

CHAPTER 111**(SB 230)**

AN ACT relating to architects.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 323.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

- (1) "Board" means the ***Kentucky***~~[State]~~ Board of~~[Examiners and Registration of]~~ Architects~~[of Kentucky]~~;
- (2) An "architect" is any person who engages in the practice of architecture as hereinafter defined;
- (3) The "practice of architecture" is the rendering or offering to render certain services, hereinafter described, in connection with the design and construction of a structure or group of structures which have as their principal purpose human habitation or use, and the utilization of space within and surrounding such structures. The services referred to in the previous sentence include planning, providing preliminary studies, designs, drawings and specifications, and administration of construction contracts;
- (4) A "building" is a structure which has as its principal purpose human habitation or use;
- (5) "Use group" is the classification of a building or structure based on the purpose for which it is used, as set forth in the Kentucky Building Code;
- (6) "Consultant" is an individual, partnership, or firm acting subordinately and in a position of service to an architect engaged in the practice of architecture as defined.
- (7) ***"Administration of construction contracts" means:***
 - (a) ***Conducting periodic site visits;***
 - (b) ***Reviewing shop drawings and reviewing other submittals required of the contractor by the terms of the construction contract documents;***
 - (c) ***Reporting to the owner any violations of applicable building codes and any substantial deviations from the contract documents that the architect observes; or***
 - (d) ***Reporting to the building official any violations of applicable building codes that the architect observes.***

Section 2. KRS 323.050 is amended to read as follows:

- (1) Except as otherwise provided in this chapter, an applicant seeking to obtain a license to practice architecture in Kentucky shall satisfactorily pass the examination that is prescribed by the board.
- (2) Every applicant for examination shall:
 - (a) Be of good moral character; and
 - (b) Hold a professional degree in architecture accredited by the National Architectural Accrediting Board (NAAB), or its equivalent as determined by administrative regulations promulgated by the board, with such additional experience as the board may prescribe and approve.

- (3) Examinations shall be *available on a regular basis at a place identified by the testing service and shall be given in accordance with the terms and conditions agreed upon by the board and the testing service. Procedures concerning the examination shall be set out in administrative regulations promulgated*~~[given at least annually, the time and place to be established]~~ by the board.

Section 3. KRS 323.090 is amended to read as follows:

Any applicant who fails *a section of the*~~[to pass an]~~ examination may *retake that section if at least six (6) months has elapsed since the applicant took the examination in which he or she failed the section and*~~[take any subsequent examination held within three (3) years from the date of the examination he failed to pass,]~~ upon registering with the testing service and paying the testing service's required fee. *An applicant shall take the examination within three (3) years of the date the applicant receives the board's approval to begin the examination process.* During this three (3) year period, the applicant shall be excused from paying to the board any additional fees for processing the application for the examination. *An applicant who does not take the examination within the applicable three (3) year period shall reapply with the board. All examination fees shall be paid to the testing service.*

Section 4. KRS 323.110 is amended to read as follows:

- (1) (a) All architects desiring to continue practice shall secure from the board a renewal certificate at the expiration of their licenses, upon the payment of the prescribed fee. The board shall promulgate administrative regulations establishing the terms of the licenses, and may renew licenses on an annual or biannual basis. The board may stagger the terms of the licenses, if needed, and may double the annual renewal fee as established pursuant to KRS 323.080 for any license issued for a two (2) year period. Not later than June 15 of each year the board shall notify by mail all architects of the renewal date and fee. Application for a renewal shall be upon a form prescribed by the board and the architect shall furnish the information required by the form.
- (b) Failure of any architect to secure his *or her* renewal certificate within sixty (60) days after July 1 shall result in the automatic revocation of his *or her* license *if the architect fails to submit a properly completed renewal application to the board with the corresponding renewal fee and proof of having completed the continuing education requirement.*
- (c) The board may reissue a license that has been revoked for failure to pay the renewal fee *or meet continuing education requirements established by the board,* upon proper application ~~to~~~~[as determined by]~~ the board and the payment of all delinquent fees~~[as directed]~~.
- (2) A licensed architect may voluntarily surrender his *or her* license to the board and thereby be relieved of paying the annual renewal fee. After surrendering his *or her* license, *that person*~~[he]~~ shall not be known as a licensed architect and shall desist from the practice of architecture. Within five (5) years from the time of surrender of the license, *the person*~~[he]~~ may again qualify for a license without examination by the payment of the required fee and current renewal fee. If five (5) years thereafter have elapsed, he *or she* shall return to the status of a new applicant.

Section 5. KRS 323.120 is amended to read as follows:

- (1) The board may refuse to issue, reissue, or renew a license, or may issue a private or public reprimand or may probate, suspend, or revoke the license of any architect to practice architecture in the Commonwealth of Kentucky, ***or may impose any combination of these sanctions*** for any of the following reasons:
 - (a) Gross ***incompetence***~~[incompetency]~~ or gross negligence in the planning or construction of buildings, as determined by the board;
 - (b) Unprofessional conduct, or conduct tending to bring the profession into disrepute, as determined by the board;
 - (c) Conviction of a felony;
 - (d) Fraudulent or dishonest architectural practice;
 - (e) Use of false evidence or misrepresentations in an application for licensing or an application for a renewal certificate;
 - (f) Signing or affixing his seal to any plans, prints, specifications of buildings, or reports, which have not been prepared by him personally or by his employees under his supervision; or
 - (g) ***Violating any provision of this chapter or administrative regulations promulgated under the chapter;***
 - (h) ***Failing to comply with an order issued by the board; or***
 - (i) ***Aiding or abetting someone in the unlicensed practice of architecture***~~[Failing to comply with any continuing architectural education requirements that may be imposed by the board].~~
- (2) The board shall revoke the license of an architect who practices architecture while his license is suspended.
- (3) The board may, in lieu of or in addition to other penalties, impose a civil penalty not to exceed three thousand dollars (\$3,000), which shall be paid to the benefit of the board's trust and agency account.

Section 6. KRS 323.210 is amended to read as follows:

- (1) The board shall:
 - (a) Adopt and provide itself with a seal with a band inscribed, "***Kentucky***~~[State]~~ Board of ~~Examiners and Registration of~~ Architects~~[of Kentucky]~~" with the coat of arms of the state in the center;
 - (b) Promulgate all necessary administrative regulations concerning the contents and conduct of examinations, the method and time for filing applications for examinations, and the time within which an applicant shall be examined after his application has been filed;
 - (c) Keep a complete record of its proceedings and an accurate list of all applications made, licenses issued, and licenses revoked; and
 - (d) Make a general report including finances to the governor annually.
- (2) The board may promulgate all reasonable administrative regulations not inconsistent with this chapter that are necessary to carry into effect the purposes of this chapter.

- (3) The board may promulgate appropriate administrative regulations requiring mandatory continuing education for architects licensed to practice within the Commonwealth as a condition for obtaining their annual renewal certificates. The board shall establish the minimal requirement for obtaining and reporting continuing education, the means by which any requirements shall be enforced, and the criteria for the accreditation of course sponsors, programs, and other activities.
- (4) *The board may administer oaths, receive evidence, interview persons, issue subpoenas, and require the production of books, papers, documents, or other evidence for the purpose of enforcing this chapter and investigating complaints or suspected violations of this chapter.*

Section 7. KRS 323.250 is amended to read as follows:

Whenever in the judgment of the board any person has engaged, or is about to engage, in any acts or practices that constitute, or will constitute, a violation of KRS 323.020 *or* **KRS 323.230**, the board may inform the Attorney General, who may make application to the Franklin Circuit Court for an order enjoining such acts or practices, or the board may inform the Commonwealth's attorney of the county in which the acts or practices are occurring or will occur who may make application to the Circuit Court of that county for an order enjoining such acts or practices. Upon a showing by the board that such person has engaged, or is about to engage, in any such acts or practices, an injunction, restraining order, or such other order as may be appropriate shall be granted by such court. Any order of the Franklin Circuit Court shall be enforceable and shall be valid anywhere in this state and the order of either court shall be reviewable as provided in the Rules of Civil Procedure in the case of other injunctions and restraining orders.

Section 8. KRS 323.033 is amended to read as follows:

- (1) Except as otherwise provided in this section, the following buildings, or additions to existing buildings, classified by use group shall require the services of an architect licensed in the Commonwealth of Kentucky:
 - (a) Assembly use group having a capacity of one hundred (100) persons or more, except church buildings having a capacity of four hundred (400) persons or less or six thousand (6,000) square feet or less;
 - (b) Business use group having a capacity of one hundred (100) persons or more;
 - (c) Institutional use group, regardless of capacity;
 - (d) Mercantile use group having a capacity of one hundred (100) persons or more;
 - (e) Residential use group of more than twelve (12) dwelling units or having a capacity of fifty (50) persons or more;
 - (f) Educational use groups regardless of capacity; and
 - (g) Mixed use group containing one (1) or more of the use group classifications and capacities listed under paragraphs (a) through (f) of this subsection.
- (2) Alterations or new construction requiring compliance with the Kentucky Building Code for any building containing one (1) or more of the use group classifications and capacities listed under subsection (1) of this section shall require the services of an architect licensed in the Commonwealth of Kentucky; except that, when such alterations or new construction

predominantly involve primarily structural components or mechanical or electrical systems, services may be performed by one (1) or more licensed professional engineers.

- (3) Buildings, or additions to existing buildings, containing one (1) or more of the use group classifications and capacities listed under subsection (1) of this section shall require, in addition to the services of an architect, the services of one (1) or more licensed engineers.
- (4) The following buildings and additions to existing buildings, classified by use group, shall require the services of either an architect or a professional engineer registered in the Commonwealth of Kentucky.
 - (a) Factory and industrial use group having a capacity of one hundred (100) persons or more;
 - (b) High hazard use group, regardless of capacity;
 - (c) Storage use group having a capacity of one hundred (100) persons or more; and
 - (d) Utility and miscellaneous use groups having a capacity of one hundred (100) persons or more.
- (5) *The services required in subsections (1) to (4) of this section shall include the administration of construction contracts.*

Approved March 28, 2002