

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2   STATE OF OKLAHOMA

3   1st Session of the 59th Legislature (2023)

4   HOUSE BILL 1793

  By: Osburn of the House

5   and

6   **Pugh** of the Senate

7  
8  
9   AS INTRODUCED

10                   An Act relating to professions and occupations;  
11                   amending 59 O.S. 2021, Sections 46.1, 46.2, 46.3,  
12                   46.4, 46.7, 46.9, 46.10, 46.11, 46.12, 46.14, 46.17,  
13                   46.18, 46.19, 46.20, 46.21, 46.21b, 46.24, 46.25,  
14                   46.28, 46.31, 46.34, 46.38, 46.39, 46.40, 46.41,  
15                   46.42, 46.45, 46.46 and 46.47, which relate to the  
16                   State Architectural and Registered Commercial  
17                   Interior Designers Act; modifying various provisions  
18                   of the act; changing name of act; changing name of  
19                   registered commercial interior designers; providing  
20                   for licensure; removing certification requirements;  
21                   modifying definitions; changing name of the Board of  
22                   Governors of the Architects, Landscape Architects and  
23                   Licensed Interior Designers of Oklahoma; modifying  
24                   powers and duties of the Board; modifying use of  
                      certain title; modifying renewal of license;  
                      modifying grounds for suspension, revocation or  
                      nonrenewal of license; providing exemption; providing  
                      an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. AMENDATORY 59 O.S. 2021, Section 46.1, is  
2 amended to read as follows:

3 Section 46.1 Section 46.1 et seq. of this title shall be known  
4 and may be cited as the "State Architectural and ~~Registered~~  
5 ~~Commercial Licensed~~ Interior Designers Act".

6 SECTION 2. AMENDATORY 59 O.S. 2021, Section 46.2, is  
7 amended to read as follows:

8 Section 46.2 In order to safeguard life, health and property  
9 and to promote public welfare, the professions of architecture,  
10 landscape architecture and ~~registered commercial licensed~~ interior  
11 design are declared to be subject to regulation in the public  
12 interest. It is unlawful for any person to practice or offer to  
13 practice architecture ~~or~~, landscape architecture, or licensed  
14 interior design in this state, as defined in the provisions of the  
15 State Architectural and ~~Registered Commercial Licensed~~ Interior  
16 Designers Act, use in connection with the person's name, or  
17 otherwise assume the title of architect, landscape architect or  
18 ~~registered commercial licensed~~ interior designer, or advertise any  
19 title or description tending to convey the impression that the  
20 person is a ~~licensed~~ an architect or landscape architect or  
21 ~~registered commercial licensed~~ interior designer unless the person  
22 is duly licensed or exempt from licensure ~~or registration~~ under the  
23 State Architectural and ~~Registered Commercial Licensed~~ Interior  
24 Designers Act. The practice of architecture ~~and~~, landscape

1 architecture and the use of the titles architect, landscape  
2 architect and ~~registered commercial~~ licensed interior designer are  
3 privileges granted by the state through the Board of Governors of  
4 the ~~Licensed~~ Architects, Landscape Architects and ~~Registered~~  
5 ~~Commercial~~ Licensed Interior Designers of Oklahoma based upon the  
6 qualifications of the individual as evidenced by a certificate of  
7 licensure ~~or registration~~ which shall not be transferable.

8 SECTION 3. AMENDATORY 59 O.S. 2021, Section 46.3, is  
9 amended to read as follows:

10 Section 46.3 As used in the State Architectural and ~~Registered~~  
11 ~~Commercial~~ Licensed Interior Designers Act:

12 1. "Architect" means any person who is licensed in the practice  
13 of architecture in the State of Oklahoma as hereinafter defined;

14 2. "Practice of architecture" means rendering or offering to  
15 render certain services, in connection with the design and  
16 construction, enlargement or alteration of a building or a group of  
17 buildings and the space surrounding such buildings, including  
18 buildings which have as their principal purpose human occupancy or  
19 habitation. The services referred to include planning, providing  
20 preliminary studies, designs, drawings, specifications,  
21 investigations and other technical submissions, the administration  
22 of construction contracts, and ~~the coordination of any elements of~~  
23 ~~technical submissions prepared by other consultants including, as~~  
24 ~~appropriate and without limitation, consulting engineers and~~

1 ~~landscape architects~~ reviewing and coordinating technical  
2 submissions prepared by other licensed professionals for use in the  
3 construction or alteration of any building in the Code Use Groups  
4 subject to the State Architectural and Licensed Interior Designers  
5 Act; provided, that the practice of architecture shall include such  
6 other professional services as may be necessary for the rendering of  
7 or offering to render architectural services;

8 3. ~~"Registration" or "license"~~ "License" means a ~~certificate of~~  
9 ~~registration or~~ license issued by the Board. ~~The definition of~~  
10 ~~"license" shall apply to those persons licensed under a practice~~  
11 ~~act. The definition of "registration" shall apply to those persons~~  
12 ~~registered under the title registered commercial interior designer~~  
13 ~~under this act;~~

14 4. "Building" means a structure consisting of a foundation,  
15 walls, all floors and roof, with or without other parts;

16 5. "Board" means the Board of Governors of the ~~Licensed~~  
17 ~~Architects, Landscape Architects and Registered Commercial~~ Licensed  
18 Interior Designers of Oklahoma;

19 6. "Certificate of authority" means the authorization granted  
20 by the Board for persons to practice or offer to practice  
21 architecture, ~~or~~ landscape architecture, or licensed interior design  
22 through a partnership, firm, association, corporation, limited  
23 liability company or limited liability partnership;

24

1       7. ~~"Certificate of title" means the authorization granted by~~  
2 ~~the Board for a partnership, firm, association, corporation, limited~~  
3 ~~liability company or limited liability partnership to use the title~~  
4 ~~registered commercial interior designer or any modification or~~  
5 ~~derivation of these terms;~~

6       ~~8.~~ "Technical submissions" means drawings, plans,  
7 specifications, studies and any other technical reports or documents  
8 which are issued in the course of practicing architecture, landscape  
9 architecture or ~~registered commercial~~ licensed interior design with  
10 the intent that they be considered as formal or final documents, but  
11 shall not include record drawings. Prototypical plans are not  
12 technical submissions;

13       ~~9.~~ 8. "Responsible control" means the amount of direct control  
14 and personal supervision of architectural, landscape architectural  
15 or ~~registered commercial~~ licensed interior ~~designer's~~ design work  
16 and detailed knowledge of the content of tactical and technical  
17 submissions during their preparation as is ordinarily exercised by  
18 ~~licensed~~ architects, landscape architects or ~~registered commercial~~  
19 licensed interior designers applying the required professional  
20 standard of care. The terms direct control and personal  
21 supervision, whether used separately or together, mean active and  
22 personal management of the firm's personnel and practice to maintain  
23 charge of, and concurrent direction over, architecture, landscape  
24 architecture or ~~the work of a registered commercial~~ licensed

1 interior ~~designer's decisions~~ design and the instruments of  
2 professional services to which the licensee ~~or registrant~~ affixes  
3 the seal, signature, and date;

4 ~~10.~~ 9. "Landscape architect" means a person licensed to  
5 practice landscape architecture as provided in the State  
6 Architectural and ~~Registered Commercial~~ Licensed Interior Designers  
7 Act;

8 ~~11.~~ 10. "Landscape architecture" means the performance of  
9 professional services defined as teaching, consultations,  
10 investigations, reconnaissance, research, planning, design,  
11 preparation of construction drawings and specifications,  
12 construction observation and the coordination of any elements of  
13 technical submissions prepared by others in connection with the  
14 planning and arranging of land and the elements thereon for public  
15 and private use and enjoyment, including the design and layout of  
16 roadways, service areas, parking areas, walkways, steps, ramps,  
17 pools, parks, parkways, trails and recreational areas, the location  
18 and site of improvements including buildings and other structures,  
19 and the grading of the land, surface and subsoil drainage, erosion  
20 control, planting, reforestation, and the preservation of the  
21 natural landscape, in accordance with accepted professional  
22 standards, and to the extent that the dominant purpose of such  
23 services or creative works is the preservation, conservation,  
24 enhancement, or determination of proper land uses, natural land

1 features, ground cover and plantings, or naturalistic and aesthetic  
2 values.

3 The practice of landscape architecture shall include the  
4 location and arrangement of tangible objects and features as are  
5 incidental and necessary to the purpose outlined for landscape  
6 architecture. The practice of landscape architecture shall not  
7 include the design of structures or facilities with separate and  
8 self-contained purposes for habitation or industry, or the design of  
9 public streets, highways, utilities, storm and sanitary sewers and  
10 sewage treatment facilities, that are statutorily defined as the  
11 practice of engineering or architecture;

12 ~~12.~~ 11. "Code" means the nationally recognized codes adopted by  
13 the Uniform Building Code Commission of the State of Oklahoma;

14 ~~13.~~ 12. "Applicable building official" means the official  
15 responsible for the application of the adopted building code as  
16 implemented by the local, municipal or county jurisdiction in which  
17 a building is located. Where no building code has been adopted by  
18 the local, municipal or county jurisdiction, the applicable building  
19 official shall be defined as the State Fire Marshal;

20 ~~14. "Registered commercial interior designer" means a person~~  
21 ~~recognized by this state who is registered, qualified by examination~~  
22 ~~and meeting all the requirements set forth in the State~~  
23 ~~Architectural and Registered Commercial Interior Designers Act and~~  
24 ~~the Board's rules;~~

1        13. "Licensed interior designer" means a person licensed to  
2 practice licensed interior design as provided in the State  
3 Architectural and Licensed Interior Designers Act;

4        ~~15.~~ 14. "Plans" means technical documents issued by the  
5 licensed ~~and/or registered~~ professionals intended to meet all  
6 current and applicable codes as adopted by the Uniform Building Code  
7 Commission of the State of Oklahoma, other statutory codes and  
8 applicable federal codes and which shall be submitted to all  
9 required building code and/or permit offices required by the State  
10 of Oklahoma, county, municipal and/or federal government;

11        ~~16.~~ 15. "Equivalent standards" means those standards adopted by  
12 the Board intended to be used as alternative equivalents to  
13 determine competency for education, training and testing for  
14 ~~licensing architects and/or,~~ landscape architects and ~~registering~~  
15 ~~commercial licensed~~ interior designers and for complying with the  
16 Military Service Occupation, Education and Credentialing Act for  
17 military personnel and their spouses;

18        ~~17. "Commercial interior design" means the rendering of or the~~  
19 ~~offering to render designs, consultations, studies, planning,~~  
20 ~~drawings, specifications, contract documents or other technical~~  
21 ~~submissions and the administration of interior construction and~~  
22 ~~contracts relating to nonstructural interior construction by a~~  
23 ~~registered commercial interior designer in a new constructed or~~  
24



1 ~~existing building when the core and shell elements are not going to~~  
2 ~~be changed;~~

3 ~~18. "Nonstructural commercial interior construction" means the~~  
4 ~~construction of elements which do not include exterior components of~~  
5 ~~a building such as exterior walls, any load-bearing wall, any load-~~  
6 ~~bearing column or any other load-bearing elements of a building~~  
7 ~~essential to the structural integrity of the building such as wind~~  
8 ~~loads and seismic loads and to any element which must be designed~~  
9 ~~for wind loads and seismic loads; and~~

10 16. "Licensed interior design" means the rendering of or the  
11 offering to render services relating to nonstructural interior  
12 construction by a licensed interior designer in a newly constructed  
13 or existing building, including but not limited to:

14 a. analysis, research, planning, and design of the  
15 interior spaces of a building for the purpose of  
16 enhancing and protecting the health, safety, and  
17 welfare of the public by preparation of interior  
18 drawings, specifications, or other technical  
19 submissions and administration of nonstructural  
20 interior construction,

21 b. design and specification of code-compliant interior  
22 finishes, furnishings, fixtures, or equipment,

23  
24

- 1        c. design or modification of existing nonstructural  
2        interior partitions, doors, suspended ceiling systems,  
3        or constructed ceiling elements,
- 4        d. design or modification of existing internal  
5        circulation systems or number and configuration of  
6        interior exits for suite occupant load, or
- 7        e. review, analysis, and evaluation of building codes,  
8        accessibility standards, or guidelines for interior  
9        planning, design, and nonstructural interior  
10       construction compliance;

11       17. "Nonstructural interior construction" means the  
12       construction of elements which do not include:

- 13       a. design of, or the responsibility for, architectural  
14       and engineering work, except as explicitly provided  
15       for in this act,
- 16       b. altering the building's existing primary structural,  
17       fire and life safety, mechanical, electrical, and  
18       plumbing systems, as set out in Oklahoma state law,  
19       this act, or the current International Building Code  
20       as adopted by the Oklahoma Uniform Building Code  
21       Commission, or other related primary building systems,  
22       and
- 23       c. changes to the building's core and shell; and  
24

1       ~~19.~~ 18. "Fire and life safety systems" means those systems and  
2 construction that pertain to fire and life safety protection, such  
3 as fire sprinklers, fire alarms, smoke evacuation systems, fire  
4 walls, fire barriers or smoke barriers as defined by the current  
5 International Building Code adopted by the Oklahoma Uniform Building  
6 Code Commission.

7       The definitions in the State Architectural and ~~Registered~~  
8 ~~Commercial~~ Licensed Interior Designers Act shall have the same  
9 meaning when applicable to any rule promulgated pursuant to such  
10 act.

11       SECTION 4.        AMENDATORY        59 O.S. 2021, Section 46.4, is  
12 amended to read as follows:

13       Section 46.4 There is hereby re-created, to continue until July  
14 1, 2023, in accordance with the provisions of the Oklahoma Sunset  
15 Law, a board to be known as the "Board of Governors of the ~~Licensed~~  
16 ~~Architects, Landscape Architects and Registered Commercial Licensed~~  
17 Interior Designers of Oklahoma", hereinafter referred to as the  
18 Board. The Board shall be composed of eleven (11) members including  
19 six persons who are duly licensed to practice architecture and are  
20 in good standing in this state, two persons who are duly licensed to  
21 practice landscape architecture and are in good standing in this  
22 state, two persons who are ~~registered commercial~~ duly licensed  
23 interior designers and who are active and in good standing and one  
24 lay member. Each member of the Board shall be a qualified elector

1 of this state, and the architect, landscape architect and ~~registered~~  
2 ~~commercial~~ licensed interior designer members shall have had five  
3 (5) years' licensing ~~or registration~~ experience as the professional  
4 position requires in this state. Re-creation of the Board shall not  
5 alter existing staggered terms. Board members, other than the lay  
6 member, shall be appointed for a period of five (5) years  
7 thereafter; provided, that nothing herein shall affect the tenure of  
8 office of anyone who is a member of the Board on May 31, 1957. A  
9 member may be reappointed to succeed such membership. The ~~licensed~~  
10 architect, landscape architect or the ~~registered-commercial~~ licensed  
11 interior designer members may be appointed by the Governor from a  
12 list of nominees submitted by respective professional societies of  
13 this state. Membership in a professional society shall not be a  
14 prerequisite to appointment to the Board. The lay member of the  
15 Board shall be appointed by the Governor to a term coterminous with  
16 that of the Governor. The lay member shall serve at the pleasure of  
17 the Governor. Provided, the lay member may continue to serve after  
18 the expiration of the term of the member until such time as a  
19 successor is appointed. Vacancies which may occur in the membership  
20 of the Board shall be filled by appointment by the Governor. Each  
21 person who has been appointed to fill a vacancy shall serve for the  
22 remainder of the term for which the member the person shall succeed  
23 was appointed and until a successor, in turn, has been appointed and  
24 shall have qualified. Each member of the Board, before entering

1 upon the discharge of the duties of the member, shall make and file  
2 with the Secretary of State a written oath or affirmation for the  
3 faithful discharge of official duties. Each member of the Board and  
4 staff shall be reimbursed for travel expenses pursuant to the State  
5 Travel Reimbursement Act.

6 SECTION 5. AMENDATORY 59 O.S. 2021, Section 46.7, is  
7 amended to read as follows:

8 Section 46.7 In addition to the other powers and duties imposed  
9 by law, the Board of Governors of the Architects, Landscape  
10 Architects and Licensed Interior Designers of Oklahoma shall have  
11 the power and duty to:

12 1. Prescribe such rules and to make such orders, as it may deem  
13 necessary or expedient in the performance of its duties;

14 2. Prepare, conduct, and grade examinations of persons who  
15 shall apply for the issuance of licenses ~~and registrations~~ to them,  
16 and to promulgate such rules with reference thereto as it may deem  
17 proper as a portion used to determine competency for the issuance of  
18 licenses ~~or registrations~~;

19 3. Work with nationally recognized licensing ~~and registration~~  
20 organizations to prepare, conduct, and grade examinations, written  
21 or oral, of persons who shall apply for the issuance of licenses ~~or~~  
22 ~~registrations~~;

23  
24

1 4. Determine the satisfactory passing score on examinations and  
2 issue licenses ~~and registrations~~ to persons who shall have passed  
3 examinations, or who shall otherwise be entitled thereto;

4 5. Determine eligibility for licenses and certificates of  
5 authority and issue them;

6 ~~6. Determine eligibility for registration as a registered~~  
7 ~~commercial interior designer and for certificate of title and issue~~  
8 ~~them;~~

9 ~~7.~~ Promulgate rules to govern the issuing of reciprocal  
10 licenses ~~and registrations~~;

11 ~~8.~~ 7. Upon good cause shown, as hereinafter provided, deny the  
12 issuance of a license, ~~registration,~~ or certificate of authority ~~or~~  
13 ~~certificate of title~~ or suspend, revoke, refuse to renew or issue  
14 probation orders for licenses ~~or registrations~~, and/or require  
15 additional educational coursework and determine when the objectives  
16 have been met;

17 ~~9.~~ 8. Upon proper showing, reinstate or conditionally reinstate  
18 licenses, ~~registrations,~~ ~~certificates of title~~ or certificates of  
19 authority previously issued;

20 ~~10.~~ 9. Review, affirm, reverse, vacate or modify its order with  
21 respect to any such denial, suspension, revocation, probation and/or  
22 educational coursework requirements or refusal to renew;

23 ~~11.~~ 10. Prescribe rules governing proceedings for the denial of  
24 issuance of a license, ~~registration,~~ or certificate of authority ~~or~~

1 ~~certificate of title~~, suspension, revocation or refusal to renew, to  
2 issue probation orders and/or require additional educational  
3 coursework and determine when the objectives have been met for  
4 cause, and reinstate them;

5 ~~12.~~ 11. Prescribe such penalties, as it may deem proper, to be  
6 assessed against holders of licenses, ~~registrations,~~ or certificates  
7 of authority ~~or certificates of title~~ for the failure to pay the  
8 biennial fee hereinafter provided for;

9 ~~13.~~ 12. Levy civil penalties plus the legal costs incurred by  
10 the Board to prosecute the case against any person or entity who  
11 shall violate any of the provisions of the State Architectural and  
12 ~~Registered Commercial~~ Licensed Interior Designers Act, or any rule  
13 promulgated pursuant thereto;

14 ~~14.~~ 13. Obtain an office, secure such facilities, and employ,  
15 direct, discharge and define the duties and set the salaries of such  
16 office personnel and set the salaries of such unclassified and  
17 exempt office personnel as deemed necessary by the Board;

18 ~~15.~~ 14. Initiate disciplinary action, prosecute and seek  
19 injunctions against any person or entity who has violated any of the  
20 provisions of the State Architectural and ~~Registered Commercial~~  
21 Licensed Interior Designers Act or any rule of the Board promulgated  
22 pursuant to said act and against the owner/developer of the building  
23 type not exempt;

24

1       ~~16.~~ 15. Investigate alleged violations of the State  
2 Architectural and ~~Registered Commercial~~ Licensed Interior Designers  
3 Act or of the rules, orders or final decisions of the Board;

4       ~~17.~~ 16. Promulgate rules of conduct governing the practice of  
5 ~~licensed~~ architects, landscape architects and ~~registered commercial~~  
6 licensed interior designers;

7       ~~18.~~ 17. Keep accurate and complete records of proceedings, and  
8 certify the same as may be appropriate;

9       ~~19.~~ 18. Whenever it deems it appropriate, confer with the  
10 Attorney General or the Attorney General's assistants in connection  
11 with all legal matters and questions. The Board may also retain an  
12 attorney who is licensed to practice law in this state. The  
13 attorney shall serve at the pleasure of the Board for such  
14 compensation as may be provided by the Board. The attorney shall  
15 advise the Board and perform legal services for the Board with  
16 respect to any matters properly before the Board. In addition to  
17 the above, the Board may employ hearing examiners to conduct  
18 administrative hearings under the provisions of the Administrative  
19 Procedures Act;

20       ~~20.~~ 19. Prescribe by rules, fees to be charged as required by  
21 this act;

22       ~~21.~~ 20. Adopt rules providing for a program of continuing  
23 education in order to ensure that all ~~licensed~~ architects ~~or,~~  
24 landscape architects, and ~~registered commercial~~ licensed interior



1 designers remain informed of those technical and professional  
2 subjects that the Board deems appropriate. The Board may by rule  
3 describe the methods by which the requirements of such program may  
4 be satisfied. Failure to meet such requirements of continuing  
5 education shall result in nonrenewal of the license issued to the  
6 architect ~~or~~, landscape architect, ~~or nonrenewal of the registration~~  
7 ~~issued to the registered commercial~~ licensed interior designer;

8 ~~22.~~ 21. Adopt rules regarding requirements for intern  
9 development as a prerequisite for licensure ~~or registration~~;

10 ~~23.~~ 22. Give scholarships, as determined by the Board, to an  
11 individual or individuals advancing toward obtaining an accredited  
12 National Architectural Accreditation Board, Landscape Architectural  
13 Accreditation Board or Council for Interior Design Accreditation  
14 degree in one of these three professions in an Oklahoma higher  
15 education institution; and

16 ~~24.~~ 23. Take such other action as may be reasonably necessary  
17 or appropriate to effectuate the State Architectural and ~~Registered~~  
18 ~~Commercial~~ Licensed Interior Designers Act. The Board may, at its  
19 discretion, contract with other state agencies and nonprofit  
20 corporations for the endowment, management, and administration of  
21 scholarships. The requirements of such scholarships shall be  
22 determined by the Board. However, nothing contained herein shall be  
23 construed as requiring the Board to endow or award any scholarship.

24

1 SECTION 6. AMENDATORY 59 O.S. 2021, Section 46.9, is  
2 amended to read as follows:

3 Section 46.9 A. The practice of architecture ~~or~~, landscape  
4 architecture, or licensed interior design or offering to practice  
5 these professions for others by persons licensed under this act  
6 through a partnership, firm, association, corporation, limited  
7 liability company or limited liability partnership as directors,  
8 partners, officers, shareholders, employees, managers, members or  
9 principals is permitted, subject to the provisions of the State  
10 Architectural and ~~Registered Commercial~~ Licensed Interior Designers  
11 Act, provided:

12 1. One or more of the directors, partners, officers,  
13 shareholders, managers, members or principals of said partnership,  
14 firm, association, corporation, limited liability company or limited  
15 liability partnership is designated as being responsible for the  
16 entity's activities and decisions of said partnership, firm,  
17 association, corporation, limited liability company or limited  
18 liability partnership;

19 2. Such director, partner, officer, shareholder, manager,  
20 member or principal is duly licensed under the State Architectural  
21 and ~~Registered Commercial~~ Licensed Interior Designers Act;

22 3. All personnel of said partnership, firm, association,  
23 corporation, limited liability company or limited liability  
24 partnership ~~which~~ who act on behalf of the entity for these

1 professions in the state are licensed under the State Architectural  
2 and ~~Registered Commercial~~ Licensed Interior Designers Act; and

3 4. Said partnership, firm, association, corporation, limited  
4 liability company or limited liability partnership has been issued a  
5 certificate of authority by the Board.

6 B. The Board shall have the power to issue, revoke, deny, or  
7 refuse to renew a certificate of authority for a partnership, firm,  
8 association, corporation, limited liability company or limited  
9 liability partnership as provided for in the State Architectural and  
10 ~~Registered Commercial~~ Licensed Interior Designers Act.

11 C. A partnership, firm, association, corporation, limited  
12 liability company or limited liability partnership desiring to  
13 practice architecture ~~or~~, landscape architecture, or licensed  
14 interior design shall file with the Board an application for a  
15 certificate of authority for each office location performing work on  
16 Oklahoma projects on a form approved by the Board which shall  
17 include the names, addresses, state of licensure and license number  
18 of all partners, directors, officers, members, managers or  
19 principals of the partnership, firm, association, corporation,  
20 limited liability company or limited liability partnership legally  
21 responsible for the entity's practice. The form shall name an  
22 individual having the practice of architecture in such person's  
23 charge who is a director, partner, officer, member, manager or  
24 principal. The person shall be duly licensed as an architect to

1 practice architecture or licensed as a landscape architect to  
2 practice landscape architecture, or as a licensed interior designer  
3 to practice licensed interior design in this state through said  
4 partnership, firm, association, corporation, limited liability  
5 company or limited liability partnership legally responsible for the  
6 entity's practice or services offered and other information required  
7 by the Board. In the event there shall be a change in any of these  
8 persons during the term of the certification, such change shall be  
9 filed with the Board within thirty (30) days after the effective  
10 date of said change. If all of the requirements of this section and  
11 the Board's current rules have been met, the Board shall issue a  
12 certificate of authority to such partnership, firm, association,  
13 corporation, limited liability company or limited liability  
14 partnership.

15 D. Any other person licensed pursuant to the State  
16 Architectural and ~~Registered Commercial~~ Licensed Interior Designers  
17 Act, not practicing these professions as a partnership, firm,  
18 association, corporation, limited liability company or limited  
19 liability partnership, shall practice as an individual.

20 E. No such partnership, firm, association, corporation, limited  
21 liability company or limited liability partnership shall be relieved  
22 of responsibility for the conduct or acts of its agents, employees,  
23 partners, directors, officers, managers, members or principals by  
24 reason of its compliance with the provisions of this section, or

1 shall any individual practicing these professions be relieved of  
2 responsibility for professional services performed as an individual  
3 by reason of such person's employment or relationship with such  
4 partnership, firm, association, corporation, limited liability  
5 company or limited liability partnership.

6 F. The Secretary of State shall not issue a certificate of  
7 incorporation or register a foreign corporation or any other entity  
8 which includes among the objectives for which it is established any  
9 of the words "Architect", "Architectural", "Architecture",  
10 "Landscape Architect", "Landscape Architecture", "Licensed Interior  
11 Designer", or "Licensed Interior Design", or any modification or  
12 derivation of these words, unless the Board has issued for said  
13 applicant either a certificate of authority for an entity, or a  
14 letter indicating eligibility for an exemption pursuant to the State  
15 Architectural and ~~Registered Commercial~~ Licensed Interior Designers  
16 Act. The entity applying shall supply such certificate or letter  
17 from the Board with its application for incorporation or  
18 registration.

19 G. The Secretary of State shall not register any trade name or  
20 service mark which includes such words, as set forth in subsection F  
21 of this section, or modifications or derivatives thereof in its firm  
22 name or logotype except those entities or individuals holding  
23 certificates of authority issued under the provisions of this  
24 section or letters of eligibility issued by the Board.

1       ~~H. The use of the title "Registered Commercial Interior~~  
2 ~~Designer" by a partnership, firm, association, corporation, limited~~  
3 ~~liability company or limited liability partnership is allowed to~~  
4 ~~those entities listed, provided:~~

5           ~~1. One or more of the directors, partners, officers,~~  
6 ~~shareholders, members, managers or principals is registered with the~~  
7 ~~Board as a registered commercial interior designer and is in good~~  
8 ~~standing with the Board; and~~

9           ~~2. The partnership, firm, association, corporation, limited~~  
10 ~~liability company or limited liability partnership has been issued a~~  
11 ~~certificate of title by the Board.~~

12           ~~I. The Board shall have the power to issue, revoke, deny or~~  
13 ~~refuse to renew a certificate of title for a partnership, firm,~~  
14 ~~association, corporation, limited liability company or limited~~  
15 ~~liability partnership as provided for in the State Architectural and~~  
16 ~~Registered Commercial Interior Designers Act.~~

17           ~~J. A partnership, firm, association, corporation, limited~~  
18 ~~liability company or limited liability partnership shall file with~~  
19 ~~the Board an application for a certificate of title on a form~~  
20 ~~approved by the Board which shall include the names, addresses,~~  
21 ~~state of registration and registration number of all directors,~~  
22 ~~partners, officers, shareholders, members, managers, or principals~~  
23 ~~of the partnership, firm, association, corporation, limited~~  
24 ~~liability company or limited liability partnership. In the event~~

1 ~~there shall be a replacement of any of these persons during the term~~  
2 ~~of certification, the change shall be filed with the Board within~~  
3 ~~thirty (30) days after the effective date of the change. If all the~~  
4 ~~requirements of this section, this act and the current rules of the~~  
5 ~~Board have been met, the Board shall issue a certificate of title to~~  
6 ~~such partnership, firm, association, corporation, limited liability~~  
7 ~~company or limited liability partnership.~~

8 ~~K. The Secretary of State shall not issue a certificate of~~  
9 ~~incorporation or register a foreign corporation or any other entity~~  
10 ~~which includes among the objectives for which it is established any~~  
11 ~~of the words "Registered Commercial Interior Designer" or any~~  
12 ~~modification or derivation of these words, unless the Board has~~  
13 ~~issued for the applicant either a certificate of title for an~~  
14 ~~entity, or a letter indicating the eligibility for an exemption~~  
15 ~~pursuant to the State Architectural and Registered Commercial~~  
16 ~~Interior Designers Act. The firm applying shall supply such~~  
17 ~~certificate of title or letter from the Board with its application~~  
18 ~~for incorporation or registration.~~

19 ~~L. The Secretary of State shall not register any trade name or~~  
20 ~~service mark which includes such words as set forth in subsection K~~  
21 ~~of this section, or modification or derivatives thereof in its firm~~  
22 ~~name or logotype except those entities or individuals holding~~  
23 ~~certificates of title issued under the provisions of this section or~~  
24 ~~letters of eligibility issued by the Board.~~

1 ~~M. Upon application for renewal and upon compliance with the~~  
2 ~~provisions of the State Architectural and Registered Commercial~~  
3 ~~Interior Designers Act and the rules of the Board, a certificate of~~  
4 ~~title shall be renewed as provided in this act.~~

5 N. Upon application for renewal and upon compliance with the  
6 provisions of the State Architectural and Registered Commercial  
7 Licensed Interior Designers Act and the rules of the Board, a  
8 certificate of authority shall be renewed as provided in this act.

9 SECTION 7. AMENDATORY 59 O.S. 2021, Section 46.10, is  
10 amended to read as follows:

11 Section 46.10 Every licensed architect, landscape architect and  
12 ~~registered commercial licensed~~ interior designer shall pay to the  
13 Board a fee as prescribed by the rules of the Board. Upon receipt  
14 of the fee the Board shall issue a renewal of the license ~~or~~  
15 ~~registration~~, which shall authorize the person to practice  
16 architecture, landscape architecture or ~~use the title registered~~  
17 ~~commercial licensed interior designer design~~, as the case may be, in  
18 this state. The license of an architect ~~or~~, landscape architect, or  
19 ~~the registration of a registered commercial licensed~~ interior  
20 designer which has been canceled by the Board for nonpayment of dues  
21 may be renewed at any time within three (3) years from the date of  
22 the cancellation, upon payment to the Board of the fees which had  
23 accrued at the time of the cancellation and which would have been  
24 paid at the time of reinstatement had not the license ~~or~~



1 ~~registration~~ been suspended, together with payment of the amount of  
2 penalties which may have been prescribed by the Board. If a license  
3 ~~or registration~~ remains canceled for a period exceeding three (3)  
4 consecutive years, it shall not be reinstated unless the licensee ~~or~~  
5 ~~registrant~~ has taken or submitted to a test or a quiz or a Board  
6 review or an examination as the circumstances of the individual case  
7 may warrant and as may be prescribed by the Board in order to  
8 determine continued competency of the licensee ~~or registrant~~. A  
9 partnership, firm, association, corporation, limited liability  
10 company or limited liability partnership shall pay to the Board the  
11 fee prescribed and in the manner provided by the rules of the Board  
12 for the renewal of the certificate of authority ~~or certificate of~~  
13 ~~title~~ for such partnership, firm, association, corporation, limited  
14 liability company or limited liability partnership.

15 SECTION 8. AMENDATORY 59 O.S. 2021, Section 46.11, is  
16 amended to read as follows:

17 Section 46.11 No license ~~for architects or landscape architects~~  
18 ~~or a certificate of authority for a partnership, firm, association,~~  
19 ~~corporation, limited liability company or limited liability~~  
20 ~~partnership,~~ shall be issued or renewed for longer than two (2)  
21 years. A license or certificate may be renewed upon application,  
22 compliance with this act or the rules of the Board, and payment of  
23 fees prior to or on June 30 of alternate years. Every licensed  
24 architect ~~or,~~ landscape architect, or licensed interior designer

1 having a place of business or employment within the state shall  
2 display such person's license in a conspicuous place in such place  
3 of business or employment. A new license to replace a lost,  
4 destroyed or mutilated license shall be issued by the Board upon  
5 payment of a fee established in accordance with the rules of the  
6 Board.

7 SECTION 9. AMENDATORY 59 O.S. 2021, Section 46.12, is  
8 amended to read as follows:

9 Section 46.12 After the expiration of a period of six (6)  
10 months and upon payment to the Board of a fee as prescribed by the  
11 rules of the Board, a person or entity whose license, ~~registration~~  
12 or certificate of authority has been suspended or revoked for cause,  
13 pursuant to the provisions of the State Architectural and ~~Registered~~  
14 ~~Commercial~~ Licensed Interior Designers Act, may file an application  
15 with the Board for the reinstatement of said license, ~~registration,~~  
16 or certificate of authority ~~or certificate of title~~. After a  
17 showing has been made by the applicant to the Board that the  
18 interests of the public will not suffer by reason of reinstatement,  
19 the Board in its discretion may order the reinstatement of the  
20 license, ~~registration,~~ or certificate of authority ~~or certificate of~~  
21 ~~title~~ upon the payment of a sum equal to the fees which would have  
22 accrued had not the license, ~~registration,~~ or certificate of  
23 authority ~~or certificate of title~~ of the applicant been suspended or  
24 revoked.

1 SECTION 10. AMENDATORY 59 O.S. 2021, Section 46.14, is  
2 amended to read as follows:

3 Section 46.14 A. The Board of Governors of the ~~Licensed~~  
4 Architects, Landscape Architects and ~~Registered Commercial~~ Licensed  
5 Interior Designers of Oklahoma shall have power to suspend, to  
6 revoke or refuse to renew a license, ~~registration,~~ or certificate of  
7 authority ~~or certificate of title~~ issued by it, pursuant to the  
8 provisions of the State Architectural and ~~Registered Commercial~~  
9 Licensed Interior Designers Act, when the holder thereof:

10 1. Has been convicted of a felony crime that substantially  
11 relates to the practice of architecture, landscape architecture or  
12 licensed interior design and poses a reasonable threat to public  
13 safety;

14 2. Has been guilty of fraud or misrepresentation;

15 3. Has been guilty of gross incompetence or recklessness in the  
16 practice of architecture relating to the construction of buildings  
17 or structures, or of dishonest practices;

18 4. Has been guilty of gross incompetence or recklessness in the  
19 practice of landscape architecture, or of dishonest practices;

20 5. Has been guilty of gross incompetence or recklessness in the  
21 practice of licensed interior design, or of dishonest practices;

22 6. Presents the license, ~~registration~~ or certification of  
23 another as his or her own;

24 ~~6.~~ 7. Gives false or forged evidence to the Board;

1       ~~7.~~ 8. Conceals information relative to any inquiry,  
2 investigation or violation of this act or rules promulgated under  
3 this act; or

4       ~~8.~~ 9. Has been found to be guilty of a violation of a provision  
5 of the State Architectural and ~~Registered Commercial~~ Licensed  
6 Interior Designers Act, or the rules of the Board; provided, that a  
7 person or entity complained of shall be afforded the opportunity for  
8 a formal hearing carried out as described under the current  
9 Administrative Procedures Act or settled by the Board with a consent  
10 order or final order approved by the Board.

11       The Board shall keep a record of the evidence in, and a record  
12 of each proceeding for the suspension, revocation of or refusal to  
13 renew a license or certificate of authority and shall make findings  
14 of fact and render a decision therein. If, after a hearing, the  
15 charges shall have been found to have been sustained by the vote of  
16 a majority of the members of the Board it shall immediately enter  
17 its order of suspension, revocation, penalties, probation,  
18 educational coursework and objectives or refusal to renew, as the  
19 case may be.

20       B. As used in this section:

21       1. "Substantially relates" means the nature of criminal conduct  
22 for which the person was convicted has a direct bearing on the  
23 fitness or ability to perform one or more of the duties or  
24 responsibilities necessarily related to the occupation; and

1           2. "Poses a reasonable threat" means the nature of criminal  
2 conduct for which the person was convicted involved an act or threat  
3 of harm against another and has a bearing on the fitness or ability  
4 to serve the public or work with others in the occupation.

5           SECTION 11.           AMENDATORY           59 O.S. 2021, Section 46.17, is  
6 amended to read as follows:

7           Section 46.17 Any person or entity convicted of violating any  
8 provision of the State Architectural and ~~Registered Commercial~~  
9 Licensed Interior Designers Act shall be guilty of a misdemeanor.  
10 The continued violation of any provision of the State Architectural  
11 and ~~Registered Commercial~~ Licensed Interior Designers Act during  
12 each day shall be deemed to be a separate offense. Upon conviction  
13 thereof, the person or entity shall be punished by imprisonment in  
14 the county jail not to exceed one (1) year, or by a fine of not more  
15 than One Thousand Dollars (\$1,000.00), or by both such fine and  
16 imprisonment for each offense. The Board may request the  
17 appropriate district attorney to prosecute such violation and seek  
18 an injunction against such practice.

19           SECTION 12.           AMENDATORY           59 O.S. 2021, Section 46.18, is  
20 amended to read as follows:

21           Section 46.18 A. Any person or entity who has been determined  
22 by the Board to have violated any provision of the State  
23 Architectural and ~~Registered Commercial~~ Licensed Interior Designers  
24 Act or any rule or order issued pursuant to the provisions of the

1 State Architectural and ~~Registered Commercial~~ Licensed Interior  
2 Designers Act may be liable for a civil penalty of not more than One  
3 Hundred Dollars (\$100.00) for each day that said violation continues  
4 plus the legal costs incurred by the Board to prosecute the case.  
5 The maximum civil penalty shall not exceed Ten Thousand Dollars  
6 (\$10,000.00) for any violation plus the legal costs incurred by the  
7 Board to prosecute the case.

8 B. The amount of the penalty shall be assessed by the Board  
9 pursuant to the provisions of subsection A of this section, after  
10 notice and hearing. In determining the amount of the penalty, the  
11 Board shall include but not be limited to consideration of the  
12 nature, circumstances, and gravity of the violation and, with  
13 respect to the person or entity found to have committed the  
14 violation, the degree of culpability, the effect on ability of the  
15 person or entity to continue to do business, and any show of good  
16 faith in attempting to achieve compliance with the provisions of the  
17 State Architectural and ~~Registered Commercial~~ Licensed Interior  
18 Designers Act. All monies collected from such civil penalties shall  
19 be deposited with the State Treasurer of Oklahoma and placed in the  
20 Board of Architects' Fund.

21 C. Any license, ~~registration,~~ or certificate of authority ~~or~~  
22 ~~certificate of title~~ holder may elect to surrender the license,  
23 ~~registration,~~ or certificate of authority ~~or certificate of title~~ in  
24 lieu of said fine but shall be forever barred from obtaining a

1 reissuance of said license, ~~registration,~~ or certificate of  
2 authority ~~or certificate of title.~~

3 SECTION 13. AMENDATORY 59 O.S. 2021, Section 46.19, is  
4 amended to read as follows:

5 Section 46.19 All monies which shall be paid to the Board  
6 pursuant to the provisions of the State Architectural and ~~Registered~~  
7 ~~Commercial~~ Licensed Interior Designers Act shall be deposited with  
8 the State Treasurer of Oklahoma and placed in a separate and  
9 distinct fund to be known as the "Board of Architects' Fund". At  
10 the end of each fiscal year hereafter such unexpended balance  
11 remaining in the Board of Architects' Fund shall be carried over and  
12 continued therein. All sums of money now or hereafter to be or to  
13 come into the fund are hereby appropriated for the purpose of  
14 effectuating the purposes of the State Architectural and ~~Registered~~  
15 ~~Commercial~~ Licensed Interior Designers Act, and to pay all costs and  
16 expenses heretofore and hereafter incurred in connection therewith.

17 SECTION 14. AMENDATORY 59 O.S. 2021, Section 46.20, is  
18 amended to read as follows:

19 Section 46.20 At the close of each fiscal year, the Board shall  
20 make a full report of its proceedings during the year to the  
21 Governor and shall pay into the General Revenue Fund of the state  
22 ten percent (10%) of all license, ~~registration,~~ and certificate of  
23 authority ~~and certificate of title~~ issuance and renewal fees  
24 collected and received during the fiscal year.

1 SECTION 15. AMENDATORY 59 O.S. 2021, Section 46.21, is  
2 amended to read as follows:

3 Section 46.21 A. The State Architectural and ~~Registered~~  
4 ~~Commercial~~ Licensed Interior Designers Act shall not apply to any  
5 persons, firms, corporations, limited liability companies or limited  
6 liability partnerships that do not hold a license, ~~registration~~ or  
7 certification in any jurisdiction for exempted Code Use Groups  
8 defined by the State Architectural and ~~Registered Commercial~~  
9 Licensed Interior Designers Act, providing such persons and/or  
10 entities shall not represent such person or entity to be an  
11 architect, licensed interior designer, or other title of profession  
12 or business using a form of the ~~word~~ words, "Architect" or "Licensed  
13 Interior Designer". This act shall not prevent such persons and/or  
14 entities from advertising or selling their services.

15 Any architect, landscape architect or ~~registered commercial~~  
16 licensed interior designer from any jurisdiction ~~that~~ who contracts,  
17 provides or holds out to the public that ~~they are~~ he or she is able  
18 to provide professional services in Oklahoma is required to hold a  
19 license, ~~registration~~ or certificate of authority ~~or certificate of~~  
20 ~~title~~ as needed from the Board, even on exempt Code Use Groups, and  
21 an architect ~~or~~, landscape architect, or licensed interior designer  
22 is required to sign, seal and date all construction documents and  
23 technical submissions.

24



1 B. Nothing in this act shall be construed to prevent the  
2 preparation of technical submissions or the administration of  
3 construction contracts by employees of a person or entity lawfully  
4 engaged in the practice of architecture when such employees are  
5 acting under the responsible control of a ~~licensed~~ an architect.

6 C. The following shall govern design competitions in the state:

7 1. Nothing in this act shall prohibit a person or firm from  
8 participating in an architectural design competition involving only  
9 architectural programming, planning, schematic design or design  
10 development information provided to a sponsor; and

11 2. The competition winner, prior to seeking the commission for  
12 architectural services on the proposed project, shall apply for  
13 licensing in this state within ten (10) days of notification of  
14 winning the competition and complete the process within thirty (30)  
15 days.

16 SECTION 16. AMENDATORY 59 O.S. 2021, Section 46.21b, is  
17 amended to read as follows:

18 Section 46.21b A. An architect shall be required to plan,  
19 design and prepare plans and specifications for the following Code  
20 Use Groups except where specifically exempt from the provisions of  
21 the State Architectural and ~~Registered Commercial~~ Licensed Interior  
22 Designers Act. All Code Use Groups in this section are defined by  
23 the current International Building Code.

24

1 B. The construction, addition or alteration of a building of  
2 any size or occupancy in the following Code Use Groups shall be  
3 subject to the provisions of the State Architectural and ~~Registered~~  
4 ~~Commercial~~ Licensed Interior Designers Act:

5 1. Code Use Group I - Institutional;

6 2. Code Use Group R-2 - Residential, limited to dormitories,  
7 fraternities and sororities, and monasteries and convents;

8 3. Code Use Group A-1 - Assembly and theaters;

9 4. Code Use Group A-4 - Assembly, arenas and courts;

10 5. Code Use Group A-5 - Assembly, bleachers and grandstands;

11 and

12 6. Code Use Group H - High hazard; and

13 7. Buildings for which the designated Code Use Group changes  
14 are not exempt from the State Architectural and ~~Registered~~  
15 ~~Commercial~~ Licensed Interior Designers Act.

16 C. The following shall be exempt from the provisions of the  
17 State Architectural and ~~Registered~~ ~~Commercial~~ Licensed Interior  
18 Designers Act; provided that, for the purposes of this subsection, a  
19 basement is not to be counted as a story for the purpose of counting  
20 stories of a building for height regulations:

21 1. The construction, addition or alteration of a building no  
22 more than two stories in height and with a code-defined occupancy of  
23 no more than fifty (50) persons for the Code Use Groups A-2 and A-3  
24 - Assembly and Code Use Group E - Education;

1           2. The construction, addition or alteration of a building no  
2 more than two stories in height and no more than sixty-four  
3 transient lodging units per building for the Code Use Group R1 -  
4 Residential, including, but not limited to, hotels and motels;

5           3. The construction, addition or alteration of a building no  
6 more than two stories in height and with a gross square footage not  
7 exceeding one hundred thousand (100,000) in the Code Use Group B -  
8 Business;

9           4. The construction, addition or alteration of a building no  
10 more than two stories in height and with a gross square footage not  
11 exceeding two hundred thousand (200,000) in the Code Use Group M -  
12 Mercantile; and

13           5. The construction, addition or alteration of a building no  
14 more than two stories in height in the following Code Use Groups or  
15 buildings:

16           a. Code Use Group U - Utility,

17           b. Code Use Group F - Factory and Industrial,

18           c. ~~Code Use Group H - High hazard,~~

19           ~~d.~~ Code Use Group S - Storage,

20           ~~e.~~ d. Code Use Group R2 - Residential, including apartments  
21 containing no more than thirty-two dwelling units or  
22 thirty-two guest units per building,

23           ~~f.~~ e. Code Use Groups R3 and R4 - Residential,

24

1           ~~g.~~ f. all buildings used by a municipality, county, state,  
2                           public trust, public agency or the federal government  
3                           with a construction value under One Hundred Fifty-  
4                           eight Thousand Dollars (\$158,000.00),

5           ~~h.~~ g. incidental buildings or appurtenances associated with  
6                           paragraphs 1 through 5 of this subsection, and

7           ~~i.~~ h. all uninhabitable, privately owned agricultural  
8                           buildings.

9           D. The addition, renovation or alteration of buildings where  
10           the use was exempt as new construction shall remain exempt if the  
11           Code Use Group does not change.

12           E. Upgrades, repairs, replacements and changes made on projects  
13           in Code Use Groups found in this title requiring an architect are  
14           exempt from hiring an architect if the upgrades, repairs,  
15           replacements or changes do not affect the existing primary  
16           structural, mechanical, or electrical systems, ~~life-safety~~ life  
17           safety systems, fire codes or exit passageways and/or egress as  
18           determined by the applicable building official having jurisdiction.

19           F. Nonstructural interior construction projects in Code Use  
20           Groups requiring an architect are exempt from hiring an architect if  
21           the services are performed by a licensed interior designer.

22           SECTION 17.           AMENDATORY           59 O.S. 2021, Section 46.24, is  
23           amended to read as follows:

1 Section 46.24 A. Except as otherwise provided in the State  
2 Architectural and ~~Registered Commercial~~ Licensed Interior Designers  
3 Act, no license shall be issued to any person to practice  
4 architecture in this state unless the person:

5 1. Is twenty-one (21) years of age or over;

6 2. Is the holder of an accredited professional degree in  
7 architecture and shall have had such practical training as this act  
8 and the Board, by rule, shall deem appropriate. In lieu of the  
9 requirement of an accredited professional degree, the Board may  
10 license an applicant who demonstrates in accordance with such  
11 standards and requirements as determined by this act and/or the  
12 Board's rules that the person has such other educational experience  
13 as the Board deems equivalent to an accredited professional degree  
14 in architecture or in any case the Board decides the interest of the  
15 public will be served and the person is determined to be qualified  
16 and competent by equivalent standards for architects and in  
17 compliance with this act and rules or in compliance with the  
18 Military Service Occupation, Education and Credentialing Act;

19 3. Has paid to the Board a fee as prescribed by the rules of  
20 the Board plus the actual cost of the examination given by the  
21 Board; and

22 4. Has passed the examinations prescribed by the Board for the  
23 issuance of a license.

24

1 B. Upon meeting the requirements of subsection A of this  
2 section and payment of an initial fee as may be prescribed by the  
3 rules of the Board, the Board shall issue to the applicant a license  
4 which shall authorize the applicant to engage in the practice of  
5 architecture in this state. The Board has the authority to issue  
6 temporary licenses while qualifying the applicant in compliance with  
7 the Military Service Occupation, Education and Credentialing Act or  
8 with any declared state of emergency.

9 C. The examination for a license to practice architecture in  
10 this state shall be held not less than once each year, shall cover  
11 such subjects as may be prescribed by the Board and shall be graded  
12 on such basis as the Board shall prescribe by rule. The Board may  
13 adopt the examinations, requirements for admission to the  
14 examinations and the grading procedures of the National Council of  
15 Architectural Registration Boards or its successor. Notice of the  
16 time and place for the holding of examinations shall be given in the  
17 manner and form prescribed by the Board and may be administered  
18 electronically.

19 D. The license certificate shall be in a form prescribed by the  
20 Board. The certificate shall be signed by the chair and by the  
21 secretary-treasurer of the Board and shall bear the impress of the  
22 seal of the Board. All papers received by the Board relating to an  
23 application for a license, to an examination and to the issuance of  
24 a license shall be electronically retained by the Board and

1 originals destroyed. If it was incomplete, it shall only be  
2 retained for one (1) year from the date of submission and then  
3 destroyed.

4 E. The following Board records and papers are of a confidential  
5 nature and are not public records: Examination material for  
6 examinations before and after they are given, file records of  
7 examination problem solutions, letters of inquiry and reference  
8 concerning applicants, Board inquiry forms concerning applicants,  
9 and investigation files.

10 SECTION 18. AMENDATORY 59 O.S. 2021, Section 46.25, is  
11 amended to read as follows:

12 Section 46.25 Each ~~licensed~~ architect shall have a seal, the  
13 image of which must contain the name of the architect, the person's  
14 license number and the words "Licensed Architect, State of  
15 Oklahoma".

16 All technical submissions prepared by such architect, or under  
17 the responsible control of the architect, shall be sealed, signed  
18 and dated, which shall mean that the architect was in responsible  
19 control over the content of such technical submissions during their  
20 preparation and has applied the required professional standard of  
21 care. No ~~licensed~~ architect may sign or seal technical submissions  
22 unless they were prepared by or under the responsible control of the  
23 architect, except that:

24

1 1. The person may sign or seal those portions of the technical  
2 submissions that were prepared by or under the responsible control  
3 of persons who are licensed under the State Architectural and  
4 ~~Registered Commercial~~ Licensed Interior Designers Act if the  
5 architect has reviewed and adapted in whole or in part such portions  
6 and has either coordinated their preparation or integrated them into  
7 the work; and

8 2. The person may sign or seal those portions of the technical  
9 submissions that are not required to be prepared by or under the  
10 responsible control of an architect if the architect has reviewed  
11 and adapted in whole or in part such submissions and integrated them  
12 into the work. The seal may be a rubber stamp or may be generated  
13 electronically, pursuant to rules adopted by the Board.

14 SECTION 19. AMENDATORY 59 O.S. 2021, Section 46.28, is  
15 amended to read as follows:

16 Section 46.28 The State Architectural and ~~Registered Commercial~~  
17 Licensed Interior Designers Act shall not require the licensing ~~or~~  
18 ~~registration~~ of practitioners of the following professions and  
19 occupations to practice landscape architecture:

20 1. A professional ~~civil~~ engineer, as defined in Section 475.2  
21 of this title, certified to practice the profession in this state  
22 under any act to regulate the practice of that profession. Nothing  
23 contained in the State Architectural and ~~Registered Commercial~~  
24 Licensed Interior Designers Act shall be construed as precluding an



1 architect or engineer from performing services included within the  
2 definition of "landscape architecture" when incidental, meaning less  
3 than ten percent (10%) of the total project cost, to the performance  
4 of his or her normal practice as an architect or engineer;

5 2. A landscape contractor building or installing what was  
6 designed by a landscape architect;

7 3. An agriculturist, horticulturist, forester as defined in  
8 Section 1202 of this title, nursery operator, gardener, landscape  
9 gardener, garden or lawn caretaker and grader or cultivator of land  
10 involved in the selection, placement, planting and maintenance of  
11 plant material;

12 4. Persons who act under the supervision of a licensed  
13 landscape architect or an employee of a person lawfully engaged in  
14 the practice of landscape architecture and who, in either event,  
15 does not assume responsible charge of design or supervision;

16 5. Regional planners or urban planners, who evaluate and  
17 develop land-use plans to provide for community and municipal  
18 projections of growth patterns based on demographic needs;

19 6. A landscape designer or contractor whose business is  
20 choosing types of plants, planning their location and the design of  
21 landscapes for those projects or whose work is limited to projects  
22 for a single-family residential home. Landscape design or  
23 installation work may also be performed by an owner or occupant on  
24 the single-family residence of the owner or occupant;

1           7. Persons other than landscape architects who prepare details  
2 and shop drawings for use in connection with the execution of their  
3 work; and

4           8. Builders or their superintendents in the supervision of  
5 landscape architectural projects.

6           SECTION 20.           AMENDATORY           59 O.S. 2021, Section 46.31, is  
7 amended to read as follows:

8           Section 46.31 A. Except as otherwise provided in the State  
9 Architectural and ~~Registered Commercial~~ Licensed Interior Designers  
10 Act, no license shall be issued to any person to practice landscape  
11 architecture in this state unless the person:

- 12           1. Is twenty-one (21) years of age or older;
- 13           2. Holds a degree from an accredited landscape architecture  
14 program and has such practical training as this act and the Board's  
15 rules deem appropriate;
- 16           3. Has passed the examinations prescribed by the Board  
17 including the Oklahoma Plant Materials Exam; and
- 18           4. Has paid all applicable fees.

19           B. If the Board determines the interest of the public will be  
20 served and the person is deemed by the Board to be qualified and  
21 competent by equivalent standards as the Board sets by rule or in  
22 compliance with the Military Service Occupation, Education and  
23 Credentialing Act, the application shall be approved by the Board

24

1 after the person has fulfilled all requirements of this act and  
2 rules of the Board.

3 C. Examinations may be administered by an electronic method and  
4 shall be held not less than once each year. Notices of the time and  
5 place for the holding of examinations shall be given in the manner  
6 and form as prescribed by the Board. All landscape architects are  
7 required to take and pass the Oklahoma Plant Materials Exam.

8 D. The Board shall establish rules for examination of landscape  
9 architects and may elect to follow the recommendations of the  
10 Council of Landscape Architectural Registration Boards (CLARB) or  
11 its successor. The ~~examinations~~ examination shall be designed to  
12 determine the qualifications of the applicant to practice landscape  
13 architecture. The examination shall cover such technical,  
14 professional and practical subjects as relate to the practice of the  
15 profession of landscape architecture. The examination shall also  
16 cover the basic arts and sciences and knowledge of material which is  
17 necessary to the proper understanding, application and qualification  
18 for practice of the profession of landscape architecture. The  
19 minimum passing grade in all subjects of the examination shall be as  
20 established by the Board. An applicant receiving a passing grade on  
21 a subject included in the examination will be given credit, subject  
22 to CLARB's provisions and subject to the rules of the Board.  
23 Applicants for readmittance to the examination shall pay the  
24 application fee.

1       Upon passage of the examination, completion of the Board's  
2 requirements as prescribed by this act and rules, and the payment of  
3 all applicable fees prescribed by the rules of the Board, the Board  
4 shall issue to the applicant a license which shall authorize the  
5 person to engage in the practice of landscape architecture in this  
6 state.

7       E. Pursuant to such rules as it may have adopted, the Board  
8 shall have the power to issue licenses without requiring an  
9 examination to persons who have been licensed to practice landscape  
10 architecture in states other than the State of Oklahoma, in a  
11 territory of the United States, in the District of Columbia, or in a  
12 country other than the United States provided that the state,  
13 territory, district or country has a similar reciprocal provision to  
14 authorize the issuance of licenses to persons who have been licensed  
15 in this state. If a person who has been licensed in a state other  
16 than the State of Oklahoma, in a territory of the United States, in  
17 the District of Columbia, or in a country other than the United  
18 States complies with this act and rules of the Board, the secretary-  
19 treasurer, in the exercise of his or her discretion, or upon the  
20 order of the Board and upon the receipt of all applicable fees  
21 prescribed by the Board, shall issue to the person a license to  
22 practice landscape architecture in this state.

23  
24

1 F. The Board has the authority to issue temporary licenses  
2 while qualifying the applicant in compliance with Section 4100 et  
3 seq. of this title or with any declared state of emergency.

4 G. The following shall govern design competitions in the state:

5 1. Nothing in this act shall prohibit a person or firm from  
6 participating in a landscape architectural design competition  
7 involving only programming, planning, schematic design or design  
8 development information provided to a sponsor; and

9 2. The competition winner, prior to seeking the commission for  
10 services on the proposed project, shall apply for licensing in this  
11 state within ten (10) days of notification of winning the  
12 competition and complete the process within thirty (30) days.

13 SECTION 21. AMENDATORY 59 O.S. 2021, Section 46.34, is  
14 amended to read as follows:

15 Section 46.34 A. Each ~~licensed~~ landscape architect shall have  
16 a seal, the image of which shall contain the name of the landscape  
17 architect, the person's license number and the words "Licensed  
18 Landscape Architect, State of Oklahoma". All technical submissions  
19 prepared by such landscape architect, or under the responsible  
20 control of the landscape architect, shall be sealed, signed and  
21 dated, which shall mean that the landscape architect was in  
22 responsible control over the content of such technical submissions  
23 during their preparation and has applied the required professional  
24 standard of care. No ~~licensed~~ landscape architect may sign or seal

1 technical submissions unless they were prepared by or under the  
2 responsible control of the landscape architect, except that:

3 1. The person may sign or seal those portions of the technical  
4 submissions under the responsible control of persons who are  
5 licensed under the State Architectural and ~~Registered Commercial~~  
6 Licensed Interior Designers Act if the landscape architect has  
7 reviewed and adapted in whole or in part such portions and has  
8 either coordinated their preparation or integrated them into the  
9 work; and

10 2. The person may sign or seal those portions of the technical  
11 submissions that are not required to be prepared by or under the  
12 responsible control of a landscape architect if the landscape  
13 architect has reviewed and adapted in whole or in part such  
14 submissions and integrated them into the work. The seal may be a  
15 rubber stamp or may be generated electronically pursuant to rules  
16 adopted by the Board.

17 B. All drawings, specifications, plans, reports or other papers  
18 or documents involving the practice of landscape architecture, shall  
19 be dated and bear the signature and seal of the landscape architect  
20 or landscape architects who prepared or approved them. It is  
21 permissible to only sign, seal and date documents on the first sheet  
22 of bound sets of drawings, with index of drawings included, title  
23 page of specifications, and other drawings and contract documents in  
24 a manner consistent with this act and rules of the Board.

1 C. The seal, signature and date of the landscape architect may  
2 be applied to tracings to produce legible reproduction of the  
3 drawings or to reprints made from the tracings. This provision,  
4 however, does not in any manner modify the requirements of the other  
5 subsections of this section.

6 D. The license of a landscape architect shall not permit the  
7 practice of architecture, engineering or land surveying, except that  
8 which is incidental, meaning less than ten percent (10%) of the  
9 total cost of the total project, to the practice of landscape  
10 architecture. No landscape architect shall permit his or her seal  
11 to be affixed to any plans, specifications or drawings if such  
12 portions thereof as are involved in the practice of his or her  
13 particular profession were not prepared by or under the landscape  
14 architect's responsible control.

15 SECTION 22. AMENDATORY 59 O.S. 2021, Section 46.38, is  
16 amended to read as follows:

17 Section 46.38 A. Except as otherwise provided in the State  
18 Architectural and ~~Registered Commercial~~ Licensed Interior Designers  
19 Act, no ~~registration~~ license shall be issued to any person to  
20 represent that the person is a "~~registered-commercial~~ licensed  
21 interior designer" nor shall any person be allowed to use the term  
22 or practice licensed interior design unless the person pays to the  
23 Board the required fees and/or penalties if applicable as  
24 established by the rules of the Board and:

1 1. Holds an accredited professional degree in interior design  
2 from an interior design program accredited by the Council for  
3 Interior Design Accreditation or its successor, or from an interior  
4 design program determined by the Board to be substantially  
5 equivalent to an accredited program;

6 2. Provides proof of a minimum of two (2) years of full-time  
7 diversified and appropriate experience within established standards  
8 as the Board shall prescribe; and

9 3. Provides to the Board proof of passage of the examination  
10 administered by the Council for Interior Design Qualification or its  
11 successor or an equivalent examination as determined by the Board.

12 B. The Board may waive the requirements of the State  
13 Architectural and ~~Registered Commercial~~ Licensed Interior Designers  
14 Act for an individual who holds a current valid registration or  
15 license from another state, jurisdiction or foreign country where  
16 the requirements for registration or licensure are substantially  
17 equivalent to those required for ~~registration~~ licensure in this  
18 state and pays the required fees and/or penalties, if applicable, to  
19 the Board.

20 C. This section does not apply to a person licensed to practice  
21 architecture pursuant to the laws of this state.

22 D. Nothing in this act shall be construed to authorize the  
23 Board to regulate or prohibit persons who are rendering interior  
24 design services and are not ~~registered commercial~~ licensed interior



1 designers under the provisions of this act or to adopt regulations  
2 that would exceed the powers and responsibilities expressly  
3 authorized under this act.

4 E. Certificate of ~~title~~ authority shall be subject to the  
5 following:

6 1. The use of the title "~~Registered Commercial Licensed~~  
7 Interior Designer" by a partnership, firm, association, corporation,  
8 limited liability company or limited liability partnership is  
9 allowed to those entities listed, provided:

10 a. one or more of the directors, partners, officers,  
11 shareholders, members, managers, or principals is a  
12 ~~registered commercial licensed~~ interior designer and  
13 is in good standing with the Board, and

14 b. the partnership, firm, association, corporation,  
15 limited liability company or limited liability  
16 partnership has been issued a certificate of ~~title~~  
17 authority by the Board;

18 2. The Board shall have the power to issue, revoke, deny or  
19 refuse to renew a certificate of ~~title~~ authority for a partnership,  
20 firm, association, corporation, limited liability company or limited  
21 liability partnership as provided for in this act;

22 3. A partnership, firm, association, corporation, limited  
23 liability company or limited liability partnership shall file with  
24 the Board an application for a certificate of ~~title~~ authority on a

1 form approved by the Board which shall include the names, addresses,  
2 state of registration or licensure and registration or license  
3 number of all directors, partners, officers, shareholders, members,  
4 managers or principals of the partnership, firm, association,  
5 corporation, limited liability company or limited liability  
6 partnership. In the event there shall be a change in any of these  
7 persons during the term of certification, the change shall be filed  
8 with the Board within thirty (30) days after the effective date of  
9 the change. If all the requirements of this section and the Board's  
10 current rules have been met, the Board shall issue a certificate of  
11 ~~title~~ authority to the partnership, firm, association, corporation,  
12 limited liability company or limited liability partnership;

13 4. The Secretary of State shall not issue a certificate of  
14 incorporation or register a foreign corporation or any other entity  
15 which includes among the objectives for which it is established the  
16 words "~~Registered Commercial~~ Licensed Interior Designer" or any  
17 modification or derivation of these words, unless the Board has  
18 issued for the applicant either a certificate of title for an  
19 entity, or a letter indicating the eligibility for an exemption  
20 pursuant to the requirements of this act. The firm applying shall  
21 supply the certificate of ~~title~~ authority or letter from the Board  
22 with its application for incorporation or registration;

23 5. The Secretary of State shall not register any trade name or  
24 service mark which includes ~~such~~ the words as set forth in paragraph

1 4 of this subsection, ~~or modification or derivatives thereof~~ in its  
2 firm name or logotype except those entities or individuals holding  
3 certificates of ~~title~~ authority issued under the provisions of this  
4 section or letters of eligibility issued by the Board; and

5 6. Upon application for renewal and upon compliance with the  
6 provisions of this act and the rules of the Board, a certificate of  
7 ~~title~~ authority shall be renewed as provided by this act.

8 F. No ~~registration~~ license for ~~registered commercial licensed~~  
9 interior designers or a certificate of ~~title~~ authority for a  
10 partnership, firm, association, corporation, limited liability  
11 company or limited liability partnership, shall be issued or renewed  
12 for longer than two (2) years. A ~~registration~~ license or  
13 certificate of ~~title~~ authority may be renewed upon application,  
14 compliance with the rules of the Board and payment of fees prior to  
15 or on June 30 of alternate years. ~~The registration for registered~~  
16 ~~commercial interior designers shall begin July 1, 2007, and shall~~  
17 ~~end June 30, 2009, unless renewed every two (2) years thereafter.~~ A  
18 new ~~registration~~ license to replace a lost, destroyed or mutilated  
19 ~~registration~~ license shall be issued by the Board upon payment of a  
20 fee established in accordance with the rules of the Board.

21 SECTION 23. AMENDATORY 59 O.S. 2021, Section 46.39, is  
22 amended to read as follows:

23 Section 46.39 Any person who applies to become a ~~registered~~  
24 ~~commercial~~ licensed interior designer and remits the application and

1 initial fees after July 1, 2007, shall be ~~registered~~ licensed by the  
2 Board of Governors of the ~~Licensed~~ Architects, Landscape Architects  
3 and ~~Registered Commercial~~ Licensed Interior Designers of Oklahoma if  
4 an applicant demonstrates, in accordance with this act, or in  
5 compliance with the Military Service Occupation, Education and  
6 Credentialing Act and requirements as the Board adopts by rule, that  
7 the applicant has the interior design education and training that  
8 the Board deems equivalent to an accredited professional degree in  
9 interior design and the applicant has passed the examination of the  
10 Council for Interior Design Qualification or its successor, or an  
11 equivalent examination as determined by the Board.

12 In lieu of the requirement of any professional degree, an  
13 applicant may provide documented proof of diversified and  
14 appropriate experience in the practice of interior design for a  
15 period of six (6) years and the applicant has passed the examination  
16 of the Council for Interior Design Qualification or its successor,  
17 or an equivalent examination as determined by the Board.

18 The Board has the authority to issue temporary ~~registrations~~  
19 licenses while qualifying the applicant in compliance with the  
20 Military Service Occupation, Education and Credentialing Act.

21 SECTION 24. AMENDATORY 59 O.S. 2021, Section 46.40, is  
22 amended to read as follows:

23 Section 46.40 A. The Board of Governors of the ~~Licensed~~  
24 Architects, Landscape Architects and ~~Registered Commercial~~ Licensed

1 Interior Designers of Oklahoma may waive the educational and  
2 examination requirements of the State Architectural and ~~Registered~~  
3 ~~Commercial~~ Licensed Interior Designers Act for persons with  
4 diversified and appropriate experience in the practice of interior  
5 design for a period of fifteen (15) years prior to July 1, 2007, if  
6 the person is not ~~registered~~ licensed under the State Architectural  
7 and ~~Registered Commercial~~ Licensed Interior Designers Act and not  
8 exempt from the requirement for ~~registration~~ licensure in order to  
9 use the title "~~Registered Commercial~~ Licensed Interior Designer".

10 B. The State Architectural and ~~Registered Commercial~~ Licensed  
11 Interior Designers Act shall not be construed to prohibit or  
12 interfere with the ability of a ~~licensed~~ an architect to perform  
13 those activities that are associated with his or her practice as  
14 provided under the provisions of the State Architectural and  
15 ~~Registered Commercial~~ Licensed Interior Designers Act.

16 SECTION 25. AMENDATORY 59 O.S. 2021, Section 46.41, is  
17 amended to read as follows:

18 Section 46.41 A. It shall be unlawful for any person or entity  
19 to use the title "~~Registered Commercial~~ Licensed Interior Designer"  
20 or any other derivation of these words to indicate that the person  
21 or entity is ~~registered~~ licensed under the provisions of the State  
22 Architectural and ~~Registered Commercial~~ Licensed Interior Designers  
23 Act or engages in the practice of licensed interior design, if the  
24 person is not ~~registered~~ licensed under this act.

1 B. Any person who holds himself or herself out as a ~~registered~~  
2 ~~commercial~~ licensed interior designer, advertises, puts out any  
3 sign, card or drawings in this state designating himself or herself  
4 as a "~~Registered Commercial~~ Licensed Interior Designer" ~~or uses some~~  
5 ~~form of the term in the title of a profession or business~~ or engages  
6 in the practice of licensed interior design without first having  
7 complied with the provisions of the State Architectural and  
8 ~~Registered Commercial~~ Licensed Interior Designers Act shall be  
9 deemed guilty of a misdemeanor.

10 SECTION 26. AMENDATORY 59 O.S. 2021, Section 46.42, is  
11 amended to read as follows:

12 Section 46.42 Each ~~registered commercial~~ licensed interior  
13 designer shall have a seal, the image of which must contain the name  
14 of the ~~registered commercial~~ licensed interior designer, the  
15 person's ~~registration~~ license number and the words, "~~Registered~~  
16 ~~Commercial~~ Licensed Interior Designer, State of Oklahoma". All  
17 technical submissions prepared by such ~~registered commercial~~  
18 licensed interior designer, or under the responsible control of the  
19 ~~registered commercial~~ licensed interior designer, shall be sealed,  
20 signed and dated, which shall mean that the ~~registered commercial~~  
21 licensed interior designer was in responsible control over the  
22 content of such technical submissions during their preparation and  
23 has applied the required professional standard of care, unless  
24 prepared under the responsible control of an architect licensed in

1 this state and signed and sealed by that licensed architect. No  
2 ~~registered commercial~~ licensed interior designer may sign or seal  
3 interior technical submissions unless they were prepared by or under  
4 the responsible control of the ~~registered commercial~~ licensed  
5 interior designer, except that:

6 1. The person may sign or seal those portions of the technical  
7 submissions that were prepared by or under the responsible control  
8 of persons who are ~~registered~~ licensed under the State Architectural  
9 and ~~Registered Commercial~~ Licensed Interior Designers Act if the  
10 licensed interior designer has reviewed and adapted in whole or in  
11 part such portions and has either coordinated their preparation or  
12 integrated them into the work. The seal may be a rubber stamp or  
13 may be generated electronically, pursuant to rules adopted by the  
14 Board; and

15 2. ~~Registered commercial~~ Licensed interior designers may submit  
16 technical submissions, excluding fire and life safety systems, for  
17 nonstructural interior construction for the Code Use Groups as  
18 defined and listed in Section 46.21b of ~~Title 59 of the Oklahoma~~  
19 ~~Statutes~~ this title.

20 SECTION 27. AMENDATORY 59 O.S. 2021, Section 46.45, is  
21 amended to read as follows:

22 Section 46.45 The privilege of engaging in practice as a  
23 ~~registered commercial~~ licensed interior designer is personal based  
24 upon the qualifications of the individual and evidenced by the

1 individual's ~~registration~~ license. The ~~registration~~ license is not  
2 transferable.

3 SECTION 28. AMENDATORY 59 O.S. 2021, Section 46.46, is  
4 amended to read as follows:

5 Section 46.46 The Board of Governors of the ~~Licensed~~  
6 Architects, Landscape Architects and ~~Registered Commercial~~ Licensed  
7 Interior Designers of Oklahoma may restore a ~~registration~~ license to  
8 any person whose ~~registration~~ license has lapsed or has been revoked  
9 or suspended. Application for the reissuance of a ~~registration~~  
10 license shall be made in the manner as the Board may direct. The  
11 fees prescribed by the rules shall accompany the application for  
12 reissuance.

13 SECTION 29. AMENDATORY 59 O.S. 2021, Section 46.47, is  
14 amended to read as follows:

15 Section 46.47 ~~Registration~~ Licensure under the State  
16 Architectural and ~~Registered Commercial~~ Licensed Interior Designers  
17 Act shall not authorize a ~~registered commercial~~ licensed interior  
18 designer to engage in the practice of architecture or landscape  
19 architecture as described herein.

20 SECTION 30. This act shall become effective July 1, 2023.

21 SECTION 31. It being immediately necessary for the preservation  
22 of the public peace, health or safety, an emergency is hereby  
23  
24



1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3

4 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE, dated  
5 02/22/2023 - DO PASS, As Coauthored.

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