

HOUSE BILL REPORT

ESSB 5529

As Passed House:
March 3, 2010

Title: An act relating to architects.

Brief Description: Regarding architects.

Sponsors: Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Jarrett and King).

Brief History:

Committee Activity:

Commerce & Labor: 2/17/10, 2/23/10 [DPA];
General Government Appropriations: 2/25/10 [DPA(CL)].

Floor Activity:

Passed House: 3/3/10, 98-0.

Brief Summary of Engrossed Substitute Bill

- Modifies provisions regulating architects, including 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 as amended. 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).

HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Commerce & Labor. Signed by 14 members: Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Minority Member; Armstrong, Assistant Ranking Minority Member; Blake, Dunshee, Hudgins, Kenney, Klippert, Pedersen, Sells, Short, Van De Wege and Williams.

Staff: Sara del Moral (786-7118).

Background:

Practice of Architecture.

A person practicing architecture must be registered. The "practice of 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.

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:

- an accredited architectural degree, three years work experience, and completion of a structured intern program; or
- eight years experience, which may include designing buildings as a principal activity, and completion of a structured intern training program.

Examination.

The examination for architect registration is held annually. 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 State Board of Registration for Architects (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.

Summary of Bill:

Practice of Architecture.

Pre-design 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.

Application Qualifications.

The qualification path that requires eight years experience, and completion of a structured intern training program approved by the Board is removed. In addition to the path for those with an accredited architectural degree, applicants may qualify with a high school diploma and nine years of practical work experience, including completion of a structured intern training program. An applicant may receive up to four years of practical architectural work experience for postsecondary education courses in architecture, architectural technology, or a related field, including courses completed in a community or technical college, if the courses are equivalent to education courses in an accredited architectural degree program.

Examination.

The process for re-taking sections of the examination is clarified. 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.

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.

Seal and Sign Provisions.

Several clarifications and 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.

Exemptions.

An exemption is added for persons doing design work, including preparing construction contract documents and administering a contract, for alteration of or repair to a building where the project size is no greater than 4,000 square feet in a building that is larger than 4,000 square feet. The work is exempt if it does not affect the life safety or structural systems of the building. The combined square footage of simultaneous projects allowed under this exemption, may not exceed 4,000 square feet.

The following are no longer exempt from the architecture registration requirements:

- 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; and
- 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.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 23, 2010.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 5, relating to application requirements, which takes effect July 1, 2012, and sections 7 through 10, relating to the seal and sign requirements, exemptions, corporate practice and registration, and registration renewals, which take effect July 1, 2011.

Staff Summary of Public Testimony (Commerce & Labor):

(In support) The Senate changed the required years of experience for those without an accredited architectural degree from 15 years to 12 years. Under current law, it is eight years, which is too little. There are very few architects who use the alternative path to registration and it is good for them to have 12 years of experience.

The stakeholders have agreed to nine years of experience. The stakeholders have also come to an agreement on the exemption for certain projects where the project size is no greater than 4,000 square feet in a building that is larger than 4,000 square feet.

(In support with amendment) Now that the stakeholders are in agreement about the exemption, the Senate bill should pass with the same amendment that was on the House bill that passed out of committee.

(With concerns) Changing the required years of experience to nine would remove all of the concerns of the community and technical colleges.

(Opposed) None.

Staff Summary of Public Testimony (General Government Appropriations):

(In support) This bill is the product of several years' work among stakeholders, who have all agreed on this version of the bill. The bill has no fee increase, and the Architects' License Account has a positive fund balance. Corporate registration is simplified. Newly regulated businesses are comfortable with becoming licensed and paying the licensing fee. Some stakeholders had concerns about earlier versions of this bill, but those are addressed in the current version.

(Opposed) None.

Persons Testifying (Commerce & Labor): (In support) Senator King; and Stan Bowman and Jon Hopwood, American Institute of Architects Washington Council.

(In support with amendment) Rick Slunaker, Associated General Contractors of Washington.

(With concerns) Pat Ward, Washington State Board for Community and Technical Colleges.

Persons Testifying (General Government Appropriations): Stan Bowman and Peter Rasmussen, American Institute of Washington Council; Van Collins, Associated General Contractors; and Pat Ward, State Board for Community and Technical Colleges.

Persons Signed In To Testify But Not Testifying (Commerce & Labor): None.

Persons Signed In To Testify But Not Testifying (General Government Appropriations): None.