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**SUBSTITUTE SENATE BILL 5529**

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**State of Washington**

**61st Legislature**

**2009 Regular Session**

**By** Senate Labor, Commerce & Consumer Protection (originally sponsored by Senators Jarrett and King)

READ FIRST TIME 02/23/09.

1       AN ACT Relating to architects; amending RCW 18.08.310, 18.08.320,  
2 18.08.330, 18.08.340, 18.08.350, 18.08.360, 18.08.370, 18.08.410,  
3 18.08.420, and 18.08.430; and providing effective dates.

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

21       (13) "Registered" means holding a currently valid certificate of  
22 registration or certificate of authorization issued by the director  
23 authorizing the practice of architecture.

24       ~~((+12))~~ (14) "Structure" means any construction consisting of  
25 load-bearing members such as the foundation, roof, floors, walls,  
26 columns, girders, and beams or a combination of any number of these  
27 parts, with or without other parts or appurtenances.

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

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

35       (17) "Managers" means the members of a limited liability company in  
36 which management of its business is vested in the members, and the  
37 managers of a limited liability company in which management of its  
38 business is vested in one or more managers.

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

3       There is ~~((hereby))~~ created a state board ~~((of registration))~~ for  
4 architects consisting of seven members who shall be appointed by the  
5 governor. Six members shall be registered architects who are residents  
6 of the state and have at least eight years' experience in the practice  
7 of architecture as registered architects in responsible charge of  
8 architectural work or responsible charge of architectural teaching.  
9 One member shall be a public member, who is not and has never been a  
10 registered architect and who does not employ and is not employed by or  
11 professionally or financially associated with an architect.

12       The terms of each newly appointed member shall be six years. ~~((The  
13 members of the board of registration for architects serving on July 28,  
14 1985, shall serve out the remainders of their existing five-year terms.  
15 The term of the public member shall coincide with the term of an  
16 architect.))~~

17       Every member of the board shall receive a certificate of  
18 appointment from the governor. On the expiration of the term of each  
19 member, the governor shall appoint a successor to serve for a term of  
20 six years or until the next successor has been appointed.

21       The governor may remove any member of the board for cause.  
22 Vacancies in the board for any reason shall be filled by appointment  
23 for the unexpired term.

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

27       Members of the board shall be compensated in accordance with RCW  
28 43.03.240 and shall be reimbursed for travel expenses in accordance  
29 with RCW 43.03.050 and 43.03.060.

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

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

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

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

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

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

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

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

17           (b) Have ~~((eight years' practical architectural work experience,  
18 which may include designing buildings as a principal activity, and have  
19 completed the requirements of))~~ a baccalaureate degree from a college  
20 or university, have eight years of practical architectural work  
21 experience, which may include designing buildings as a principal  
22 activity, however, at least four years of which must be under a  
23 registered architect, and which includes completing a structured intern  
24 training program approved by the board. Each year spent in an  
25 accredited architectural ~~((education))~~ degree program ~~((approved by the  
26 board))~~ shall be considered one year of practical experience~~((—At  
27 least four years' practical work experience shall be under the direct  
28 supervision of an architect))~~, but may not be substituted for the  
29 intern training program requirement; or

30           (c) Have a high school diploma or equivalent, have fifteen years of  
31 practical architectural work experience or educational equivalent as  
32 determined by the board, which may include designing buildings as a  
33 principal activity, however, at least eight years of which must be  
34 under a registered architect, and which includes completing a  
35 structured intern training program approved by the board.

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

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

4 (2) The board shall determine the content, scope, and grading  
5 process of the examination. The board may adopt an appropriate  
6 national examination and grading procedure.

7 (3) Applicants who fail to pass any section of the examination  
8 shall be permitted to retake the parts failed as prescribed by the  
9 board. Applicants have five years from the date of the first passed  
10 examination section to pass all remaining sections. If the entire  
11 examination is not successfully completed within five years, (~~a retake~~  
12 ~~of the entire examination shall be required~~) any sections that were  
13 passed more than five years prior must be retaken. If a candidate  
14 fails to pass all remaining sections within the initial five-year  
15 period, the candidate is given a new five-year period from the date of  
16 the second oldest passed section. All sections of the examination must  
17 be passed within a single five-year period for the applicant to be  
18 deemed to have passed the complete examination.

19 (4) Applicants for registration who have an accredited  
20 architectural degree may begin taking the examination upon enrollment  
21 in a structured intern training program as approved by the board.  
22 Applicants who do not possess an accredited architectural degree may  
23 take the examination only after completing the experience and intern  
24 training requirements of this chapter.

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

27 (1) The director shall issue a certificate of registration to any  
28 applicant who has, to the satisfaction of the board, met all the  
29 requirements for registration upon payment of the registration fee as  
30 provided in this chapter. All certificates of registration shall show  
31 the full name of the registrant, have the registration number, and  
32 shall be signed by the (~~chairman~~) chair of the board and by the  
33 director. The issuance of a certificate of registration by the  
34 director is prima facie evidence that the person named therein is  
35 entitled to all the rights and privileges of a registered architect.

36 (2) Each registrant shall obtain a seal of the design authorized by  
37 the board bearing the architect's name, registration number, the legend

1 "Registered Architect," and the name of this state. ((Drawings  
2 prepared by the registrant shall be sealed and signed by the registrant  
3 when filed with public authorities.)) All technical submissions  
4 prepared by an architect and filed with public authorities must be  
5 sealed and signed by the architect. It is unlawful to seal and sign a  
6 document after a registrant's certificate of registration or  
7 authorization has expired, been revoked, or is suspended.

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

10 (a) An architect may seal and sign technical submissions that are:  
11 Prepared by the architect; prepared by the architect's regularly  
12 employed subordinates; prepared in part by an individual or firm under  
13 a direct subcontract with the architect; or prepared in collaboration  
14 with an architect who is licensed in a jurisdiction recognized by the  
15 board, provided there is a contractual agreement between the  
16 architects.

17 (b) An architect may seal and sign technical submissions based on  
18 prototypical documents provided: The architect obtains written  
19 permission from the architect who prepared or sealed the prototypical  
20 documents, and from the legal owner to adapt the prototypical  
21 documents; the architect thoroughly analyzes the prototypical  
22 documents, makes necessary revisions, and adds all required elements  
23 and design information, including the design services of engineering  
24 consultants, if warranted, so that the prototypical documents become  
25 suitable complete technical submissions, in compliance with applicable  
26 codes, regulations, and site-specific requirements.

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

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

32 This chapter shall not affect or prevent:

33 (1) The practice of naval architecture, landscape architecture as  
34 authorized in chapter 18.96 RCW, engineering as authorized in chapter  
35 18.43 RCW, or the provision of space planning((~~7~~)) or interior  
36 design((~~7~~ or any legally recognized profession or trade by persons not

1 ~~registered as architects))~~ services not affecting public health or  
2 safety;

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

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

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

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

23 (6) Except as otherwise provided in this section, any person from  
24 doing design work including preparing construction contract documents  
25 and administering the contract for construction, erection, enlargement,  
26 alteration, or repairs of or to a building of any occupancy up to a  
27 total building size of four thousand square feet (~~(of construction)~~);  
28 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)) Any person from doing  
38 design work including preparing construction contract documents and~~



1 administration of the construction contract for the enlargement,  
2 repair, or alteration of up to four thousand square feet in a building  
3 that is greater than four thousand square feet, provided the building  
4 is a single story with an at grade level exit and the enlargement,  
5 alteration, or repairs do not affect the life safety of the occupants  
6 or structural systems of the building, provided further that this  
7 subsection shall not allow for multiple projects in a single building  
8 in which the combined square footage of the projects is greater than  
9 four thousand square feet.

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

12 ~~(1) ((An architect or architects may organize a corporation formed~~  
13 ~~either as a business corporation under the provisions of Title 23B RCW~~  
14 ~~or as a professional corporation under the provisions of chapter 18.100~~  
15 ~~RCW. For an architect or architects to practice architecture through~~  
16 ~~a corporation or joint stock association organized by any person under~~  
17 ~~Title 23B RCW, the corporation or joint stock association shall file~~  
18 ~~with the board;~~

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

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

33 ~~(c) A designation in writing setting forth the name or names of the~~  
34 ~~person or persons registered under this chapter who are responsible for~~  
35 ~~the architecture of the firm. If there is a change in the person or~~  
36 ~~persons responsible for the architecture of the firm, the changes shall~~  
37 ~~be designated in writing and filed with the board within thirty days~~

1 ~~after the effective date of the changes.)~~ Any business entity,  
2 including a sole proprietorship, offering architecture services in  
3 Washington state must register with the board, regardless of its  
4 business structure. A business entity shall file with the board a list  
5 of individuals registered under this chapter as responsible for the  
6 practice of architecture by the business entity in this state and  
7 provides that full authority to make all final architectural decisions  
8 on behalf of the business entity with respect to work performed by the  
9 business entity in this state. Further, the person having the practice  
10 of architecture in his/her charge is himself/herself a general partner  
11 (if a partnership or limited liability partnership), or a manager (if  
12 a limited liability company), or a director (if a business corporation  
13 or professional service corporation) and is registered to practice  
14 architecture in this state.

15 (2) The business entity shall furnish the board with such  
16 information about its organization and activities as the board shall  
17 require by rule.

18 (3) Upon the filing with the board of the application for  
19 certificate of authorization, the certified copy of the resolution, and  
20 the information specified in subsection (1) of this section, the board  
21 shall authorize the director to issue to the ((corporation)) business  
22 entity a certificate of authorization to practice architecture in this  
23 state ((upon a determination by the board that:

24 (a) ~~The bylaws of the corporation contain provisions that all~~  
25 ~~architectural decisions pertaining to any project or architectural~~  
26 ~~activities in this state shall be made by the specified architects~~  
27 ~~responsible for the project or architectural activities, or other~~  
28 ~~responsible architects under the direction or supervision of the~~  
29 ~~architects responsible for the project or architectural activities;~~

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

1       ~~(c) The application for certificate of authorization contains the~~  
2 ~~professional records of the designated person or persons who are~~  
3 ~~responsible;~~

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

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

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

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

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

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

1        ~~((6))~~ (5) Any ~~((corporation))~~ business entity that has been  
2 certified under this chapter and has engaged in the practice of  
3 architecture may have its certificate of authorization either suspended  
4 or revoked by the board if, after a proper hearing, the board finds  
5 that the ~~((corporation))~~ business entity has committed misconduct or  
6 malpractice under RCW 18.08.440 or 18.235.130. In such a case, any  
7 individual architect registered under this chapter who is involved in  
8 such misconduct or malpractice is also subject to disciplinary measures  
9 provided in this chapter and RCW 18.235.110.

10        ~~((7) All plans, specifications, designs, and reports when issued  
11 in connection with work performed by a corporation under its  
12 certificate of authorization shall be prepared by or under the  
13 direction of the designated architects and shall be signed by and  
14 stamped with the official seal of the designated architects in the  
15 corporation authorized under this chapter.~~

16        ~~(8))~~ (6) For each certificate of authorization issued under this  
17 section there shall be paid a certification fee and an annual  
18 certification renewal fee as prescribed by the director under RCW  
19 43.24.086.

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

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

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

34        (2) Any registrant in good standing may withdraw from the practice  
35 of architecture by giving written notice to the director, and may  
36 within five years thereafter resume active practice upon payment of the

1 then-current renewal fee. A registrant may be reinstated after a  
2 withdrawal of more than five years under such circumstances as the  
3 board determines.

4 (3) A registered architect must demonstrate professional  
5 development since the architect's last renewal or initial registration,  
6 as the case may be. The board shall by rule describe professional  
7 development activities acceptable to the board and the form of  
8 documentation of the activities required by the board. The board may  
9 decline to renew a registration if the architect's professional  
10 development activities do not meet the standards set by the board by  
11 rule. When adopting rules under the authority of this subsection, the  
12 board shall strive to ensure that the rules are consistent with the  
13 continuing professional education requirements and systems in use by  
14 national professional organizations representing architects and in use  
15 by other states.

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

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

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

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

--- END ---