

HB235 ENROLLED



1 HB235
2 IMPHZW6-3
3 By Representative Lipscomb
4 RFD: Boards, Agencies and Commissions
5 First Read: 27-Feb-24



HB235 Enrolled

1 Enrolled, An Act,

2 Relating to the Alabama Board for Registration of
3 Architects; to amend Sections 34-2-33, 34-2-34, 34-2-35,
4 34-2-36, 34-2-37, 34-2-38, 34-2-39, 34-2-40, and 34-2-41, Code
5 of Alabama 1975; to repeal Section 34-2-42, Code of Alabama
6 1975; and to add Section 34-2-43 to the Code of Alabama 1975;
7 to further provide for the duties of the board; to further
8 regulate the practice of architecture by entities; and to make
9 nonsubstantive, technical revisions to update existing code
10 language to current style.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Sections 34-2-33, 34-2-34, 34-2-35, 34-2-36,
13 34-2-37, 34-2-38, 34-2-39, 34-2-40, and 34-2-41, Code of
14 Alabama 1975, are amended to read as follows:

15 "§34-2-33

16 (a) The board shall receive applications for
17 registration as an architect only on forms prescribed and
18 furnished by the board.

19 (1) Upon receipt of the application and the payment of
20 a fee, as established by the board through the public
21 rulemaking process, ~~the fee in no event exceeding two hundred~~
22 ~~fifty dollars (\$250)~~, the board shall promptly notify the
23 applicant of examination requirements for registration, if
24 applicable.

25 (2) The board may contract with an independent testing
26 agency to prepare, grade, or conduct the examination. If the
27 board determines the applicant requires examination, the
28 applicant shall pay the actual cost of the examination



HB235 Enrolled

29 directly to the board-authorized testing agency.

30 (b) The board may issue to an applicant, without
31 further examination, a certificate of registration as an
32 architect, provided the applicant holds an unexpired
33 certificate issued to him or her by the National Council of
34 Architectural Registration Boards, ~~hereinafter referred to as~~
35 (NCARB).

36 (c) (1) The following facts established in the
37 application shall be regarded as prima facie evidence
38 satisfactory to the board that the applicant is fully
39 qualified to be examined for registration:

40 ~~(1)~~a. Graduation after a course of study of a length as
41 the board shall by regulation determine from a school or
42 college of architecture accredited by the National
43 Architectural Accrediting Board, ~~hereinafter referred to as~~
44 (NAAB); and

45 ~~(2)~~b. An additional period of practical experience in
46 architectural work under the responsible control of a
47 registered architect or architects as the board by regulation
48 shall deem appropriate.

49 (2) If the applicant is unable to satisfy the
50 requirements of subdivision (1), the applicant may demonstrate
51 appropriate qualifications by a combination of education,
52 experience, and examination endorsed by NCARB and approved by
53 the board.

54 (d) Unless exempted, applicants shall take and pass the
55 professional examination administered by the board or an
56 independent testing agency approved by the board.



HB235 Enrolled

57 ~~(d) In determining the sufficiency of the~~
58 ~~qualifications of the applicant for registration, a majority~~
59 ~~vote of the members of the board shall be required.~~

60 (e) (1) Certificates for registration shall expire on
61 December 31 following their issuance or renewal and shall
62 become invalid on ~~that day~~ January 1 unless renewed.

63 (2) Certificates of registrants who are or may be in
64 the Armed Forces of the United States shall not expire until
65 December 31 following the discharge or final separation of the
66 registrant from the Armed Forces of the United States.

67 (f) (1) Renewal may be accomplished at any time prior to
68 or during the month of December by the payment of a fee
69 established by rule by the board ~~not to exceed two hundred~~
70 ~~fifty dollars (\$250).~~

71 (2) A penalty ~~not to exceed the sum of seventy-five~~
72 ~~dollars (\$75)~~ established by board rule may be added to the
73 renewal fee for failure to renew a certificate upon such terms
74 and conditions as the board may by regulation determine.
75 Failure to renew a certificate of registration by March 31
76 shall result in a lapse of registration.

77 (g) A registrant whose certificate of registration has
78 lapsed may have it reinstated, if in compliance with other
79 relevant requirements, by filing a reinstatement application
80 and paying, in addition to the appropriate renewal fee and
81 late penalty, a reinstatement fee ~~of two hundred fifty dollars~~
82 ~~(\$250)~~ established by board rule.

83 (h) There is ~~hereby created, for renewal of certificate~~
84 ~~purposes,~~ a status to be known as "emeritus status architect,"



HB235 Enrolled

85 which shall apply to architects who have been registered for
86 10 consecutive years or longer, and who are 65 years of age or
87 older, and who have retired from active practice. ~~The annual~~
88 ~~renewal of registration for emeritus status shall be renewed~~
89 ~~without payment of a fee.~~ If an emeritus status architect
90 subsequently wishes to practice, he or she may do so without
91 penalty by proper application to the board."

92 "§34-2-34

93 (a) The board shall have the following disciplinary
94 powers:

95 (1) To issue cease and desist letters to persons who
96 are practicing architecture without a license.

97 ~~(1)~~ (2) To issue reprimands to any licensee who violates
98 any provision of this chapter or the rules ~~and regulations~~ of
99 the board.

100 ~~(2)~~ (3) To levy administrative fines for serious
101 violations of this chapter or the rules ~~and regulations~~ of the
102 board of not more than five thousand dollars (\$5,000) for each
103 day the violation continues, but in no event shall an
104 administrative fine exceed twenty-five thousand dollars
105 (\$25,000) total per violation.

106 ~~(3)~~ (4) To refuse to issue a certificate, to suspend a
107 certificate for a definite period, or to revoke the
108 certificate of registration of an architect who is found
109 guilty of any of the following:

110 a. Any fraud or deceit in obtaining a certificate of
111 registration as determined by the board at a hearing ~~+~~.

112 b. Gross negligence, incompetence, or misconduct in the



HB235 Enrolled

113 practice of architecture as determined by the board at a
114 hearing~~†~~.

115 c. A felony or misdemeanor involving moral turpitude by
116 a court of competent jurisdiction~~†~~.

117 d. Practicing architecture in this state in violation
118 of the standards of professional conduct established by the
119 board~~†~~.

120 e. Practicing architecture in this or any other state
121 or country in violation of the laws of that state or country~~†~~
122 ~~or~~.

123 f. Aiding or abetting any individual, partnership, or
124 corporation to engage in the practice of architecture in
125 violation of any provisions of law.

126 ~~(4)~~ (b) Pursuant to subdivision ~~(3)~~ (a), notice of the
127 nature of the charges placed against an architect and the time
128 and place of hearing these charges by the board must be sent
129 to the accused by certified mail, with return receipt
130 requested, and addressed to his or her last known place of
131 business, or residence, not less than 30 days before the date
132 fixed for such hearing. The notice shall inform the individual
133 that he or she is entitled to be represented by counsel of his
134 or her choosing at the hearing, to have witnesses testify in
135 his or her behalf at the hearing, to confront and
136 cross-examine witnesses at the hearing, and to testify in his
137 or her own behalf at the hearing.

138 (c) In all cases of reprimand, administrative fine,
139 refusal, suspension, or revocation of a certificate of
140 registration, or any other disciplinary action of the board,



HB235 Enrolled

141 the accused may appeal to the Circuit Court of Montgomery
142 County, Alabama. Either party, the accused or the board, has
143 the right to appeal from the final decree of the circuit court
144 as provided by law."

145 "§34-2-35

146 (a) Each registrant must obtain a seal of a design
147 authorized by the board bearing the registrant's name, the
148 legend registered architect, the words State of Alabama, and
149 the registrant's license registration number.

150 (b) Nothing in this chapter shall prevent a registered
151 architect from being employed by a person, firm, partnership,
152 corporation, or professional corporation.

153 (c) Plans, specifications, plates, and reports, and all
154 documents prepared by an architect which are issued by a
155 registrant must be stamped with the seal during the life of a
156 registrant's certificate.

157 (d) It shall be unlawful for anyone to stamp or seal
158 any document with the seal after the certificate or the
159 registrant named thereon has expired or been suspended or
160 revoked.

161 (e) It shall be unlawful for an architect or any other
162 individual to stamp, to cause to be stamped, or to allow to be
163 stamped any document or documents which were not prepared
164 under the responsible control of the registered architect
165 whose stamp is to be affixed thereon.

166 (f) (1) On or after July 22, 1987, it shall be unlawful:

167 ~~(1)~~ a. ~~to~~ To practice architecture in a branch office not
168 under the day-to-day supervision of a registered architect ~~or.~~



HB235 Enrolled

169 ~~(2)b. for~~For an architect to falsely represent himself
170 or herself as being in responsible control of architectural
171 work or to permit his or her seal, or ~~faesimile~~image thereof,
172 to be used by another for any purpose.

173 (2) Violations described in subdivisons (1) and (2)
174 shall be penalized as provided in Section 34-2-36."

175 "§34-2-36

176 (a) On or after April 28, 1999, any person who
177 knowingly, willfully, or intentionally violates any provision
178 of this chapter shall be guilty of a Class A misdemeanor. Each
179 day of violation shall constitute a distinct and separate
180 offense.

181 (b) When it appears to the board that any person is
182 ~~violating any of the provisions of~~ this chapter, the board may
183 in its own name bring an action in the circuit court for an
184 injunction, and the court may enjoin any person from violating
185 this chapter regardless of whether the proceedings have been
186 or may be instituted before the board or whether criminal
187 proceedings have been or may be instituted.

188 (c) In addition to any other provisions of law, the
189 board may enter an order assessing a civil penalty against any
190 ~~nonregistered person~~ individual, corporation, or other entity
191 found guilty by the board of, but not limited to, the
192 following violations of this chapter:

193 (1) Engaging in the practice or offer to practice
194 architecture in this jurisdiction without being registered in
195 accordance with this chapter.

196 (2) Using or employing the words architect,



HB235 Enrolled

197 architecture, or any modification or derivative thereof in its
198 name or form of business activity, except as authorized in
199 this chapter.

200 (3) Presenting to the board ~~or a member of the board~~ or
201 attempting to use the certificate of registration or the seal
202 of another registered architect to obtain or attempt to obtain
203 a certificate of registration.

204 (4) Giving false or forged evidence of any kind to the
205 board ~~or a member of the board~~ in obtaining or attempting to
206 obtain a certificate of registration.

207 (5) Falsely impersonating another registered architect
208 of like or different name.

209 (6) Using or attempting to use a revoked or nonexistent
210 certificate of registration.

211 (7) Directing the professional judgment of a registered
212 architect who is responsible for the practice of architecture.

213 (d) The board shall determine the amount of the civil
214 penalty which shall not exceed five thousand dollars (\$5,000)
215 for each day the violation continues and shall not be greater
216 than twenty-five thousand dollars (\$25,000) total per
217 violation.

218 (e) Before issuing an order under this section, the
219 board shall provide the person written notice and the
220 opportunity to request, within 30 days of the notice by the
221 board, a hearing on the record.

222 (f) Pursuant to the proceedings under this section, the
223 board may issue subpoenas to compel the attendance and
224 testimony of witnesses and disclosure of evidence and may



HB235 Enrolled

225 request the Attorney General to bring an action to enforce a
226 subpoena.

227 (g) A person aggrieved by the levy of a civil penalty
228 under this section may file an appeal to the Circuit Court of
229 Montgomery County exclusively for judicial review of the
230 penalty within 30 days, notwithstanding the Administrative
231 Procedure Act. Unless an appeal is taken or the penalty paid,
232 the order of the board imposing the civil penalty shall become
233 a judgment.

234 (h) If a person fails to pay a civil penalty within 30
235 days after entry of an order pursuant to subsection (c) or if
236 the order is stayed pending an appeal, within 10 days after
237 the court enters a final judgment in favor of the board of an
238 order appealed pursuant to subsection (g), the board shall
239 notify the Attorney General. The Attorney General may commence
240 a civil action to recover the amount of the penalty plus
241 ~~attorney's~~attorney fees and costs.

242 (i) The cost to the board of the action shall be paid
243 by the respondent if found in violation."

244 "§34-2-37

245 (a) It shall be lawful for a corporation, a
246 professional corporation, a professional association, a
247 partnership, or a limited liability company (the entity) to
248 practice architecture in this state provided that:

249 (1) A minimum of two-thirds of those responsible for
250 controlling the activities of the entity, including officers,
251 partners, directors, members, and others depending on the
252 legal structure of the entity, are voting stockholders who are



HB235 Enrolled

253 architects or professional engineers, or both, registered
254 under the laws of any United States jurisdiction and at least
255 one is an architect registered in Alabama.

256 (2) Any agreement to perform such services shall be
257 executed on behalf of the entity by a stockholding officer,
258 partner, director, or member with authority to contractually
259 bind the entity, who is an architect registered in the State
260 of Alabama.

261 (3) A stockholding officer, partner, director, or
262 member who is an architect registered in the State of Alabama
263 shall exercise responsible control over the particular
264 services contracted for by the entity and that architect's
265 name and seal shall appear on all documents prepared by the
266 entity in its practice of architecture.

267 (4) Other officers, partners, directors, or members
268 shall not direct the professional judgment of the architect in
269 responsible control over the practice of architecture by the
270 entity.

271 (5) The entity shall furnish the board with such
272 information about its organization and activities as the board
273 shall require by rule and pay an annual administrative fee as
274 the board may require, ~~not to exceed two hundred fifty dollars~~
275 ~~(\$250)~~ as established by board rule. The board shall maintain a
276 public roster of such entities.

277 ~~(b) All corporations, professional corporations,~~
278 ~~professional associations, partnerships, and limited liability~~
279 ~~companies (entities) practicing architecture in the State of~~
280 ~~Alabama shall fully comply with the above requirements by July~~



HB235 Enrolled

281 ~~1, 2012.~~

282 ~~(e) (b)~~ Applications to practice as an entity ~~described~~
283 ~~in subsection (b)~~ shall be made on an annual basis.

284 Disciplinary action for the entities shall be the same as for
285 registered architects. Approved entities shall be responsible
286 for the acts of their agents, employees, general partners,
287 directors, or officers.

288 (c) Certificates of Authorization shall expire on April
289 30 following their issuance or renewal and shall become
290 invalid on May 1 unless renewed.

291 (d) Renewal may be effected at any time prior to or
292 during the month of April by the payment of a fee established
293 by the board by rule.

294 (e) A civil penalty in an amount established by the
295 board by rule may be added to the renewal fee for failure to
296 renew a certificate upon terms and conditions as the board may
297 determine by rule. Failure to renew a certificate of
298 authorization by April 30 shall result in a lapse of the
299 certificate.

300 (f) A registrant whose Certificate of Authorization has
301 lapsed may have the certificate reinstated, if he or she is in
302 compliance with other relevant requirements, by filing a
303 renewal form and paying a reinstatement fee established by the
304 board by rule, in addition to the appropriate renewal fee and
305 late penalty."

306 "§34-2-38

307 To carry out the provisions of this chapter, there
308 shall be a State Board for Registration of Architects,



HB235 Enrolled

309 consisting of six members, each of whom shall be appointed by
310 the Governor from a list of three persons selected as follows:

311 (1) All appointments as members of the board shall be
312 architects registered and licensed pursuant to this chapter.
313 The board shall be appointed from the following districts: One
314 from the northern district; two from the north central
315 district; two from the central district; and one from the
316 southern district. The northern district shall be comprised of
317 the Counties of Colbert, Cullman, DeKalb, Franklin, Jackson,
318 Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall,
319 Morgan, and Winston; the north central district shall be
320 comprised of the Counties of Bibb, Blount, Calhoun, Cherokee,
321 Clay, Cleburne, Etowah, Fayette, Greene, Hale, Jefferson,
322 Lamar, Pickens, Randolph, Shelby, St. Clair, Sumter,
323 Talladega, Tuscaloosa, and Walker; the central district shall
324 be comprised of the Counties of Autauga, Barbour, Bullock,
325 Butler, Chambers, Chilton, Coffee, Coosa, Covington, Crenshaw,
326 Dale, Dallas, Elmore, Geneva, Henry, Houston, Lee, Lowndes,
327 Macon, Marengo, Montgomery, Perry, Pike, Russell, Tallapoosa,
328 and Wilcox; and the southern district shall be comprised of
329 the Counties of Baldwin, Choctaw, Clarke, Conecuh, Escambia,
330 Mobile, Monroe, and Washington.

331 (2) At least Thirty~~Thirty~~³⁰ days before the expiration of a
332 board member's term, or for filling a vacancy otherwise
333 occurring, a nominating committee of six members shall be
334 selected by secret ballot from the district entitled to fill
335 the vacancy. The nominating committee shall be elected at a
336 meeting in the district called by the executive director of



HB235 Enrolled

337 the board, who shall give notice in writing of the time and
338 place of the called meeting to each architect in the district
339 at least 30 days in advance of the date set for the meeting.
340 Those architects present at the called meeting may vote on the
341 membership of the nominating committee. After the selection of
342 the nominating committee from the district where the vacancy
343 occurs, there shall be a meeting of the committee with the
344 board ~~at the same place within five days to select, by secret~~
345 ~~ballot,~~ the names of three persons to be sent to the Governor
346 by the executive director of the board. The board may conduct
347 the nominating committee meeting virtually or provide a
348 process of selection by mail-in ballot. The Governor shall
349 appoint one of the named persons to the board. In appointing
350 members to the board, the Governor shall select those persons
351 whose appointments, to the extent possible, ensure that the
352 membership of the board is inclusive and reflects the racial,
353 gender, geographic, ~~urban/rural~~urban, rural, and economic
354 diversity of the state.

355 (3) The term of office of the members of the board
356 shall be four years and until their successors are appointed
357 and qualified.

358 (4) A member shall reside and have his or her principal
359 office in the district from which appointed. A member's place
360 on the board shall become vacant if the member removes either
361 his or her residence or principal office from that district."

362 "§34-2-39

363 (a) ~~Each member of the board shall receive a~~
364 ~~certificate of appointment from the Governor.~~ Before beginning



HB235 Enrolled

365 his or her term of office, each member of the board shall file
366 with the Secretary of State the constitutional oath of office.

367 (b) The board, or any committee thereof, shall be
368 entitled to the services of the Attorney General in connection
369 with the affairs of the board, and the board shall have the
370 power to compel attendance of witnesses, to require production
371 of documents, to administer oaths, and to take testimony and
372 proof concerning all matters within its jurisdiction.

373 (c) The board shall adopt and have an official seal
374 which shall be affixed to all certificates of registration
375 granted.

376 (d) The board shall have power and authority to make
377 and adopt bylaws, and rules ~~and regulations~~ consistent with ~~the~~
378 ~~provisions of~~ this chapter and pursuant to the state
379 administrative procedure law in order to comply with the
380 provisions of this chapter and to establish standards of
381 professional conduct of architects.

382 (e) The board shall adopt a program of continuing
383 education not later than October 1, 1993, in order to
384 ~~insure~~ ensure that all registered architects remain informed of
385 those technical and professional subjects ~~which~~ that the board
386 deems appropriate to professional architectural practice. The
387 board, by rule, ~~may by regulation~~ describe the methods by
388 which the requirements of ~~such~~ the program may be satisfied.
389 Failure to meet such requirements of continuing education
390 shall result in nonrenewal of an architect's certificate of
391 registration."

392 "§34-2-40



HB235 Enrolled

393 (a) The board shall hold at least four regular meetings
394 each year.

395 (b) The board shall elect annually a ~~chairman~~chair and
396 vice ~~chairman~~chair who must be members of the board. The board
397 may employ an executive director, clerks, experts, attorneys,
398 and others, as may be necessary in the carrying out of the
399 provisions of this chapter.

400 (c) The board shall have the power, with the approval
401 of the Governor, to fix the compensation of the executive
402 director and other employees.

403 (d) A quorum of the board shall consist of not less
404 than a majority of the duly appointed board members."

405 "§34-2-41

406 (a) The executive director of the board shall receive
407 and account for all ~~moneys~~monies derived from the operation
408 of this chapter. Such ~~moneys~~monies shall be certified into
409 the treasury in a fund to be known as the Fund of the Board
410 for the Registration of Architects. Such fund shall be drawn
411 against only for the purposes of this chapter.

412 (b) The fiscal year shall commence on the first day of
413 October and end on the thirtieth day of September.

414 (c) Each member of the board shall receive a per diem
415 as recommended by the board consistent with applicable state
416 laws for attending in person or virtual sessions of the board
417 or its committee, and for the time spent in necessary travel
418 to attend meetings of the board or its committee. In addition,
419 each member of the board shall be reimbursed for traveling and
420 ~~clerical~~necessary expenses incurred in carrying out ~~the~~



HB235 Enrolled

421 ~~provisions of this chapter~~ official duties.

422 (d) Expenses certified by the board as properly and
423 necessarily incurred in the discharge of its duties,
424 including, but not limited to, authorized compensations,
425 additional legal services, experts, clerks, office rent, and
426 supplies, shall be paid out of the fund on the warrant of the
427 Comptroller ~~of the state~~. Such warrant shall be issued on
428 requisitions signed by the ~~chairman and~~ executive director of
429 the board. At no time in any fiscal year shall the total
430 amount of warrants issued exceed the total amount of
431 ~~moneys~~ moneys accumulated in this fund.

432 (e) The board may make donations from its surplus funds
433 to any state educational institution ~~which~~ that has ~~ana~~ NAAB
434 accredited school of architecture for assistance in promoting
435 education and research programs in architecture.

436 (f) The board may provide educational information and
437 programs to the public regarding the service of architecture
438 from its surplus funds.

439 (g) The board may purchase promotional items for
440 outreach and educational programs from its surplus funds.

441 (h) For the purpose of attracting architects to the
442 State of Alabama, the board may waive registration fees from
443 its surplus funds as approved by the board through board rule.

444 (i) The board, by rule, may set registration fees
445 including, but not limited to, application, initial renewal,
446 manual renewal, late renewal, and reinstatement, as well as
447 fees for copies, certificate replacement, and mailing lists.

448 ~~The chairman and the executive director of the board~~



HB235 Enrolled

449 ~~shall give a surety bond in an amount no less than the~~
450 ~~previous year's budget payable to the State of Alabama and~~
451 ~~conditioned upon the faithful performance of their duties~~
452 ~~under this chapter. The premium of the bond shall be paid out~~
453 ~~of the moneys in the Fund of the Board for the Registration of~~
454 ~~Architects."~~

455 Section 2. Section 34-2-42, Code of Alabama 1975,
456 relating to the submission of an annual report, is repealed.

457 Section 3. Section 34-2-43 is added to the Code of
458 Alabama 1975, to read as follows:

459 §34-2-43. Sunset Provision.

460 The board shall be subject to the Alabama Sunset Law,
461 as provided in Chapter 20 of Title 41, as an enumerated agency
462 as provided in Section 41-20-3.

463 Section 4. This act shall become effective on October
464 1, 2024.



HB235 Enrolled

465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495

Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 11-Apr-24, as amended.

John Treadwell
Clerk

Senate

08-May-24

Passed