

CHAPTER 53**(SB 62)**

AN ACT relating to the Kentucky Board of Architects.

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

Section 1. KRS 323.031 is amended to read as follows:

- (1) If the drawings and specifications are signed by the author thereof with the true titles of their occupations as may be required by law, this chapter does not apply to:
 - (a) Any building which is to be used for farm purposes only;
 - (b) ***Any residential structure that does not require the services or seal of an architect or engineer either under the Uniform State Building Code pursuant to KRS 198B.050 or under KRS 323.033;***
 - (c) Any building classified by use group other than those listed under KRS 323.033 ***so long as the services or seal of an architect or engineer as applicable is not required for such other use group under the Uniform State Building Code pursuant to KRS 198B.050 or;***
 - ~~(d)(e)}~~ Any structure not classified as a building by KRS 323.010(4).
- (2) Provisions of this chapter shall not apply to:
 - (a) Any individual, partnership, or firm acting solely as a consultant to an architect licensed in the Commonwealth;
 - (b) An architect or other person acting solely as an officer or employee of the United States government.
- (3) A licensed professional engineer may prepare plans and specifications for and supervise the construction of structures as an incident to the practice of his own profession.

Section 2. KRS 323.080 is amended to read as follows:

- (1) The board shall promulgate administrative regulations that establish fees for the following services. These fees shall not exceed the following:
 - (a) For processing the application for the examination ~~\$200~~~~[\$100]~~
 - (b) For a license certificate upon satisfactorily passing the examination ~~50~~~~[25]~~
 - (c) For the restoration of a voluntarily surrendered license ~~300~~~~[150]~~
 - (d) For a license to an architect satisfactorily licensed in
 another state or country ~~250~~~~[200]~~
 - (e) For reinstatement of a license revoked for failure to pay the
 annual renewal fee or suspended by the board, in addition
 to application and arrears as determined by the board ~~300~~~~[150]~~
 - (f) Renewal certificate ~~250~~~~[150]~~
- (2) The proper fee as prescribed above shall be paid to the board, and shall not be refunded in whole or in part.
- (3) The cost of taking the examination shall be borne by the applicant.

Section 3. KRS 323.095 is amended to read as follows:

- (1) Each architect licensed for practice within the Commonwealth shall obtain a seal of the design prescribed in administrative regulations promulgated by the board.
- (2) ***Use of the seal in an electronic transaction shall be conducted in accordance with administrative regulations promulgated by the board under subsection (5) of Section 6 of this Act.***
- (3) All working drawings, specifications, and reports prepared by, or under the supervision of the individual, partnership, or firm, shall be imprinted with this seal.

~~(4)(3)~~ No architect shall sign, affix, or imprint his seal to any drawings, specifications, or reports which have not been prepared by him personally or under his immediate supervision.

Section 4. 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 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;
 - (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.
- (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 ~~five~~^{three} thousand dollars (~~\$5,000~~)(~~\$3,000~~), which shall be paid to the benefit of the board's trust and agency account.

Section 5. KRS 323.200 is amended to read as follows:

A quorum of the board shall consist of at least five (5) members. ~~[The concurring votes of five (5) members shall be considered as the action of the board, except in the case of revoking a license, in which case, the unanimous vote of the board shall be required.]~~

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 Board of Architects" 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.
- (5) ***The board may promulgate administrative regulations in accordance with KRS Chapter 13A to establish rules for the use of seals and signatures in electronic transactions.***

Section 7. KRS 323.990 is amended to read as follows:

- (1) ***Whoever violates KRS 323.020 or KRS 323.230 is guilty of a Class A misdemeanor.***
- (2) ***Whoever violates KRS 323.050(2)(b) or KRS 323.120(1) by falsifying an application for certification or renewal as an architect is guilty of a Class A misdemeanor, and the architect's license shall be revoked for two (2) years***~~[Any person who violates any provision of this chapter shall be fined not less than five hundred dollars (\$500) nor more than three thousand dollars (\$3,000), or imprisoned not more than three (3) months, or both].~~

Approved March 28, 2006.