

HOUSE BILL REPORT

HB 1634

As Reported by House Committee On:
Commerce & Labor
General Government Appropriations

Title: An act relating to architects.

Brief Description: Regarding architects.

Sponsors: Representatives White, Jacks, Rolfes, Chandler, Carlyle, Liias, Crouse, Dunshee and Conway.

Brief History:

Committee Activity:

Commerce & Labor: 1/30/09, 2/6/09 [DP];

General Government Appropriations: 2/19/09, 2/25/09 [DPS].

Brief Summary of Substitute Bill

- Modifies and makes various technical edits and clarifications to the seal and sign provisions, corporate practice and registration requirements, definitions, exemptions to registration as an architect, the application requirements, and the examination procedures.
- Adds a continuing education requirement for registered architects.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass. Signed by 8 members: Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler, Crouse, Green, Moeller and Williams.

Staff: Alison Hellberg (786-7152)

Background:

Practice of Architecture.

A person practicing architecture must be registered. In order to qualify for registration, an applicant must meet the application requirements and pass an examination. The "practice of

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architecture" means the rendering of services in connection with the art and science of building design for construction of any structure or grouping of structures and the use of space within and surrounding the structure or the design for construction of alterations or additions to the structures, including but not specifically limited to schematic designs, design development, preparation of construction contract documents, and administration of the construction contract.

State Board of Registration for Architects.

The State Board of Registration for Architects (Board) consists of seven members appointed by the Governor. Six members of the Board must be registered architects and have at least eight years of experience in the practice of architecture as registered architects. One member must be a member of the public, who has never been registered as an architect and is not employed by or professionally or financially associated with an architect. Board members serve for a term of six years.

Application Qualifications.

To be registered as an architect, an applicant must be at least 18 years old, of good moral character, and possess one of the following:

- 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.

Examination.

The examination for architect registration is held annually as determined by the Board. Applicants who fail to pass any section of the examination are permitted to retake those particular sections. If the entire examination is not successfully completed within five years, a person is required to retake the entire exam.

Corporate Practice and Registration.

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.

Seal and Sign Provisions.

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.

Exemptions.

The architecture registration provisions do not affect or prevent:

- the practice of naval architecture, landscape architecture, engineering, space planning, interior design, or any legally recognized profession or trade by persons not registered as architects;

- drafters, clerks, project managers, superintendents, and other employees of architects, engineers, naval architects, or landscape architects from acting under the instructions, control, or supervision of their employers;
- the construction, alteration, or supervision of construction of buildings or structures by contractors or superintendents employed by contractors or the preparation of shop drawings in connection therewith;
- owners or contractors from engaging persons who are not architects to observe and supervise construction of a project;
- any person from doing design work, including preparing construction contract documents and administration of the construction contract, for the erection, enlargement, repair, or alteration of a structure or any appurtenance to a structure, if the structure is to be used for a residential building of up to and including four dwelling units or a farm building, or is a structure used in connection with or auxiliary to such residential building or farm building such as a garage, barn, shed, or shelter for animals or machinery;
- any person from doing design work, including preparing construction contract documents and administering the contract, for construction, erection, enlargement, alteration, or repairs of or to a building of any occupancy up to 4,000 square feet of construction;
- design-build construction by registered general contractors if the structural design services are performed by a registered engineer;
- any person from designing buildings or doing other design work for any structure prior to the time of filing for a building permit; or
- any person from designing buildings or doing other design work for structures, if the plans, which may include such design work, are stamped by a registered engineer or architect.

Uniform Regulation of Business and Professions Act.

The Department of Licensing (Department) regulates many businesses and professions under specific licensing laws. Each business and profession is under either the disciplinary authority of the Director of the Department, or a board or commission charged with regulating that particular profession. The Uniform Regulation of Business and Professions Act (URBPA) provides consolidated disciplinary procedures for these licensed businesses and professions. Regulation of architects by the Board follows these provisions.

Summary of Bill:

Practice of Architecture.

Predesign services are added to the definition of "practice of architecture." An architect or architectural firm, registered in a 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
- prior to practicing architecture or signing a contract to provide architectural services, the architect or firm registers to practice in Washington.

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.

Definitions.

Several definitions are added. "Prototypical documents" means drawings or specifications, prepared by a person registered as an architect in any state or as otherwise approved by the Board, that are not intended as final and complete technical submissions for a building project, but rather are to serve as a prototype for a building or buildings to be adapted by an architect for construction in more than one location.

A "review" means a process of examination and evaluation, of the documents, for compliance with applicable laws, codes, and regulations affecting the built environment that includes the ability to control the final product.

"Registered professional design firm" means a business entity registered in Washington to offer and provide architectural services.

"Managers" means the members of a limited liability company in which management of its business is vested in the members, and managers of a limited liability company in which the management of its business is vested in one or more managers.

State Board for Architects.

The name of the Board is changed and various technical edits are made.

Application Qualifications.

In addition to the path for those with a degree in architecture, applicants may qualify with:

- a baccalaureate degree from a college or university and eight years of practical architectural work experience, at least four years of which must be under a registered architect, and which includes completing a structured intern training program; or
- a high school diploma or equivalent and 15 years of practical work experience, at least eight years of the 15 must be under a registered architect and include completion of a structured intern training program.

Examination.

Applicants taking the examination for an architect's certificate have five years from the date of the first passed examination section to pass all remaining sections. If the entire examination is not successfully completed within five years, any sections that were passed more than five years prior must be retaken. The requirement to retake the entire examination if the entire examination is not successfully completed within five years is removed. If a candidate fails to pass all remaining sections within the initial five-year period, the candidate is given a new five-year period from the date of the second oldest passed section. All sections of the examination must be passed within a single five-year period.

Applicants for registration who have an accredited architectural degree may begin taking the licensing examination upon enrollment in a structured intern training program as approved by the Board. Applicants who do not have an accredited architectural degree may only take the examination after completing the experience and intern requirements.

Seal and Sign Provisions.

Several clarifications and technical changes are made to the seal and sign provisions. An architect may only seal and sign technical submissions that are: prepared by the architect; prepared by 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.

Continuing Education.

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. The rules must be consistent with the continuing professional education requirements and systems in use by national professional organizations representing architects in other states.

Corporate Practice and Registration.

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.

Exemptions.

In addition to various technical edits and clarifications, an 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. This exemption only applies when the building is single-story with an at-grade level exit and the enlargement, alteration, or repairs do not affect the life safety of the occupants or structural systems of the building. This exemption does not allow for multiple projects in a single building if the combined square footage of the projects is greater than 4,000 square feet.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 5, relating to the application qualifications, which takes effect July 1, 2011, and sections 7, 8, 9, and 10 of the bill, relating to the the seal and sign

provisions, exemptions, corporate practice and registration, and continuing professional development, which take effect July 1, 2010.

Staff Summary of Public Testimony:

(In support) Washington regulates the practice of architecture for the health and safety of citizens. The laws have not been updated since 1984. Several changes have been made to the industry since that time. For example, computers barely existed. The industry has evolved. Some changes are needed in the path to registration, the sign and seal provisions, and adding continuing education requirements. There has been a fair amount of work on this issue during the interim and there is no known opposition. The bill is supported by large firms, middle-sized firms, and sole practitioners.

The bill is to the building designers' satisfaction and allows building designers to continue their work.

(Opposed) None.

Persons Testifying: Representative White, prime sponsor; Stan Bowman, American Institute of Architects Washington Council; Jeffery Hamlett, Callison Architecture; Timothy Buckley, Greenstone Architecture; and Ed Horner, American Institute of Building Design.

Persons Signed In To Testify But Not Testifying: Ed Winkley, Washington Society of Landscape Architects; and Jon Simpson.

HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong, Blake, Dunshee, Hudgins, Kenney, Pedersen, Sells, Short, Van De Wege and Williams.

Staff: Serah Stetson (786-7109)

Summary of Recommendation of Committee On General Government Appropriations Compared to Recommendation of Committee On Commerce & Labor:

The original bill required an applicant for registration as an architect with a high school diploma or equivalent to have fifteen years of practical architectural work experience, at least eight of which was required to be under the direct supervision of a registered architect. The substitute bill by the General Government Appropriations Committee reduces the number of years of practical architectural work experience required for these applicants to twelve years and reduces the number of those years required to be under the direct supervision of a registered architect to six years.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 5, relating to the application qualifications, which takes effect July 1, 2011, and sections 7, 8, 9, and 10 of the bill, relating to the the seal and sign provisions, exemptions, corporate practice and registration, and continuing professional development, which take effect July 1, 2010.

Staff Summary of Public Testimony:

(In support) It is the responsibility of the state to ensure the health, safety and welfare of the public by licensing qualified professionals. Changes in technology and computers have changed the breadth of knowledge required to practice architecture, but the law hasn't been updated since 1985. This is similar to legislation last year. Concerns that have come up between then and now have been incorporated into this bill. Major organized groups have done their best to create a clean bill. The bill doesn't impact the General Fund or require increased appropriation. In the long term, cash receipts more than cover the costs of the program. The bill doesn't raise fees, it expands the base of people required to register. This is a very good bill. It is very difficult to become an architect and it should not be easy. Most states require an accredited degree for architects' licenses; Washington is one of few states with an alternative pathway to licensing. The changes made to the alternative pathways to licensing are in the public's interest. The alternative pathway shouldn't be easier than the educational process. It isn't impossible to get an architect's license using either pathway. Washington has been under pressure to remove alternative routes to licensure but has continued to provide those options. It is not too much trouble or a hardship to take the alternative pathway to licensure as an architect; it is worth the time invested.

(Opposed) The bill changes the practical experience requirement from eight to 15 years only for those without a degree or with an associated degree, not for graduates of four-year colleges/universities. As written, this bill would allow those with a four-year degree in any subject to have less practical experience prior to licensure than a graduate of a two-year college who has done nothing but study architecture. This bill puts community college students at a disadvantage. It will take community college graduates longer to earn money as an architect because of the number of years of experience required by this bill. The original bill analysis is misleading. It is cost-prohibitive to get a four-year degree.

Persons Testifying: (In support) Representative White, prime sponsor; Stan Bowman, American Institute of Architects Washington Council; Peter Rasmussen, Rasmussen Triebelhorn; Dave Huotari; and Sue Loni Maden, Madsen, Mitchell, Evenson & Conrad.

(Opposed) David C. Edwards; Levi Hanson, Tammy Ramm and Jason Fierst, American Institute of Architect Students; James Salisbury; Travis Tornga; Spencer Waagenoc; and Dmitri Leonov.

Persons Signed In To Testify But Not Testifying: None.