license **to practice**
 15 **architecture in this state.** A registration fee to be determined by the board, not to
 16 exceed five hundred dollars, shall be charged to an individual domiciled outside
 17 Louisiana seeking to be **for becoming** registered **and obtaining an initial or**
 18 **reciprocal license to practice architecture** in Louisiana. A fee to be determined by
 19 the board, not to exceed three hundred dollars, shall be charged to any ~~corporation,~~
 20 ~~professional architectural corporation as defined in R.S. 12:1086, architectural-~~
 21 ~~engineering corporation as defined in R.S. 12:1171, or partnership, limited liability~~
 22 ~~partnership, limited liability company, association, sole proprietorship, or other~~
 23 ~~entity seeking to obtain a certificate of authority~~ **firm for becoming registered and**
 24 **obtaining an initial license** to practice architecture in Louisiana, unless such entity
 25 **the firm** is exempted ~~exempt~~ from the fee by the **rules of the** board. The board may
 26 not increase the fee for issuing a **charged to an individual or firm domiciled in**
 27 **Louisiana for becoming registered and obtaining an initial or reciprocal** license
 28 ~~or a certificate of authority~~ by more than thirty dollars during any three-year period,
 29 and the board may not increase the ~~registration~~ fee charged to an individual **or firm**
 30 domiciled outside of Louisiana seeking to be **for becoming** registered **and obtaining**

1 an initial or reciprocal license in Louisiana by more than fifty dollars during any
 2 three-year period.

3 §150. Renewal of license; renewal fees

4 A. Every licensed architect domiciled in this state who desires to continue his
 5 license in force shall submit to the board a completed application and annually
 6 pay₂ during the month of November or December₂, a fee to be determined by the
 7 board, not to exceed two hundred dollars. Upon certification of completion of the
 8 continuing education requirement set forth by the board in its rules and
 9 payment of the renewal fee, the secretary of the board shall issue ~~him~~ the licensee
 10 a renewal ~~certificate~~ license for the year due. The board may decline to renew a
 11 license if the architect's continuing education activities do not meet the
 12 standards set forth in the board's rules.

13 B. Every licensed architect domiciled outside Louisiana who desires to
 14 continue his license in force in Louisiana shall submit to the board a completed
 15 application and annually pay₂ during the month of November or December₂, a
 16 renewal ~~registration~~ fee to be determined by the board, not to exceed five hundred
 17 dollars. Upon certification of completion of the continuing education
 18 requirements set forth by the board in its rules and payment of the renewal fee,
 19 the secretary of the board shall issue ~~him~~ the licensee a renewal ~~certificate~~ license
 20 for the year due. The board may decline to renew a license if the architect's
 21 continuing education activities do not meet the standards set forth in the
 22 board's rules.

23 C. ~~The~~ An architect's failure to renew his license ~~in proper time shall~~ by the
 24 designated renewal date shall result in the expiration of the architect's license.
 25 This expiration shall not deprive the architect of the right of renewal thereafter. The
 26 delinquent fee to be paid upon the renewal of a license by an architect domiciled in
 27 Louisiana at any time after the month of December in the year when such renewal
 28 fee first became due shall be determined by the board, not to exceed two hundred
 29 dollars. This delinquent fee shall be in addition to the renewal registration fee set
 30 forth in Subsection A of this Section.

1 D. The delinquent fee to be paid upon the renewal of a license by an architect
 2 domiciled outside Louisiana at any time after the month of December in the year
 3 when such renewal fee first became due shall be determined by the board, not to
 4 exceed five hundred dollars. This delinquent fee shall be in addition to the renewal
 5 ~~registration~~ fee set forth in Subsection B of this Section.

6 E. Every ~~corporation~~, professional architectural corporation as defined in R.S.
 7 12:1086, architectural-engineering corporation as defined in R.S. 12:1171, or ~~any~~
 8 ~~partnership, limited liability partnership, limited liability company, association, sole~~
 9 ~~proprietorship, or other entity seeking to~~ **firm desiring to continue its license in**
 10 **force in Louisiana shall** renew its ~~certificate of authority~~ **license** in Louisiana ~~shall~~
 11 **and**, unless exempted by the board, annually pay a renewal fee to be determined by
 12 the board, not to exceed three hundred dollars, during the month of **May or** June.
 13 The board shall issue a renewal ~~certificate of authority~~ **license** for the year upon
 14 receipt of the **completed renewal application and** renewal fee payment.

15 F.(1) The ~~delinquency~~ **delinquent** fee to be paid by any ~~corporation~~,
 16 professional architectural corporation as defined in R.S. 12:1086, any architectural-
 17 engineering corporation as defined in R.S. 12:1171, or ~~any partnership, limited~~
 18 ~~liability partnership, limited liability company, association, sole proprietorship, or~~
 19 ~~other entity~~ **firm**, when the renewal fee set forth in Subsection E of this Section is
 20 paid at any time after June in the year the fee first became due, shall be determined
 21 by the board, not to exceed three hundred dollars.

22 (2) The payment of any ~~delinquency~~ **delinquent** fee shall be paid in addition
 23 to the annual renewal fee **set forth in Subsection E of this Section**.

24 G. The board may not increase the renewal fees or the ~~delinquency~~
 25 **delinquent** fees set forth in this Section by more than thirty dollars during any three-
 26 year period.

27 §151. Roster of architects to be published annually

28 The board shall ~~publish annually a roster of registered architects with their~~
 29 ~~addresses. This published roster shall be received as evidence in court that the names~~
 30 ~~it contains are duly registered architects of this state as of a specific date on the roster~~

1 maintain on its website a public, searchable roster for verification of licensure,
 2 which shall contain the name, license number, license status, initial licensure
 3 date, current expiration date, and work address of each licensee.

4 §152. Use of title "architect"; ~~seal or stamp~~ architect seal

5 A.(1) ~~The name of the architect followed by the title "architect" shall appear~~
 6 ~~on every publication, announcement, and letterhead used by a person practicing~~
 7 ~~architecture in connection with his practice.~~

8 (2) Every registered architect shall have a seal ~~or stamp~~. This shall contain
 9 ~~his name, the words "Registered Architect, State of Louisiana," and the architect's~~
 10 ~~license number~~ an image authorized by the board. All contract drawings and
 11 specifications issued by the architect for use in this state shall be ~~stamped or sealed~~.
 12 The removal of an architect's seal ~~or stamp~~, ~~and/or~~ use of an architect's plans, or
 13 both, unless otherwise provided by law or by written approval of the architect, shall
 14 be a violation of this Chapter and shall be subject to the penalties delineated in R.S.
 15 37:154(B) and (D).

16 B. Except in the cases contemplated by R.S. 38:2317, no architect shall affix
 17 his seal ~~or stamp~~ or permit it to be affixed to any specification, drawing, or other
 18 related document which was not prepared either by ~~him~~ the architect or under ~~his~~
 19 the architect's responsible ~~supervision~~ control. In those cases contemplated by R.S.
 20 38:2317, the design professional reviewing state-owned plans, designs,
 21 specifications, or other construction documents shall remove the ~~stamp or seal~~ of the
 22 original architect and shall affix his ~~stamp or seal~~ to those documents that ~~he~~ the
 23 professional has reviewed and approved for reuse. The design professional affixing
 24 his ~~stamp or seal~~ to documents approved for reuse shall assume all responsibilities
 25 for the documents which bear ~~his stamp or~~ the professional's seal. No architect shall
 26 use his seal ~~or stamp~~ or do any other act as an architect unless ~~he~~ the architect is at
 27 the time duly registered and licensed.

28 §153. Board; disciplinary actions; revocation; rescission; suspension; probation;
 29 reprimand; admonishment; fine

30 A. The board may participate in a proceeding to revoke, rescind, or suspend

1 the certificate of, **registration or license, or both**, place on probation, reprimand,
 2 admonish, or fine in an amount not to exceed five thousand dollars per violation, any
 3 **individual or firm** registrant or ~~certificate holder~~ **licensee** found by the board to
 4 have committed any of the following acts:

5 (1) Engaging in any fraud, deceit, ~~gross incompetence, dishonesty,~~
 6 ~~misrepresentation, misconduct, or gross negligence in the practice of architecture~~
 7 **material misstatement, perjury, or giving any false or forged evidence in**
 8 **applying for a license, taking an examination, or in applying for any renewal**
 9 **license provided for in this Chapter.**

10 (2) **Engaging in any fraud, deceit, gross incompetence, dishonesty,**
 11 **material misrepresentation, misconduct, or gross negligence in the practice of**
 12 **architecture.**

13 (3) Affixing his **the licensee's** seal, ~~stamp~~, or name to any specification,
 14 drawing or other related document which was not prepared by him **the licensee** or
 15 under his **the licensee's** responsible supervision and control, or permitting his **the**
 16 **licensee's** seal, ~~stamp~~, or name to be affixed to any such document.

17 (3)(4) Using his **the licensee's** seal or ~~stamp~~ or engaging in any other act
 18 constituting the practice of architecture **or violating any order or term of**
 19 **probation imposed by the board** at a time when his **the licensee's** certificate of
 20 registration **or license** is **rescinded**, suspended, or revoked, or at a time when his **the**
 21 **registrant's** current renewal has not been obtained in accordance with the law, **or**
 22 **when the license is expired for more than ninety days or in emeritus status.**

23 (4)(5) Conviction of a felony **or entry of a plea of guilty or nolo contendere**
 24 **to a felony charge under the laws of the United States or any state, territory, or**
 25 **district of the United States**, in which case a certified copy of the record of
 26 conviction shall be conclusive evidence of such conviction.

27 (5)(6) Willfully misleading or defrauding any person employing him **the**
 28 **licensee** as an architect.

29 (7) **Knowingly making or signing any false statement, certificate, or**
 30 **affidavit in connection with the practice of architecture.**

1 ~~(6) Violating the provisions of this Chapter or any lawful rule or regulation~~
2 ~~adopted by the board pursuant to law.~~

3 ~~(7) Practicing any fraud, deceit, material misstatement, or perjury in applying~~
4 ~~for a certificate of licensure or registration or in taking any examination or in~~
5 ~~applying for any renewal certificate provided for in this Chapter.~~

6 (8) Being convicted **Conviction** of **any civil or criminal violation** crime or
7 **entering entry of** a plea of guilty or nolo contendere to any criminal charge an
8 element of which is fraud or which arises out of such individual's practice of
9 architecture, in which case a certified copy of a record of conviction shall be
10 conclusive evidence of such conviction.

11 (9) The refusal of the licensing authority of another state, territory, or district
12 of the United States to issue or renew a license, permit, or certificate to practice
13 architecture, or the revocation or suspension or other restriction imposed on a
14 license, permit, or certificate issued by such licensing authority, on the grounds other
15 than non-payment of a registration fee, **or a finding by such licensing authority**
16 **that a person has engaged in the unlicensed practice of architecture**; provided
17 that the reason for the action taken by the other licensing authority was recognized
18 by the Louisiana board as a ground for the disciplinary action taken.

19 (10) Providing false testimony before the board.

20 (11) Failing to provide, within thirty calendar days of ~~mailing the notice~~
21 **receipt of a request** by certified **or registered** mail, **or personal service**,
22 information **or documents** requested by the executive director as a result of a formal
23 complaint to the board **relating to an alleged** ~~alleging~~ a violation of this Chapter.

24 (12) Using any advertising or solicitation which is false or misleading.

25 **(13) Aiding or assisting another person in violating any provision of this**
26 **Chapter or any rule adopted and promulgated by the board.**

27 **(14) Declaration of insanity or incompetence by a court of competent**
28 **jurisdiction.**

29 **(15) Presenting or attempting to use as one's own the license, certificate,**
30 **or seal of another person.**

1 (16) Falsely impersonating any other licensee or certificate holder of a
 2 like or different name.

3 (17) Violating or not complying with any order, ruling, or decision of the
 4 board.

5 (18) Violating the provisions of this Chapter or any lawful rule or
 6 regulation adopted by the board pursuant to law.

7 B. Each day that a violation under Subsection A of this Section occurs ~~shall~~
 8 may be considered a separate violation.

9 C. The board may rescind, suspend, refuse to renew, ~~or revoke a certificate~~
 10 ~~of the registration or license, or both~~, place on probation, reprimand, admonish,
 11 or fine in an amount not to exceed five thousand dollars per violation, any foreign
 12 or domestic ~~corporation~~ firm as defined in R.S. 37:141(D)(8) if the firm or if one
 13 or more of its officers, directors, employees, agents, or representatives has violated
 14 any of the ~~above~~ provisions of this Section.

15 D. In addition to any other action, the board may assess all reasonable costs
 16 incurred in connection with a disciplinary proceeding, including investigator fees,
 17 stenographer fees and attorney fees, and court costs as a condition of probation or
 18 reinstatement of any ~~certificate or registration~~ or license rescinded, suspended, or
 19 revoked pursuant to this Section. The assessment of fees and costs may be
 20 considered disciplinary action.

21 E. ~~The~~ All disciplinary action assessed taken shall be published ~~in the annual~~
 22 ~~Roster of Architects~~ on the official website and in the official newsletter of the
 23 board and may be released to other professional organizations relating to
 24 architecture or to the news media.

25 F. Proceedings under this Section shall be begun by any person filing a
 26 written complaint with the board against the registrant or ~~certificate holder~~ licensee
 27 in the form of a sworn affidavit. The board, upon its own motion, may investigate the
 28 actions of any registrant or ~~certificate holder~~ licensee and file a complaint against
 29 ~~him~~ the licensee or registrant.

30 G. If in the opinion of the board, a hearing is warranted, a time and place for

1 the hearing of the charges shall be fixed by the board. A copy of the complaint shall
2 be sent by the board by registered or certified mail, through electronic means, or
3 by personal service to the registrant or ~~certificate holder~~ licensee against whom a
4 complaint has been filed at his last known address ~~by registered or certified mail~~ at
5 least thirty days prior to the hearing together with a notice of the time and place of
6 the meeting of the board at which the complaint shall be heard. Notwithstanding the
7 provisions of this Subsection, the board may summarily suspend a license if it finds
8 that public health, safety, or welfare imperatively requires emergency action and
9 incorporates a finding to that effect in its order, as authorized by R.S. 49:977.3(C).
10 Any summary suspension shall be for a maximum period of thirty days.

11 H. At the hearing the registrant or ~~certificate holder~~ licensee against whom
12 a complaint has been filed shall have the right to cross-examine witnesses ~~against~~
13 ~~him~~, to produce witnesses ~~in his defense~~, and to appear personally or by counsel.

14 I. If the accused person or ~~business entity~~ firm fails or refuses to appear, the
15 board may proceed to hear and determine the validity of the charges.

16 J. No disciplinary action shall be taken hereunder unless a quorum of the
17 board is present at the hearing.

18 K. If the board determines to suspend the ~~certificate of licensure~~ license or
19 registration of any licensee or registrant ~~or certificate holder~~, it shall fix the duration
20 of the period of the suspension. If the board determines to issue a fine against the
21 registrant or ~~certificate holder~~ licensee, it shall fix the amount of such fine.

22 L. The executive director of the board shall give written notice of its action
23 by registered or certified mail, through electronic means, or by personal service
24 to the registrant or ~~certificate holder~~ licensee against whom the complaint was filed
25 at his last known address.

26 M. The board may require the production of books, papers, or other
27 documents and may issue subpoenas to compel the attendance of witnesses to testify
28 and to produce any relevant books, papers, or other documents in their possession
29 before the board in any proceeding concerning any violation. The subpoenas shall
30 be served by the sheriff of the parish or private process server where the witness

1 resides or may be found. If any person refuses to obey any subpoena so issued, or
 2 refuses to testify or to produce any books, papers, or other documents required to be
 3 produced, the board may present its petition to the district court of the parish in
 4 which that person was served with the subpoena setting forth the facts. The court
 5 shall then issue a rule ~~to that person~~ requiring ~~him~~ **that person** to obey the subpoena
 6 or show cause why ~~he~~ **that person** fails to obey it. Unless that person shall show
 7 sufficient cause for failing to obey the subpoena, the court shall direct ~~him~~ **that**
 8 **person** to obey the subpoena and, upon ~~his~~ refusal to comply, ~~he~~ **that person** shall
 9 be adjudged in contempt of court and punished therefor, as the court may direct.

10 N. Any registrant or ~~certificate holder~~ **licensee** who has been subjected to
 11 disciplinary action by the board ~~shall have the right to appeal to the district court of~~
 12 ~~the parish in which the hearing was held. The appeal shall be governed by the~~
 13 ~~Administrative Procedure Act R.S. 49:950 et seq.~~ **may appeal the board's decision**
 14 **pursuant to the Administrative Procedure Act.**

15 O. The board shall have the power to issue a new ~~certificate of registration~~
 16 or license, change a revocation to a suspension, ~~or~~ shorten a period of suspension,
 17 or otherwise amend any disciplinary action taken hereunder upon satisfactory
 18 evidence that proper reasons for such action exist. Any person whose ~~certificate of~~
 19 registration or license has been suspended shall have his certificate of registration or
 20 license automatically reinstated by the board at the end of his period of suspension
 21 upon payment of the renewal fee. No delinquent fee shall be charged for
 22 reinstatement of ~~certificate of~~ registration or license under the provisions of this
 23 Chapter.

24 §154. Violations and penalties

25 A. ~~Any~~ **The board shall have the power to take enforcement action**
 26 **against any** person, corporation, company, partnership, firm, business entity, or
 27 individual; **found by the board to be guilty of any of the following acts:**

28 **(1) who shall practice, or offer to practice, Practicing or offering to practice**
 29 architecture in this state without being ~~certified~~ **registered and licensed** in
 30 accordance with the provisions of this Chapter.

1 (2) ~~or any person presenting or attempting~~ **Attempting** to use as his own the
2 certificate of registration, **license**, or the seal of another;

3 (3) **Engaging in any fraud, deceit, material misstatement, perjury, or**
4 **giving any false or forged evidence in taking any examination.**

5 (4) ~~or any person who shall give~~ **Giving** any false or forged evidence of any
6 kind to the board, or to any member thereof, in obtaining a ~~certificate of registration;~~
7 **or a license.**

8 (5) ~~or any person who shall falsely impersonate~~ **Falsely impersonating** any
9 ~~other registrant or certificate holder~~ **licensee** of like or different name;

10 (6) ~~or any person who shall attempt~~ **Using or attempting** to use an expired
11 or revoked ~~certificate of registration;~~ **or license.**

12 (7) **Using or attempting to use a seal which is deceptively similar to any**
13 **seal authorized by the board for use by a licensee.**

14 (8) **Using the title or the words "architect", "architecture", or**
15 **"architectural", or any modification or derivative thereof, or displaying or**
16 **using any title, sign, advertisement, or other device to indicate that the person**
17 **practices or offers to practice architecture, or renders architectural services,**
18 **unless the user is duly registered and licensed pursuant to this Chapter.**

19 (9) **Falsely claiming that a person is registered or licensed pursuant to**
20 **this Chapter.**

21 (10) **Violating or failing to comply with any order, ruling, or decision of**
22 **the board.**

23 (11) **Failing to provide, within thirty calendar days of receipt of a request**
24 **by certified or registered mail or personal service, information or documents**
25 **requested by the board relating to an alleged violation of this Chapter.**

26 **B.** ~~or any~~ **Any** person, applicant, registrant, or certificate holder who shall
27 violate any of the provisions of this Chapter; shall be guilty of a misdemeanor. An
28 individual who violates any part of this Chapter shall, upon conviction, be sentenced
29 to pay a fine of not less than three hundred dollars, nor more than ~~fifteen~~ **one**
30 **thousand five** hundred dollars, or be imprisoned for a period not to exceed three

1 months, or both. Any person, other than an individual, who violates any provision
 2 of this Chapter shall, upon conviction, be sentenced to pay a fine of not less than
 3 ~~fifteen~~ **one thousand five** hundred dollars, nor more than five thousand dollars. Each
 4 day the violation occurs shall constitute a separate offense.

5 ~~B.C.~~ It shall be the duty of the attorney general, all district attorneys, and all
 6 duly constituted officers of the law of this state, or any political subdivision thereof,
 7 to enforce the provisions of this Chapter and to prosecute any persons violating the
 8 provisions of this Chapter. The attorney general, or ~~his~~ **the attorney general's**
 9 assistant, shall act as legal advisor to the board if requested by the board and render
 10 such legal assistance as may be deemed necessary by the board in carrying out the
 11 provisions of this Chapter; however, this shall not relieve the local prosecuting
 12 officers of any duty to prosecute a violation of this Chapter.

13 ~~E.D.~~(1)(a) The board shall ensure enforcement of the provisions of this
 14 Chapter. The board may investigate any complaint relating to a violation of this
 15 Chapter and, depending upon the result of its investigation, the board may, after
 16 notice and hearing and by a majority vote of its entire membership authorized to
 17 participate in the proceeding, issue an order prohibiting the person from committing
 18 a violation of this Chapter or fine any such person for any violations of this Chapter,
 19 or both. The fine shall not exceed one thousand five hundred dollars per violation in
 20 the case of an individual or five thousand dollars per violation in the case of a person
 21 other than an individual.

22 (b) The time and place for said hearing shall be fixed by the board and a copy
 23 of the charges, together with a notice of the time and place of the hearing, shall be
 24 personally served; on or mailed by certified mail; to the last known address of such
 25 person at least thirty days before the date fixed for hearing.

26 (c) At the hearing, the accused shall have the right to appear in person, or by
 27 counsel, or both, to ~~cross-examine~~ **cross-examine** witnesses in his or its defense, and
 28 to produce evidence and witnesses in his or its defense.

29 (d) If the accused person or business entity fails or refuses to appear, the
 30 board may proceed to hear and determine the validity of the charges.

1 and, upon affidavit or other proof, secure a temporary restraining order, preliminary
2 injunction, or permanent injunction restraining and prohibiting any violation of this
3 Chapter and the performance of any work then being done or about to be commenced
4 in violation of this Chapter.

5 **B.** Any person found guilty of violating any provision of this Chapter in any
6 such proceeding shall pay to the board a civil penalty in an amount determined by
7 the court which may include the board's attorneys fees, costs, investigation, and other
8 expenses, but in no event shall the fine be less than the sum of one thousand dollars.

9 **C. The trial of the proceeding for an injunction shall be summary, with**
10 **preference over ordinary proceedings, and tried by a judge without a jury.**

11 **D. A violation of an injunction shall be considered as a contempt of court**
12 **and punished in accordance with law.**

13 §157. Annual report

14 The board shall make an annual report to the governor of its ~~transactions;~~
15 ~~with any recommendations for the advancement and betterment of the profession~~
16 **primary activities during the previous calendar year.**

17 §158. Firm practice; licensure; promulgation of rules and regulation

18 A. All domestic firms and foreign firms qualifying to do business in the state
19 of Louisiana, which practice or offer to practice architecture in the state of Louisiana
20 are subject to regulation and supervision by the board, and the board, in
21 implementation of this Section, may issue rules and regulations further governing the
22 conduct and activities of such firms.

23 B. Within thirty days after the issuance by the secretary of state of a
24 certificate of incorporation of a Louisiana corporation formed pursuant to the
25 Louisiana Business Corporation Law, R.S. 12:1-~~101~~ et seq., the Louisiana Nonprofit
26 Corporation Law, R.S. 12:201 et seq., or the Louisiana Architectural-Engineering
27 Corporation Law, R.S. 12:1171 et seq., or the issuance by the secretary of state of a
28 certificate of organization of a Louisiana limited liability company formed pursuant
29 to the Louisiana Limited Liability Company Law, R.S. 12:1301 et seq., or the
30 qualification of a foreign corporation or foreign limited liability company in the state

1 of Louisiana which practices or offers to practice architecture in the state of
2 Louisiana, the firm shall file an application for **registration and** licensure with the
3 board on a form provided by the board.

4 C. Within sixty days after the firm files with the board the application
5 required above, the board, in the event the firm is otherwise in compliance with the
6 provisions of this Chapter and the rules and regulations issued by the board
7 governing firms, shall issue a license. Any firm having been so licensed by the board
8 shall have the authority to contract to ~~deliver such~~ **provide** architectural services **in**
9 **Louisiana**, and therefore **it** shall be subject to disciplinary action as provided in this
10 Chapter.

11 Section 2. R.S. 37:146.1 is hereby repealed.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____