

CHAPTER 59**(SB 23)**

AN ACT relating to the Kentucky Board of Architects.

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

➔Section 1. KRS 323.120 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; *or*
 - (j) ***Having a license or registration certificate to practice as an architect denied, limited, suspended, probated, or revoked in another jurisdiction on grounds sufficient to cause licensure to be denied, limited, suspended, probated or revoked in this state.***
- (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 ***ten thousand dollars (\$10,000)***~~{five thousand dollars (\$5,000)}~~, which shall be paid to the benefit of the board's trust and agency account.

➔Section 2. 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) (a) 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.

- (b) ***The board may promulgate appropriate administrative regulations to create the licensing category of architect emeritus and may promulgate continuing education requirements and renewal fees for the architect emeritus license.***
- (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.
- (6) ***The board may employ staff, obtain office space, and acquire furniture, supplies, and services reasonably necessary to effectuate the purposes of this chapter.***
- (a) ***The board shall outline the duties of all personnel and fix their compensation in accordance with KRS Chapter 18A.***
- (b) ***The board may retain its own legal counsel for advice and assistance, in addition to such advice and assistance provided by the Attorney General.***
- (7) ***The board may assess reasonable administrative fees for copies of documents, mailing lists, duplicate forms, and other media consistent with KRS 61.870 to 61.884.***

➔Section 3. KRS 323.400 is amended to read as follows:

As used in KRS 323.400 to 323.416 and 323.992, unless the context otherwise requires:

- (1) "Board" means the ***Kentucky Board of***~~State Board of Examiners and Registration of~~ Architects;
- (2) "Certified interior designer" means a person who is certified to use the title "certified interior designer" in accordance with KRS 323.400 to 323.416 and 323.992 by meeting the criteria of education, experience, and examination as determined by the board; and
- (3) "NCIDQ" means the National Council for Interior Design Qualification.

➔Section 4. KRS 323.402 is amended to read as follows:

- (1) No person shall use the title "certified interior designer," ***the letters CID, or any acronym, abbreviation, or title that would imply certification under this chapter*** unless the person at the time holds a valid certificate to use the title "certified interior designer" in the Commonwealth of Kentucky as established under KRS 323.400 to 323.416 and 323.992.
- (2) Nothing in KRS 323.400 to 323.416 or 323.992 prohibits a person who is not certified as a certified interior designer from providing interior design services or from using any title, sign, card, or device indicating that the person provides interior design services.

➔Section 5. KRS 323.410 is amended to read as follows:

- (1) The board shall issue a certificate as a certified interior designer and a certificate number to any person who:
- (a) Files an application with the board on a form prescribed by the board;
- (b) Submits written proof that the person has successfully passed the NCIDQ examination and therefore has met the education and internship requirements established by NCIDQ;
- (c) Meets the standards of education, experience, and testing established by the board under KRS 323.406(1); and
- (d) Submits the required certification fee to the board.
- (2) No person who has violated KRS 323.402 shall file an application with the board for a period of five (5) years.
- (3)~~For a period of four (4) years after July 15, 2002, the board may issue a certificate as a certified interior designer and a certificate number to a person who does not meet the examination requirement under subsection (1)(b) of this section, but who can document:~~

- ~~(a) Ten (10) years of experience as an interior designer or eight (8) years of experience as an interior designer and two (2) years of interior design education that is acceptable to the board; and~~
- ~~(b) Successful completion of the Building and Barrier Free Code Life Safety section of the NCIDQ examination.~~

~~(4)~~ The board, upon proper application under this section, shall issue a certificate as a certified interior designer and a certificate number to a person credentialed as an interior designer under the laws of any other country or state or territory of the United States, provided that at the time the license or certificate was issued the applicant met the requirements of subsection (1) of this section.

➔Section 6. KRS 323.990 is amended to read as follows:

- (1) Whoever violates KRS 323.020 or 323.230 is guilty of a Class A misdemeanor.
- (2) Whoever violates KRS 323.050(2)(b) or 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.
- (3) ***In addition to the sanctions provided in this chapter, the board may direct any licensee found guilty of violating any provision of this chapter to pay to the board a sum not to exceed the actual and reasonable costs of investigation and prosecution of the case, which shall be paid to the board's trust and agency account.***

➔Section 7. KRS 42.066 is amended to read as follows:

- (1) The Division of Occupations and Professions shall provide administrative services, technical assistance, and advice to the following boards and commissions at the request of the individual boards or commissions, all of which maintain their identity and their full authority for making policy decisions in the fields that they regulate: the State Board of Accountancy, the ***Kentucky***~~[State] Board of [Examiners and Registration of]~~ Architects, the Kentucky Board of Barbering, the Kentucky Board of Hairdressers and Cosmetologists, the State Board of Podiatry, the Kentucky State Board of Chiropractic Examiners, the Kentucky Board of Dentistry, the State Board of Embalmers and Funeral Directors, the State Board of Registration for Professional Engineers and Land Surveyors, the Kentucky Board of Nursing, the Kentucky Board of Ophthalmic Dispensers, the Kentucky Board of Optometric Examiners, the Kentucky Board of Pharmacy, the State Board of Physical Therapy, the State Board of Examiners of Psychologists, the Kentucky Real Estate Commission, the Kentucky Board of Veterinary Examiners, the Board of Auctioneers, the State Board for Proprietary Education, the State Board of Examiners and Registration of Landscape Architects, the State Board of Medical Licensure, the Board of Speech-Language Pathology and Audiology, the Kentucky Board of Licensure for Nursing Home Administrators, the Kentucky Licensing Board for Specialists in Hearing Instruments, the Kentucky Board of Social Work, and such other boards and commissions as are created to license, certify, register, or otherwise regulate any occupational or professional category.
- (2) To the extent that the division provides administrative services, the respective boards and commissions are relieved of the power and duty to provide the services for themselves. The division shall charge each board or commission a reasonable amount for administrative services provided pursuant to subsection (1) of this section. The division may employ persons previously employed by boards or commissions.
- (3) The division may receive complaints against the conduct of licensees granted licensure by the boards and commissions assigned to the division for administrative purposes. The division shall cause such complaints to be reduced to writing and forwarded to the appropriate board or commission for investigation and a determination of the validity of the complaint. The division shall keep a record of all complaints received by it and forwarded to a board or commission.
- (4) Any board or commission listed in subsection (1) of this section, shall accept personal checks in payment of license renewal fees.

➔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) *Neither the state nor any of its political subdivisions shall engage in the construction of any public work involving the practice of architecture or engineering unless the plans, specifications, and estimates have been prepared and the administration of construction contracts executed under the direct supervision of a licensed architect or a professional engineer. This subsection shall not apply to:*
- (a) *Any public work, including a building or capital project under KRS 56.491, that involves only maintenance or repair of the facility. Maintenance or repair shall not include any work which alters, modifies, or changes the original characteristics of the design; or*
 - (b) *Any residential dwelling that falls under the Kentucky Residential Code.*
- (6) The services required in subsections (1) to ~~(5)~~~~(4)~~ of this section shall include the administration of construction contracts.

Signed by Governor April 10, 2008.