

**ESSB 5529** - H COMM AMD

By Committee on General Government Appropriations

NOT CONSIDERED 03/03/2010

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 18.08.310 and 1985 c 37 s 2 are each amended to read  
4 as follows:

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

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

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

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

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

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

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

1       (~~Unless the context clearly requires otherwise,~~) The definitions  
2 in this section apply throughout this chapter unless the context  
3 clearly requires otherwise.

4       (1) "Accredited architectural degree" means a professional degree  
5 from an institution of higher education accredited by the national  
6 architectural accreditation board or an equivalent degree in  
7 architecture as determined by the board.

8       (2) "Administration of the construction contract" means the  
9 periodic observation of materials and work to observe the general  
10 compliance with the construction contract documents, and does not  
11 include responsibility for supervising construction methods and  
12 processes, site conditions, equipment operations, personnel, or safety  
13 on the work site.

14       (~~(2)~~) (3) "Architect" means an individual who is registered under  
15 this chapter to practice architecture.

16       (~~(3)~~) (4) "Board" means the state board (~~(of registration)~~) for  
17 architects.

18       (~~(4)~~) (5) "Certificate of authorization" means a certificate  
19 issued by the director to a (~~corporation or partnership~~) business  
20 entity that authorizes the entity to practice architecture.

21       (~~(5)~~) (6) "Certificate of registration" means the certificate  
22 issued by the director to newly registered architects.

23       (~~(6)~~) (7) "Department" means the department of licensing.

24       (~~(7)~~) (8) "Director" means the director of licensing.

25       (~~(8)~~) (9) "Engineer" means an individual who is registered as an  
26 engineer under chapter 18.43 RCW.

27       (~~(9)~~) (10) "Person" means any individual, partnership,  
28 professional service corporation, corporation, joint stock association,  
29 joint venture, or any other entity authorized to do business in the  
30 state.

31       (~~(10)~~) (11) "Practice of architecture" means the rendering of  
32 services in connection with the art and science of building design for  
33 construction of any structure or grouping of structures and the use of  
34 space within and surrounding the structures or the design for  
35 construction of alterations or additions to the structures, including  
36 but not specifically limited to predesign services, schematic design,  
37 design development, preparation of construction contract documents, and  
38 administration of the construction contract.

1           ~~((11))~~ (12) "Prototypical documents" means drawings or  
2 specifications, prepared by a person registered as an architect in any  
3 state or as otherwise approved by the board, that are not intended as  
4 final and complete technical submissions for a building project, but  
5 rather are to serve as a prototype for a building or buildings to be  
6 adapted by an architect for construction in more than one location.

7           (13) "Registered" means holding a currently valid certificate of  
8 registration or certificate of authorization issued by the director  
9 authorizing the practice of architecture.

10           ~~((12))~~ (14) "Structure" means any construction consisting of  
11 load-bearing members such as the foundation, roof, floors, walls,  
12 columns, girders, and beams or a combination of any number of these  
13 parts, with or without other parts or appurtenances.

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

18           (16) "Registered professional design firm" means a business entity  
19 registered in Washington to offer and provide architectural services  
20 under RCW 18.08.420.

21           (17) "Managers" means the members of a limited liability company in  
22 which management of its business is vested in the members, and the  
23 managers of a limited liability company in which management of its  
24 business is vested in one or more managers.

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

27           There is ~~((hereby))~~ created a state board ~~((of registration))~~ for  
28 architects consisting of seven members who shall be appointed by the  
29 governor. Six members shall be registered architects who are residents  
30 of the state and have at least eight years' experience in the practice  
31 of architecture as registered architects in responsible charge of  
32 architectural work or responsible charge of architectural teaching.  
33 One member shall be a public member, who is not and has never been a  
34 registered architect and who does not employ and is not employed by or  
35 professionally or financially associated with an architect.

36           The terms of each newly appointed member shall be six years. ~~((The~~  
37 ~~members of the board of registration for architects serving on July 28,~~

1 ~~1985, shall serve out the remainders of their existing five-year terms.~~  
2 ~~The term of the public member shall coincide with the term of an~~  
3 ~~architect.))~~

4 Every member of the board shall receive a certificate of  
5 appointment from the governor. On the expiration of the term of each  
6 member, the governor shall appoint a successor to serve for a term of  
7 six years or until the next successor has been appointed.

8 The governor may remove any member of the board for cause.  
9 Vacancies in the board for any reason shall be filled by appointment  
10 for the unexpired term.

11 The board shall elect a ~~((chairman))~~ chair, a ~~((vice-chairman))~~  
12 vice-chair, and a secretary. The secretary may delegate his or her  
13 authority to the executive ~~((secretary))~~ director.

14 Members of the board shall be compensated in accordance with RCW  
15 43.03.240 and shall be reimbursed for travel expenses in accordance  
16 with RCW 43.03.050 and 43.03.060.

17 **Sec. 4.** RCW 18.08.340 and 2002 c 86 s 201 are each amended to read  
18 as follows:

19 (1) The board may adopt such rules under chapter 34.05 RCW as are  
20 necessary for the proper performance of its duties under this chapter.

21 (2) The director shall employ an executive ~~((secretary))~~ director  
22 subject to approval by the board.

23 (3) The board shall evaluate the effect of changes to RCW 18.08.410  
24 made by this act on the provision of services to project owners. The  
25 report shall be provided to the legislature by December 31, 2011, and  
26 shall be prepared with the participation of project owner, contractor,  
27 and building official representatives.

28 **Sec. 5.** RCW 18.08.350 and 1997 c 169 s 1 are each amended to read  
29 as follows:

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

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

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

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

8 (b) Have ((eight years' practical architectural work experience,  
9 which may include designing buildings as a principal activity, and have  
10 completed the requirements of a structured intern training program  
11 approved by the board. Each year spent in an accredited architectural  
12 education program approved by the board shall be considered one year of  
13 practical experience. At least four years' practical work experience  
14 shall be under the direct supervision of an architect)) a high school  
15 diploma or equivalent and twelve years' practical architectural work  
16 experience, which may include designing buildings as a principal  
17 activity and postsecondary education approved by the board. At least  
18 six years of work experience must be under the direct supervision of a  
19 registered architect and include completing the requirements of a  
20 structured intern training program approved by the board. An applicant  
21 may receive up to four years of practical architectural work experience  
22 for postsecondary education courses in architecture, architectural  
23 technology, or a related field, including courses completed in a  
24 community or technical college, if the courses are equivalent to  
25 education courses in an accredited architectural degree program.

26 **Sec. 6.** RCW 18.08.360 and 1985 c 37 s 7 are each amended to read  
27 as follows:

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

31 (2) The board shall determine the content, scope, and grading  
32 process of the examination. The board may adopt an appropriate  
33 national examination and grading procedure.

34 (3) Applicants who fail to pass any section of the examination  
35 shall be permitted to retake the parts failed as prescribed by the  
36 board. Applicants have five years from the date of the first passed  
37 examination section to pass all remaining sections. If the entire

1 examination is not successfully completed within five years, (~~a retake~~  
2 ~~of the entire examination shall be required~~) any sections that were  
3 passed more than five years prior must be retaken. If a candidate  
4 fails to pass all remaining sections within the initial five-year  
5 period, the candidate is given a new five-year period from the date of  
6 the second oldest passed section. All sections of the examination must  
7 be passed within a single five-year period for the applicant to be  
8 deemed to have passed the complete examination.

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

15 **Sec. 7.** RCW 18.08.370 and 1985 c 37 s 8 are each amended to read  
16 as follows:

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

26 (2) Each registrant shall obtain a seal of the design authorized by  
27 the board bearing the architect's name, registration number, the legend  
28 "Registered Architect," and the name of this state. (~~Drawings~~  
29 ~~prepared by the registrant shall be sealed and signed by the registrant~~  
30 ~~when filed with public authorities.~~) All technical submissions  
31 prepared by an architect and filed with public authorities must be  
32 sealed and signed by the architect. It is unlawful to seal and sign a  
33 document after a registrant's certificate of registration or  
34 authorization has expired, been revoked, or is suspended.

35 (3) An architect may seal and sign technical submissions under the  
36 following conditions:

1       (a) An architect may seal and sign technical submissions that are:  
2 Prepared by the architect; prepared by the architect's regularly  
3 employed subordinates; prepared in part by an individual or firm under  
4 a direct subcontract with the architect; or prepared in collaboration  
5 with an architect who is licensed in a jurisdiction recognized by the  
6 board, provided there is a contractual agreement between the  
7 architects.

8       (b) An architect may seal and sign technical submissions based on  
9 prototypical documents provided: The architect obtains written  
10 permission from the architect who prepared or sealed the prototypical  
11 documents, and from the legal owner to adapt the prototypical  
12 documents; the architect thoroughly analyzes the prototypical  
13 documents, makes necessary revisions, and adds all required elements  
14 and design information, including the design services of engineering  
15 consultants, if warranted, so that the prototypical documents become  
16 suitable complete technical submissions, in compliance with applicable  
17 codes, regulations, and site-specific requirements.

18       (c) An architect who seals and signs the technical submissions  
19 under this subsection (3) is responsible to the same extent as if the  
20 technical submissions were prepared by the architect.

21       **Sec. 8.** RCW 18.08.410 and 1985 c 37 s 12 are each amended to read  
22 as follows:

23       This chapter shall not affect or prevent:

24       (1) The practice of naval architecture, landscape architecture as  
25 authorized in chapter 18.96 RCW, engineering as authorized in chapter  
26 18.43 RCW, or the provision of space planning(~~(7)~~) or interior  
27 design(~~(7, or any legally recognized profession or trade by persons not~~  
28 registered as architects)) services not affecting public health or  
29 safety;

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

34       (3) The construction, alteration, or supervision of construction of  
35 buildings or structures by contractors registered under chapter 18.27  
36 RCW or superintendents employed by contractors or the preparation of  
37 shop drawings in connection therewith;

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

4 (5) Any person from doing design work including preparing  
5 construction contract documents and administration of the construction  
6 contract for the erection, enlargement, repair, or alteration of a  
7 structure or any appurtenance to a structure regardless of size, if the  
8 structure is to be used for a residential building of up to and  
9 including four dwelling units or a farm building or is a structure used  
10 in connection with or auxiliary to such residential building or farm  
11 building such as a garage, barn, shed, or shelter for animals or  
12 machinery;

13 (6) Except as otherwise provided in this section, any person from  
14 doing design work including preparing construction contract documents  
15 and administering the contract for construction, erection, enlargement,  
16 alteration, or repairs of or to a building of any occupancy up to a  
17 total building size of four thousand square feet ((of construction));  
18 or

19 ~~((Design build construction by registered general contractors~~  
20 ~~if the structural design services are performed by a registered~~  
21 ~~engineer;~~

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

24 ~~(9) Any person from designing buildings or doing other design work~~  
25 ~~for structures larger than those exempted under subsections (5) and (6)~~  
26 ~~of this section, if the plans, which may include such design work, are~~  
27 ~~stamped by a registered engineer or architect)) Any person from doing~~  
28 design work including preparing construction contract documents and  
29 administration of the construction contract for the enlargement,  
30 repair, or alteration of up to four thousand square feet in a building  
31 that is greater than four thousand square feet, provided the building  
32 is a single story with an at grade level exit and the enlargement,  
33 alteration, or repairs do not affect the life safety of the occupants  
34 or structural systems of the building, provided further that this  
35 subsection shall not allow for multiple projects in a single building  
36 in which the combined square footage of the projects is greater than  
37 four thousand square feet.



1           **Sec. 9.** RCW 18.08.420 and 2002 c 86 s 203 are each amended to read  
2 as follows:

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

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

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

24           ~~(c) A designation in writing setting forth the name or names of the  
25 person or persons registered under this chapter who are responsible for  
26 the architecture of the firm. If there is a change in the person or  
27 persons responsible for the architecture of the firm, the changes shall  
28 be designated in writing and filed with the board within thirty days  
29 after the effective date of the changes.))~~ Any business entity,  
30 including a sole proprietorship, offering architecture services in  
31 Washington state must register with the board, regardless of its  
32 business structure. A business entity shall file with the board a list  
33 of individuals registered under this chapter as responsible for the  
34 practice of architecture by the business entity in this state and  
35 provides that full authority to make all final architectural decisions  
36 on behalf of the business entity with respect to work performed by the  
37 business entity in this state. Further, the person having the practice  
38 of architecture in his/her charge is himself/herself a general partner

1 (if a partnership or limited liability partnership), or a manager (if  
2 a limited liability company), or a director (if a business corporation  
3 or professional service corporation) and is registered to practice  
4 architecture in this state.

5 (2) The business entity shall furnish the board with such  
6 information about its organization and activities as the board shall  
7 require by rule.

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

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

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

29 ~~(c) The application for certificate of authorization contains the~~  
30 ~~professional records of the designated person or persons who are~~  
31 ~~responsible;~~

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

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

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

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

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

22       ~~((+5))~~ (4) Any ((corporation)) business entity practicing or  
23 offering to practice architecture, whether or not it is authorized to  
24 practice architecture under this chapter, ~~((together with its directors~~  
25 ~~and officers for their own individual acts, are))~~ shall be jointly and  
26 severally responsible to the same degree as an individual registered  
27 architect and shall conduct their business without misconduct or  
28 malpractice in the practice of architecture as defined in this chapter.

29       ~~((+6))~~ (5) Any ((corporation)) business entity that has been  
30 certified under this chapter and has engaged in the practice of  
31 architecture may have its certificate of authorization either suspended  
32 or revoked by the board if, after a proper hearing, the board finds  
33 that the ~~((corporation))~~ business entity has committed misconduct or  
34 malpractice under RCW 18.08.440 or 18.235.130. In such a case, any  
35 individual architect registered under this chapter who is involved in  
36 such misconduct or malpractice is also subject to disciplinary measures  
37 provided in this chapter and RCW 18.235.110.

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

7       (8)) (6) For each certificate of authorization issued under this  
8 section there shall be paid a certification fee and an annual  
9 certification renewal fee as prescribed by the director under RCW  
10 43.24.086.

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

13       **Sec. 10.** RCW 18.08.430 and 1985 c 37 s 14 are each amended to read  
14 as follows:

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

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

31       (3) A registered architect must demonstrate professional  
32 development since the architect's last renewal or initial registration,  
33 as the case may be. The board shall by rule describe professional  
34 development activities acceptable to the board and the form of  
35 documentation of the activities required by the board. The board may  
36 decline to renew a registration if the architect's professional  
37 development activities do not meet the standards set by the board by

1 rule. When adopting rules under the authority of this subsection, the  
2 board shall strive to ensure that the rules are consistent with the  
3 continuing professional education requirements and systems in use by  
4 national professional organizations representing architects and in use  
5 by other states.

6 (a) A registered architect shall, as part of his or her license  
7 renewal, certify that he or she has completed the required continuing  
8 professional development required by this section.

9 (b) The board may adopt reasonable exemptions from the requirements  
10 of this section.

11 NEW SECTION. Sec. 11. (1) Section 5 of this act takes effect on  
12 July 1, 2011, and all persons enrolled in an intern training program as  
13 approved by the board before July 1, 2011, shall be governed by the  
14 statute in effect at the time of enrollment in the program.

15 (2) Sections 7 through 10 of this act take effect July 1, 2010."

16 Correct the title.

--- END ---