
HOUSE BILL 3118

State of Washington 60th Legislature 2008 Regular Session

By Representatives Rolfes and Conway

Read first time 01/22/08. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to architects; and amending RCW 18.08.310,
2 18.08.320, 18.08.330, 18.08.350, 18.08.360, 18.08.370, 18.08.410,
3 18.08.420, and 18.08.430.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 18.08.310 and 1985 c 37 s 2 are each amended to read
6 as follows:

7 (1) It is unlawful for any person to practice or offer to practice
8 architecture in this state, ((architecture,)) or to use in connection
9 with his or her name or otherwise assume, use, or advertise any title
10 or description including the word "architect," "architecture,"
11 "architectural," or language tending to imply that he or she is an
12 architect, unless the person is registered or authorized to practice in
13 the state of Washington under this chapter.

14 (2) An architect or architectural firm registered in any other
15 jurisdiction recognized by the board may offer to practice architecture
16 in this state if:

17 (a) It is clearly and prominently stated in such an offer that the
18 architect or firm is not registered to practice architecture in the
19 state of Washington; and

1 (b) Prior to practicing architecture or signing a contract to
2 provide architectural services, the architect or firm must be
3 registered to practice architecture in this state.

4 (3) A person who has an accredited architectural degree may use the
5 title "intern architect" when enrolled in a structured intern program
6 recognized by the board and working under the direct supervision of an
7 architect.

8 (4) The provisions of this section shall not affect the use of the
9 words "architect," "architecture," or "architectural" where a person
10 does not practice or offer to practice architecture.

11 **Sec. 2.** RCW 18.08.320 and 1985 c 37 s 3 are each amended to read
12 as follows:

13 ~~((Unless the context clearly requires otherwise,))~~ The definitions
14 in this section apply throughout this chapter unless the context
15 clearly requires otherwise.

16 (1) "Accredited architectural degree" means a professional degree
17 from an institution of higher education accredited by the national
18 architectural accreditation board or an equivalent degree in
19 architecture as determined by the board.

20 (2) "Administration of the construction contract" means the
21 periodic observation of materials and work to observe the general
22 compliance with the construction contract documents, and does not
23 include responsibility for supervising construction methods and
24 processes, site conditions, equipment operations, personnel, or safety
25 on the work site.

26 ~~((+2))~~ (3) "Architect" means an individual who is registered under
27 this chapter to practice architecture.

28 ~~((+3))~~ (4) "Board" means the state board ~~((of registration))~~ for
29 architects.

30 ~~((+4))~~ (5) "Certificate of authorization" means a certificate
31 issued by the director to a ~~((corporation or partnership))~~ business
32 entity that authorizes the entity to practice architecture.

33 ~~((+5))~~ (6) "Certificate of registration" means the certificate
34 issued by the director to newly registered architects.

35 ~~((+6))~~ (7) "Department" means the department of licensing.

36 ~~((+7))~~ (8) "Director" means the director of licensing.

1 ~~((8))~~ (9) "Engineer" means an individual who is registered as an
2 engineer under chapter 18.43 RCW.

3 ~~((9))~~ (10) "Person" means any individual, partnership,
4 professional service corporation, corporation, joint stock association,
5 joint venture, or any other entity authorized to do business in the
6 state.

7 ~~((10))~~ (11) "Practice of architecture" means the rendering of
8 services in connection with the art and science of building design for
9 construction of any structure or grouping of structures and the use of
10 space within and surrounding the structures or the design for
11 construction of alterations or additions to the structures, including
12 but not specifically limited to predesign services, schematic design,
13 design development, preparation of construction contract documents, and
14 administration of the construction contract.

15 ~~((11))~~ (12) "Registered" means holding a currently valid
16 certificate of registration or certificate of authorization issued by
17 the director authorizing the practice of architecture.

18 ~~((12))~~ (13) "Structure" means any construction consisting of
19 load-bearing members such as the foundation, roof, floors, walls,
20 columns, girders, and beams or a combination of any number of these
21 parts, with or without other parts or appurtenances.

22 (14) "Review" means a process of examination and evaluation, of the
23 documents, for compliance with applicable laws, codes, and regulations
24 affecting the built environment that includes the ability to control
25 the final product.

26 (15) "Registered professional design firm" means a business entity
27 registered in Washington to offer and provide architectural services
28 under RCW 18.08.420.

29 (16) "Managers" means the members of a limited liability company in
30 which management of its business is vested in the members, and the
31 managers of a limited liability company in which management of its
32 business is vested in one or more managers.

33 **Sec. 3.** RCW 18.08.330 and 1985 c 37 s 4 are each amended to read
34 as follows:

35 There is ~~((hereby))~~ created a state board ~~((of registration))~~ for
36 architects consisting of seven members who shall be appointed by the
37 governor. Six members shall be registered architects who are residents

1 of the state and have at least eight years' experience in the practice
2 of architecture as registered architects in responsible charge of
3 architectural work or responsible charge of architectural teaching.
4 One member shall be a public member, who is not and has never been a
5 registered architect and who does not employ and is not employed by or
6 professionally or financially associated with an architect.

7 The terms of each newly appointed member shall be six years. ((The
8 ~~members of the board of registration for architects serving on July 28,~~
9 ~~1985, shall serve out the remainders of their existing five year terms.~~
10 ~~The term of the public member shall coincide with the term of an~~
11 ~~architect.))~~

12 Every member of the board shall receive a certificate of
13 appointment from the governor. On the expiration of the term of each
14 member, the governor shall appoint a successor to serve for a term of
15 six years or until the next successor has been appointed.

16 The governor may remove any member of the board for cause.
17 Vacancies in the board for any reason shall be filled by appointment
18 for the unexpired term.

19 The board shall elect a ((~~chairman~~)) chair, a ((~~vice-chairman~~))
20 vice-chair, and a secretary. The secretary may delegate his or her
21 authority to the executive secretary.

22 Members of the board shall be compensated in accordance with RCW
23 43.03.240 and shall be reimbursed for travel expenses in accordance
24 with RCW 43.03.050 and 43.03.060.

25 **Sec. 4.** RCW 18.08.350 and 1997 c 169 s 1 are each amended to read
26 as follows:

27 (1) A certificate of registration shall be granted by the director
28 to all qualified applicants who are certified by the board as having
29 passed the required examination and as having given satisfactory proof
30 of completion of the required experience.

31 (2) Applications for examination shall be filed as the board
32 prescribes by rule. The application and examination fees shall be
33 determined by the director under RCW 43.24.086.

34 (3) An applicant for registration as an architect shall be of a
35 good moral character, at least eighteen years of age, and shall possess
36 ((~~either~~)) one of the following qualifications:

1 (a) Have an accredited architectural degree and at least three
2 years' practical architectural work experience (~~and have completed the~~
3 ~~requirements of~~) in a structured intern training program approved by
4 the board; (~~or~~)

5 (b) Have (~~eight years' practical architectural work experience,~~
6 ~~which may include designing buildings as a principal activity, and have~~
7 ~~completed the requirements of~~) a baccalaureate degree from a college
8 or university, have eight years of practical architectural work
9 experience, which may include designing buildings as a principal
10 activity, however, at least four years of which must be under a
11 registered architect, and have completed a structured intern training
12 program approved by the board. Each year spent in an accredited
13 architectural education program approved by the board shall be
14 considered one year of practical experience(~~. At least four years'~~
15 ~~practical work experience shall be under the direct supervision of an~~
16 ~~architect~~), but may not be substituted for the intern training program
17 requirement; or

18 (c) Have a high school diploma or equivalent, have fifteen years of
19 practical architectural work experience, which may include designing
20 buildings as a principal activity, however, at least eight years of
21 which must be under a registered architect, and complete a structured
22 intern training program approved by the board.

23 **Sec. 5.** RCW 18.08.360 and 1985 c 37 s 7 are each amended to read
24 as follows:

25 (1) The examination for an architect's certificate of registration
26 shall be held at least annually at such time and place as the board
27 determines.

28 (2) The board shall determine the content, scope, and grading
29 process of the examination. The board may adopt an appropriate
30 national examination and grading procedure.

31 (3) Applicants who fail to pass any section of the examination
32 shall be permitted to retake the parts failed as prescribed by the
33 board. Applicants have five years from the date of the first passed
34 examination section to pass all remaining sections. If the entire
35 examination is not successfully completed within five years, (~~a retake~~
36 ~~of the entire examination shall be required~~) any sections that were
37 passed more than five years prior must be retaken. If a candidate

1 fails to pass all remaining sections within the initial five-year
2 period, the candidate is given a new five-year period from the date of
3 the second oldest passed section. All sections of the examination must
4 be passed within a single five-year period for the applicant to be
5 deemed to have passed the complete examination.

6 (4) Applicants for registration who have an accredited
7 architectural degree may begin taking the licensing examination upon
8 enrollment in a structured intern training program as approved by the
9 board. Applicants who do not possess an accredited architectural
10 degree may take the examination only after completing the experience
11 and intern training requirements of this chapter.

12 **Sec. 6.** RCW 18.08.370 and 1985 c 37 s 8 are each amended to read
13 as follows:

14 (1) The director shall issue a certificate of registration to any
15 applicant who has, to the satisfaction of the board, met all the
16 requirements for registration upon payment of the registration fee as
17 provided in this chapter. All certificates of registration shall show
18 the full name of the registrant, have the registration number, and
19 shall be signed by the ((~~chairman~~)) chair of the board and by the
20 director. The issuance of a certificate of registration by the
21 director is prima facie evidence that the person named therein is
22 entitled to all the rights and privileges of a registered architect.

23 (2) Each registrant shall obtain a seal of the design authorized by
24 the board bearing the architect's name, registration number, the legend
25 "Registered Architect," and the name of this state. ((~~Drawings~~
26 ~~prepared by the registrant shall be sealed and signed by the registrant~~
27 ~~when filed with public authorities.~~)) It is unlawful to seal and sign
28 a document after a registrant's certificate of registration or
29 authorization has expired, been revoked, or is suspended. An architect
30 may only seal and sign technical submissions that are: Prepared by the
31 architect; prepared by the architect's regularly employed subordinates;
32 or prepared in part by an individual or firm under a direct subcontract
33 with the architect.

34 **Sec. 7.** RCW 18.08.410 and 1985 c 37 s 12 are each amended to read
35 as follows:

36 This chapter shall not affect or prevent:

1 (1) The practice of naval architecture, landscape architecture as
2 authorized in chapter 18.96 RCW, engineering as authorized in chapter
3 18.43 RCW, space planning, interior design, or any legally recognized
4 profession or trade by persons not registered as architects;

5 (2) Drafters, clerks, project managers, superintendents, and other
6 employees of architects(~~(, engineers, naval architects, or landscape~~
7 ~~architects))~~ from acting under the instructions, control, or
8 supervision of (~~(their employers))~~ an architect;

9 (3) The construction, alteration, or supervision of construction of
10 buildings or structures by contractors registered under chapter 18.27
11 RCW or superintendents employed by contractors or the preparation of
12 shop drawings in connection therewith;

13 (4) Owners or contractors registered under chapter 18.27 RCW from
14 engaging persons who are not architects to observe and supervise
15 construction of a project;

16 (5) Any person from doing design work including preparing
17 construction contract documents and administration of the construction
18 contract for the erection, enlargement, repair, or alteration of a
19 structure or any appurtenance to a structure, if the structure is to be
20 used for a residential building of up to and including four dwelling
21 units or a farm building or is a structure used in connection with or
22 auxiliary to such residential building or farm building such as a
23 garage, barn, shed, or shelter for animals or machinery;

24 (6) Any person from doing design work including preparing
25 construction contract documents and administering the contract for
26 construction, erection, enlargement, alteration, or repairs of or to a
27 building of any occupancy up to four thousand square feet (~~(of~~
28 ~~construction))~~; or

29 (7) Design-build construction (~~(by registered general contractors~~
30 ~~if the structural design services are performed by a registered~~
31 ~~engineer~~;

32 ~~(8) Any person from designing buildings or doing other design work~~
33 ~~for any structure prior to the time of filing for a building permit; or~~

34 ~~(9) Any person from designing buildings or doing other design work~~
35 ~~for structures larger than those exempted under subsections (5) and (6)~~
36 ~~of this section, if the plans, which may include such design work, are~~
37 ~~stamped by a registered engineer or architect))~~ in which a general

1 contractor registered under chapter 18.27 RCW and an architect provide
2 joint services and the architectural services are provided by an
3 architect registered under this chapter.

4 **Sec. 8.** RCW 18.08.420 and 2002 c 86 s 203 are each amended to read
5 as follows:

6 (1) ~~((An architect or architects may organize a corporation formed~~
7 ~~either as a business corporation under the provisions of Title 23B RCW~~
8 ~~or as a professional corporation under the provisions of chapter 18.100~~
9 ~~RCW. For an architect or architects to practice architecture through~~
10 ~~a corporation or joint stock association organized by any person under~~
11 ~~Title 23B RCW, the corporation or joint stock association shall file~~
12 ~~with the board:~~

13 ~~(a) The application for certificate of authorization upon a form to~~
14 ~~be prescribed by the board and containing information required to~~
15 ~~enable the board to determine whether the corporation is qualified~~
16 ~~under this chapter to practice architecture in this state;~~

17 ~~(b) Its notices of incorporation and bylaws and a certified copy of~~
18 ~~a resolution of the board of directors of the corporation that~~
19 ~~designates individuals registered under this chapter as responsible for~~
20 ~~the practice of architecture by the corporation in this state and that~~
21 ~~provides that full authority to make all final architectural decisions~~
22 ~~on behalf of the corporation with respect to work performed by the~~
23 ~~corporation in this state shall be granted and delegated by the board~~
24 ~~of directors to the individuals designated in the resolution. The~~
25 ~~filing of the resolution shall not relieve the corporation of any~~
26 ~~responsibility or liability imposed upon it by law or by contract; and~~

27 ~~(c) A designation in writing setting forth the name or names of the~~
28 ~~person or persons registered under this chapter who are responsible for~~
29 ~~the architecture of the firm. If there is a change in the person or~~
30 ~~persons responsible for the architecture of the firm, the changes shall~~
31 ~~be designated in writing and filed with the board within thirty days~~
32 ~~after the effective date of the changes.)) Any business entity,~~
33 including a sole proprietorship, offering architecture services in
34 Washington state must register with the board, regardless of its
35 business structure. A business entity shall file with the board a list
36 of individuals registered under this chapter as responsible for the
37 practice of architecture by the business entity in this state and

1 provides that full authority to make all final architectural decisions
2 on behalf of the business entity with respect to work performed by the
3 business entity in this state. Further, the person having the practice
4 of architecture in his/her charge is himself/herself a general partner
5 (if a partnership or limited liability partnership), or a manager (if
6 a limited liability company), or a director (if a business corporation
7 or professional service corporation) and is registered to practice
8 architecture in this state.

9 (2) The business entity shall furnish the board with such
10 information about its organization and activities as the board shall
11 require by rule.

12 (3) Upon the filing with the board of the application for
13 certificate of authorization, the certified copy of the resolution, and
14 the information specified in subsection (1) of this section, the board
15 shall authorize the director to issue to the ((corporation)) business
16 entity a certificate of authorization to practice architecture in this
17 state ((upon a determination by the board that:

18 ~~(a) The bylaws of the corporation contain provisions that all~~
19 ~~architectural decisions pertaining to any project or architectural~~
20 ~~activities in this state shall be made by the specified architects~~
21 ~~responsible for the project or architectural activities, or other~~
22 ~~responsible architects under the direction or supervision of the~~
23 ~~architects responsible for the project or architectural activities;~~

24 ~~(b) The applicant corporation has the ability to provide, through~~
25 ~~qualified personnel, professional services or creative work requiring~~
26 ~~architectural experience, and with respect to the architectural~~
27 ~~services that the corporation undertakes or offers to undertake, the~~
28 ~~personnel have the ability to apply special knowledge to the~~
29 ~~professional services or creative work such as consultation,~~
30 ~~investigation, evaluation, planning, design, and administration of the~~
31 ~~construction contract in connection with any public or private~~
32 ~~structures, buildings, equipment, processes, works, or projects;~~

33 ~~(c) The application for certificate of authorization contains the~~
34 ~~professional records of the designated person or persons who are~~
35 ~~responsible;~~

36 ~~(d) The application for certificate of authorization states the~~
37 ~~experience of the corporation, if any, in furnishing architectural~~
38 ~~services during the preceding five-year period;~~

1 ~~(e) The applicant corporation meets such other requirements related~~
2 ~~to professional competence in the furnishing of architectural services~~
3 ~~as may be established and promulgated by the board in furtherance of~~
4 ~~the purposes of this chapter; and~~

5 ~~(f) The applicant corporation is possessed of the ability and~~
6 ~~competence to furnish architectural services in the public interest.~~

7 ~~(3) Upon recommendation of the board to impose action as authorized~~
8 ~~in RCW 18.235.110, the director may impose the recommended action upon~~
9 ~~a certificate of authorization to a corporation if the board finds that~~
10 ~~any of the officers, directors, incorporators, or the stockholders~~
11 ~~holding a majority of stock of the corporation have committed an act~~
12 ~~prohibited under RCW 18.08.440 or 18.235.130 or have been found~~
13 ~~personally responsible for misconduct under subsection (6) or (7) of~~
14 ~~this section.~~

15 ~~(4) In the event a corporation, organized solely by a group of~~
16 ~~architects each registered under this chapter, applies for a~~
17 ~~certificate of authorization, the board may, in its discretion, grant~~
18 ~~a certificate of authorization to that corporation based on a review of~~
19 ~~the professional records of such incorporators, in lieu of the required~~
20 ~~qualifications set forth in subsections (1) and (2) of this section.~~
21 ~~In the event the ownership of such corporation is altered, the~~
22 ~~corporation shall apply for a revised certificate of authorization,~~
23 ~~based upon the professional records of the owners if exclusively~~
24 ~~architects, under the qualifications required by subsections (1) and~~
25 ~~(2) of this section).~~

26 ~~((+5))~~ (4) Any ~~((corporation))~~ business entity practicing or
27 offering to practice architecture, whether or not it is authorized to
28 practice architecture under this chapter, ~~((together with its directors~~
29 ~~and officers for their own individual acts, are))~~ shall be jointly and
30 severally responsible to the same degree as an individual registered
31 architect and shall conduct their business without misconduct or
32 malpractice in the practice of architecture as defined in this chapter.

33 ~~((+6))~~ (5) Any ~~((corporation))~~ business entity that has been
34 certified under this chapter and has engaged in the practice of
35 architecture may have its certificate of authorization either suspended
36 or revoked by the board if, after a proper hearing, the board finds
37 that the ~~((corporation))~~ business entity has committed misconduct or
38 malpractice under RCW 18.08.440 or 18.235.130. In such a case, any

1 individual architect registered under this chapter who is involved in
2 such misconduct or malpractice is also subject to disciplinary measures
3 provided in this chapter and RCW 18.235.110.

4 ~~((7) All plans, specifications, designs, and reports when issued
5 in connection with work performed by a corporation under its
6 certificate of authorization shall be prepared by or under the
7 direction of the designated architects and shall be signed by and
8 stamped with the official seal of the designated architects in the
9 corporation authorized under this chapter.~~

10 ~~(8))~~ (6) For each certificate of authorization issued under this
11 section there shall be paid a certification fee and an annual
12 certification renewal fee as prescribed by the director under RCW
13 43.24.086.

14 ~~((9) This chapter shall not affect the practice of architecture as
15 a professional service corporation under chapter 18.100 RCW.))~~

16 **Sec. 9.** RCW 18.08.430 and 1985 c 37 s 14 are each amended to read
17 as follows:

18 (1) The renewal date for certificates of registration shall be set
19 by the director in accordance with RCW 43.24.086. Registrants who fail
20 to pay the renewal fee within thirty days of the due date shall pay all
21 delinquent fees plus a penalty fee equal to one-third of the renewal
22 fee. A registrant who fails to pay a renewal fee for a period of five
23 years may be reinstated under such circumstances as the board
24 determines. The renewal and penalty fees and the frequency of renewal
25 assessment shall be authorized under this chapter. Renewal date for
26 certificates of authorization shall be the anniversary of the date of
27 authorization.

28 (2) Any registrant in good standing may withdraw from the practice
29 of architecture by giving written notice to the director, and may
30 within five years thereafter resume active practice upon payment of the
31 then-current renewal fee. A registrant may be reinstated after a
32 withdrawal of more than five years under such circumstances as the
33 board determines.

34 (3) A registered architect must demonstrate professional
35 development since the architect's last renewal or initial registration,
36 as the case may be. The board shall by rule describe professional
37 development activities acceptable to the board and the form of

1 documentation of the activities required by the board. The board may
2 decline to renew a registration if the architect's professional
3 development activities do not meet the standards set by the board by
4 rule. When adopting rules under the authority of this subsection, the
5 board shall strive to ensure that the rules are consistent with the
6 continuing professional education requirements and systems in use by
7 national professional organizations representing architects and in use
8 by other states.

9 (a) Within any twelve-month period, twelve contact hours must be
10 completed or an average of twelve contact hours per year over the
11 course of a license renewal period.

12 (b) A registered architect shall, as part of his or her license
13 renewal, certify that he or she has completed the required continuing
14 professional development required by this section.

15 (c) The board may adopt reasonable exemptions from the requirements
16 of this section.

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