

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1319 Session of
2024

INTRODUCED BY FARRY, KEARNEY AND COMITTA, SEPTEMBER 13, 2024

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
SEPTEMBER 13, 2024

AN ACT

Amending the act of December 14, 1982 (P.L.1227, No.281),
entitled "An act regulating the practice of architecture in
the Commonwealth of Pennsylvania; providing for the
examination and licensure of architects by a State Architects
Licensure Board; and providing penalties," further providing
for title of act, for short title, for declaration of
purpose, for definitions, for creation of board and
appointment and term of members and officers, for
organization of board, for powers of board, for duties of
board, for examination and qualification of applicants, for
reciprocal licensing, for issuance and renewal of
certificates, for payment and disposition of fees and for
seal of architect; providing for architectural firm
registration and for architectural firm names; further
providing for permitted practices, for existing licenses, for
existing rules and regulations and for unauthorized practice
prohibited; providing for certification of interior
designers; further providing for disciplinary proceedings,
for penalties and for complaint procedure and hearings;
providing for regulations; further providing for
severability, for repeals and for effective date; and making
editorial changes.

The General Assembly of the Commonwealth of Pennsylvania
hereby enacts as follows:

Section 1. The title of the act of December 14, 1982
(P.L.1227, No.281), known as the Architects Licensure Law, is
amended to read:

AN ACT

1 Regulating the practice of architecture and the provision of
2 interior design services as a certified interior designer in
3 the Commonwealth of Pennsylvania; providing for the
4 examination and licensure of architects and the certification
5 of interior designers by a State Architects Licensure Board;
6 and providing penalties.

7 Section 2. The act is amended by adding a chapter heading to
8 read:

9 CHAPTER 1

10 PRELIMINARY PROVISIONS

11 Section 3. Section 1 of the act is renumbered to read:

12 Section [1] 101. Short title.

13 This act shall be known and may be cited as the "Architects
14 Licensure Law."

15 Section 4. Sections 2 and 3 of the act are amended to read:

16 Section [2] 102. Declaration of purpose.

17 In order to protect the health, safety and property of the
18 people of the Commonwealth of Pennsylvania and to promote their
19 welfare, no person shall engage in the practice of architecture
20 or provide interior design services as a certified interior
21 designer in this Commonwealth except in compliance with the
22 requirements of this act.

23 Section [3] 103. Definitions.

24 The following words and phrases when used in this act shall
25 have, unless the context clearly indicates otherwise, the
26 meanings given to them in this section:

27 "Accredited school." Any educational institution with an
28 academic program in architecture or interior design services
29 accredited by a national [architectural] accrediting body or
30 approved by the board.

1 "Architect." An individual licensed under this act to engage
2 in the practice of architecture within the Commonwealth of
3 Pennsylvania.

4 "Board." The Architects Licensure Board established by this
5 act.

6 "Certificate." The certificate [of licensure] issued by the
7 board under Chapter 7 indicating that the individual named
8 [therein is an architect] is a certified interior designer.

9 "Certified interior designer." An individual who is
10 certified under this act to provide interior design services.

11 "Continuing education." Postlicensure or postcertification
12 learning that enables an architect or certified interior
13 designer to increase or update knowledge and competency in
14 technical and professional subjects related to the practice of
15 architecture or provision of interior design services,
16 respectively.

17 "Design-build." A project delivery method whereby a design-
18 build entity signs a single contract to provide a combination of
19 architectural and construction services to a client.

20 "Design-build entity." An entity which provides by single
21 contract to a client a combination of architectural and
22 construction services.

23 "Interior design services." The rendering or offering to
24 render services in the preparation and administration of
25 documents, including drawings, schedules and specifications
26 which pertain to the design intent and planning of interior
27 spaces, including furnishings, layout, fixtures, cabinetry,
28 lighting and device location and type, finishes, materials and
29 interior construction not materially related to or materially
30 affecting the building systems. The term does not include the

1 practice of architecture.

2 "License." The license issued by the board under Chapter 5
3 indicating that the individual named is authorized to engage in
4 the practice of architecture as an architect.

5 "Practice of architecture." The rendering or offering to
6 render certain services, hereinafter described, in connection
7 with the design and construction of a structure or group of
8 structures which have as their principal purpose human
9 habitation or use, and the utilization of space within and
10 surrounding such structures. The services referred to in the
11 previous sentence include planning, providing preliminary
12 studies, designs, drawings, specifications, and other design
13 documents, construction management and administration of
14 construction contracts. The foregoing shall not be deemed to
15 include the practice of engineering as such, for which separate
16 registration is required under the provisions of the act of May
17 23, 1945 (P.L.913, No.367), known as the ["Professional
18 Engineers Registration Law,"] "Engineer, Land Surveyor and
19 Geologist Registration Law," excepting only engineering work
20 incidental to the practice of architecture.

21 "Professional degree." A first professional degree in
22 architecture conferred by an accredited school.

23 Section 5. The act is amended by adding a chapter heading to
24 read:

25 CHAPTER 3

26 ARCHITECTS LICENSURE BOARD

27 Section 6. Sections 4, 5, 6 and 7 of the act are amended to
28 read:

29 Section [4] 301. Creation of board; appointment and term of
30 members and officers.

1 (a) There is hereby established an Architects Licensure
2 Board which shall consist of the Commissioner of Professional
3 and Occupational Affairs, the Director of the Bureau of Consumer
4 Protection in the Office of Attorney General, or [his designee,
5 two members who shall represent the public at large] the
6 director's designee, two members who shall represent the public
7 at large, one member who shall be a certified interior designer,
8 and [five] seven members, all of whom shall be architects, who
9 have been in the active practice of architecture in the
10 Commonwealth of Pennsylvania for not less than seven years prior
11 to their appointment.

12 (b) Each professional and public member of the board shall
13 be appointed by the Governor with the advice and consent of the
14 Senate. The confirmed members of the State Board of Examiners of
15 Architects constituted under the act of July 12, 1919 (P.L.933,
16 No.369), referred to as the Architects Registration Law, who
17 were members on December 14, 1982, and the presently confirmed
18 members of the [Architects Licensure Board] board constituted
19 under this act as of December 31, 1983, shall continue to serve
20 as board members until their terms of office expire but not
21 longer than six months beyond the expiration of such term. In
22 the event that any of said members shall die or resign during
23 his term of office, his successor shall be appointed in the same
24 way and with the same qualifications as above set forth and
25 shall hold office for the unexpired term. When terms of the
26 present board members expire, the next term of succeeding board
27 members shall be designated to expire at different times so that
28 one member shall be appointed for a term of one year, one member
29 shall be appointed for a term of two years, one member shall be
30 appointed for a term of three years, one member shall be

1 appointed for a term of four years, and one member shall be
2 appointed for a full term of five years. Successive terms shall
3 be four years or until his successor is appointed and qualified.

4 (c) A member appointed for a full term shall not be eligible
5 for more than two consecutive full terms.

6 (d) Each member of the board shall take and subscribe to the
7 oath of office generally required of State officials.

8 (e) A member of the board who fails to attend three
9 consecutive meetings shall forfeit his seat unless the
10 Commissioner of Professional and Occupational Affairs, upon
11 written request from the member, finds that the member should be
12 excused from a meeting because of illness or the death of an
13 immediate family member.

14 (f) The board is subject to evaluation, review and
15 termination within the time and in the manner provided in the
16 act of December 22, 1981 (P.L.508, No.142), known as the "Sunset
17 Act."

18 (g) [~~Five~~] Seven members of the board shall constitute a
19 quorum.

20 Section [~~5~~] 302. Organization of board.

21 (a) An organizational meeting of the board shall be held
22 annually at which time the board shall elect from its membership
23 a president, a vice president and a secretary, who shall serve
24 for one year or until their successors are duly elected. The
25 board may meet at least once a month and at other times as the
26 board, in consultation with the Commissioner of Professional and
27 Occupational Affairs, deems desirable. Other meetings of the
28 board may be called in accordance with rules and regulations
29 promulgated by the board. Adequate public notice of the time and
30 place of meetings of the board shall be given.

1 (b) Should a vacancy in the office of president, vice
2 president or secretary of the board occur, the remaining members
3 of the board shall fill such vacancy by election.

4 (c) The majority of the board shall constitute a quorum for
5 the transaction of all business, but no action shall be taken at
6 any meeting without the majority of the current board membership
7 in accord.

8 (d) Each professional and public member of the board shall
9 be paid reasonable traveling, hotel and other necessary expenses
10 and per diem compensation at the rate of \$60 for each day of
11 actual service while on board business.

12 Section [6] 303. Powers of board.

13 (a) The board may establish reasonable rules and regulations
14 to carry out the provisions of this act.

15 (b) The board may establish, by regulations consistent with
16 the policy contained in this act, standards of professional
17 conduct for architects and certified interior designers.

18 (c) The board shall schedule examinations in compliance with
19 the provisions of the act of April 9, 1929 (P.L.177, No.175),
20 known as "The Administrative Code of 1929," for individuals
21 applying for licenses or certificates at least once each year,
22 provided the architect applicants are qualified under [sections
23 8 and 9] Chapter 5 and the certified interior designer
24 applicants are qualified under Chapter 7. The board may
25 establish such rules and regulations consistent with this act
26 for the examination of applicants as it deems appropriate.

27 (d) The board shall issue [certificates] licenses to
28 individuals who have qualified to engage in the practice of
29 architecture and certificates to individuals who have qualified
30 to engage in interior design services as certified interior

1 designers under the provisions of this act. The board may
2 establish such rules and regulations consistent with this act
3 for the issuance and renewal of licenses and certificates as it
4 deems appropriate, including rules for the issuance of licenses
5 and certificates by reciprocity.

6 (e) The board shall have the power to administer and enforce
7 the laws of the Commonwealth of Pennsylvania relating to the
8 practice of architecture and the provision of interior design
9 services as a certified interior designer and to instruct and
10 require its agents to initiate appropriate proceedings for
11 unauthorized and unlawful practice.

12 (f) The board shall have the power to take disciplinary
13 action as described in this act. In all disciplinary proceedings
14 brought pursuant to this act, the board shall have the power to
15 administer oaths, to summon witnesses, and to compel the
16 production of documents in accordance with law. Upon the failure
17 of any person to appear or produce documents in accordance with
18 the board's order, the board may take appropriate action in
19 accordance with the act of October 15, 1980 (P.L.950, No.164),
20 known as the "Commonwealth Attorneys Act," to enforce
21 compliance.

22 (g) The board shall have the power to take appropriate
23 actions to initiate injunction and criminal prosecution
24 proceedings in connection with the unlawful and unauthorized
25 practice of architecture or the provision of interior design
26 services as a certified interior designer or other violations of
27 this act. Injunction and criminal proceedings shall be
28 instituted in accordance with the "Commonwealth Attorneys Act."

29 (h) The board shall have the power to appoint, with the
30 approval of the Governor, such hearing examiners as shall be

1 necessary to conduct hearings as may be required under section
2 [21] 903. The board shall have the power to adopt and promulgate
3 rules and regulations setting forth the functions, powers,
4 standards and duties to be followed by its hearing examiners.

5 Section [7] 304. Duties of board.

6 (a) The board shall keep a record of its proceedings and the
7 board shall keep records relating to applications. Records
8 relating to applications shall include the name, age and last
9 known address of each applicant for licensure or certification,
10 information concerning each applicant's education, experience
11 and other qualifications, the text of all examinations
12 administered and the results thereof and such other information
13 as the board deems appropriate. The records of the board shall
14 be prima facie evidence in the proceedings and a certified
15 transcript by the secretary shall be admissible in evidence with
16 the same force and effect as if the original were produced.

17 (b) The board shall maintain an up-to-date roster showing
18 the names and addresses of the places of business of all
19 [architects licensed] licensed architects and certified interior
20 designers under this act, and under prior laws, and licensed or
21 certified by the board, which roster shall be published in
22 booklet form by the board every five years. In the interim years
23 following the publishing of the complete roster, the board shall
24 each year publish a supplemental roster containing the name,
25 license or certification numbers where applicable, and addresses
26 of all [architects licensed] licensed architects and certified
27 interior designers by the board subsequent to the publishing of
28 the last published roster or supplemental roster.

29 (c) The board shall maintain records relating to all
30 [architects licensed] licensed architects and certified interior

1 designers in the Commonwealth of Pennsylvania. Such records
2 shall include all information directly related to the practice
3 of architecture and the provision of interior design services by
4 certified interior designers as defined herein.

5 (d) Annually at the end of its fiscal year, the board shall
6 submit to the Commissioner of Professional and Occupational
7 Affairs a report of its activities and transactions of the
8 preceding year. The board shall also submit to the Commissioner
9 of Professional and Occupational Affairs and to the House and
10 Senate Appropriations Committees, 15 days after the Governor has
11 submitted his budget to the General Assembly, a proposed budget
12 request for its operation for the succeeding fiscal year.

13 (e) The board shall submit annually a report to the
14 Professional Licensure Committee of the House of Representatives
15 and to the Consumer Protection and Professional Licensure
16 Committee of the Senate a description of the types of complaints
17 received, status of cases, board action which has been taken and
18 the length of time from the initial complaint to final board
19 resolution.

20 Section 7. The act is amended by adding a chapter heading to
21 read:

22 CHAPTER 5

23 LICENSURE OF ARCHITECTS

24 Section 8. Sections 8, 9, 10, 11, 12 and 13 of the act are
25 amended to read:

26 Section [8] 501. Examination and qualification of architect
27 applicants.

28 (a) Any individual of good character, who is a legal
29 resident of Pennsylvania or who is in the employ of or under the
30 direct supervision of an architect licensed with the board and

1 who maintains a practice in the Commonwealth of Pennsylvania
2 under a permanent Pennsylvania business address may apply for a
3 [certificate] license under this act. An individual may not
4 practice architecture or use the title of architect in this
5 Commonwealth without being issued a license by the board under
6 this chapter.

7 (a.1) In assessing the character of an applicant under this
8 section with a criminal conviction, the board shall conduct an
9 individualized assessment in accordance with 63 Pa.C.S. § 3113
10 (relating to consideration of criminal convictions).

11 (b) Each applicant for a [certificate] license shall submit
12 evidence satisfactory to the board that the applicant holds a
13 professional degree in architecture from an accredited school
14 and has obtained at least three years' practical experience in
15 the employ of or under the direct supervision of a [registered]
16 licensed architect or as part of the applicant's academic
17 training. In lieu of a professional degree in architecture, the
18 board may accept evidence of at least six years' practical
19 experience obtained in the employ of or under the direct
20 supervision of a [registered] licensed architect which may
21 include academic training. The board may require that applicants
22 who do not hold a professional degree in architecture must first
23 pass a qualifying examination before being admitted to the
24 licensing examination described in subsection (c). The board may
25 at its discretion adopt as its standards for minimum education
26 and experience, the current guidelines on education, training
27 and experience equivalents adopted by the National Council of
28 Architectural Registration Boards.

29 (c) Each applicant for licensing who satisfies subsections
30 (a) and (b) shall submit to a licensing examination. The

1 examination shall cover such technical and professional subjects
2 and shall be graded on such basis as the board shall by
3 regulation prescribe. The board may at its discretion adopt the
4 examination and recommended grading procedures adopted by the
5 National Council of Architectural Registration Boards.

6 (d) The board may require applicants under this section and
7 section [9] 502 to appear for a personal interview.
8 Section [9] 502. Reciprocal architect licensing.

9 (a) The board may issue a [certificate] license, without
10 examination, to any individual who is registered, licensed or
11 certified as an architect in another state or country where the
12 qualifications required are equivalent to those required in this
13 State. The possession of a certificate from the National Council
14 of Architectural Registration Boards shall be prima facie
15 evidence that the individual meets the qualifications required
16 in this State.

17 (b) The board may issue a [certificate] license to
18 individuals who have lawfully practiced architecture in another
19 state or country for a period of more than ten years if such
20 individual achieves a satisfactory score on a practical
21 examination of a nature determined by the board.

22 (c) A resident of another state who is licensed to engage in
23 the practice of architecture in the state where [his] the
24 resident's office is located may offer to perform architectural
25 services in the Commonwealth of Pennsylvania without first
26 obtaining a [certificate] license. Architectural services,
27 however, may not actually be performed by a nonresident
28 architect until a [certificate] license is obtained.

29 (d) An individual who is licensed to engage in the practice
30 of architecture in a foreign country where [his] the

1 individual's office is located and in addition holds a National
2 Council of Architectural Registration Boards certificate may be
3 admitted to this Commonwealth for the purpose of offering to
4 perform architectural services and for that purpose only without
5 first obtaining a [certificate] license. Architectural services,
6 however, may not actually be performed by a foreign architect
7 until a [certificate] license is obtained.

8 Section [10] 503. Issuance and renewal of [certificates]
9 architect licenses.

10 (a) Upon payment of the fees required by section [11] 504,
11 an individual who has complied with section [8 or 9] 501 or 502
12 shall be entitled to a [certificate] license indicating that
13 [he] the individual is qualified to engage in the practice of
14 architecture in this Commonwealth. Each [certificate] license
15 shall contain the name of the individual to whom it was issued
16 and shall be valid for a period of two years.

17 (b) Every [certificate] license shall expire on the day
18 prescribed by rules and regulations promulgated by the board. An
19 architect may renew [his certificate] the architect's license
20 by paying the renewal fee required by section [11(c)] 504(c). If
21 the licensee fails to pay the renewal fee when required and
22 fails to notify the board of [his or her] the licensee's
23 intention not to practice architecture, [his certificate and his
24 right] the license and the right to practice architecture shall
25 expire. An architect who fails to renew [his certificate] the
26 architect's license may not engage in the practice of
27 architecture and may not thereafter renew [his certificate] the
28 license except upon payment of the renewal fee, penalty fee and
29 the restoration fee required by section [11(c)] 504(c).

30 (c) A duplicate [certificate] license to replace one which

1 has been lost, destroyed or mutilated may be issued by the board
2 upon payment of the fee required by section [11(d)] 504(c). The
3 board reserves the right to require architects requesting
4 duplicate [certificates] licenses to furnish documentation
5 satisfactory to the board relative to loss, destruction or
6 mutilation of original [certificate] license.

7 (d) [Certificates] Licenses issued to architects shall not
8 be transferable.

9 (e) As a condition of biennial renewal, an architect shall
10 provide the board with documentation of successful completion of
11 a minimum of 24 hours of continuing education in the subject
12 areas of health, safety and welfare.

13 (f) A licensee of another jurisdiction where the licensee's
14 primary practice is located shall be deemed to have satisfied
15 the continuing education requirement under subsection (e) if the
16 licensee documents the completion of any continuing education
17 requirement in the jurisdiction of the licensee's primary
18 practice with the board.

19 (g) A licensee shall ensure that documentation of successful
20 completion of the continuing education requirement under
21 subsection (e) is properly signed as being correct and true.

22 (h) An individual who is applying for initial licensure to
23 engage in the practice of architecture shall be exempt from the
24 continuing education requirement under subsection (e) during the
25 initial licensure period.

26 (i) The board may waive all or part of the continuing
27 education requirement under subsection (e) for a licensee who
28 provides evidence satisfactory to the board that the licensee is
29 unable to complete the requirement due to illness, emergency,
30 hardship or active military service.

1 (j) The board may not approve courses in office management
2 or practice building for the purpose specified under subsection
3 (e).

4 (k) The board may preapprove continuing education providers
5 and courses for the purpose specified under subsection (e).

6 (l) The board may promulgate regulations for the continuing
7 education of architects to demonstrate competence to practice
8 architecture for the purpose specified under subsection (e).

9 Section [11] 504. Payment and disposition of architect
10 licensing fees.

11 (a) All fees required under the provisions of this act shall
12 be fixed by the board by regulation and shall be subject to
13 review in accordance with the act of June 25, 1982 (P.L.633,
14 No.181), known as the "Regulatory Review Act." If the revenues
15 generated by fees, fines and civil penalties imposed in
16 accordance with the provisions of this act are not sufficient to
17 match expenditures over a two-year period, the board shall
18 increase those fees by regulation, subject to review in
19 accordance with the "Regulatory Review Act," such that projected
20 revenues will meet or exceed projected expenditures.

21 (b) If the Bureau of Professional and Occupational Affairs
22 determines that the fees established by the board are inadequate
23 to meet the minimum enforcement efforts required, then the
24 bureau, after consultation with the board, shall increase the
25 fees by regulation, subject to review in accordance with the
26 "Regulatory Review Act," such that adequate revenues are raised
27 to meet the required enforcement effort.

28 (c) Fees shall be collected and appropriated in accordance
29 with the act of July 1, 1978 (P.L.700, No.124), known as the
30 "Bureau of Professional and Occupational Affairs Fee Act."

Section [12] 505. Seal of architect.

(a) Every architect shall obtain a seal approved by rules and regulations promulgated by the board and shall impress said seal on drawings, specifications and other design documents prepared by the individual or under the architect's personal supervision for use in this State. An architect who impresses [his] the architect's seal or knowingly permits it to be impressed on drawings, specifications or other design documents which were not prepared by [him] the architect or under [his] the architect's personal supervision shall be guilty of a violation of this act and shall be subject to the penalties provided herein. Any person who impresses an architect's seal or knowingly permits it to be impressed on drawings, specifications or other design documents after the architect's [certificate] license has expired, or has been revoked, annulled or suspended, shall be guilty of a violation of this act and shall be subject to the penalties provided herein.

(b) A stamp of design identical to the prescribed seal may be used in lieu of a seal.

(c) Upon the forfeiture, revocation, suspension or annulment of a [certificate,] license or upon expiration of a [certificate] license without renewal, an architect shall surrender [his or her] the architect's seal or stamp to the board. Upon the death of an architect, [his] the architect's personal representative shall surrender said seal or stamp to the board in accordance with rules and regulations promulgated by the board. The board shall have the power to take appropriate action, in accordance with the "Commonwealth Attorneys Act," to enforce this subsection.

Section [13. Firm practice.] 506. Architectural firm

1 registration.

2 (a) An individual architect or a group of architects in
3 Pennsylvania may practice architecture in one of the following
4 forms of architectural firms:

- 5 (1) sole proprietorship;
- 6 (2) partnership;
- 7 (3) professional association;
- 8 (4) professional corporation;
- 9 (5) business corporation;
- 10 (6) limited liability company; or
- 11 (7) limited liability partnership.

12 (b) A partnership may engage in the practice of architecture
13 in Pennsylvania provided it complies with the provisions of 15
14 Pa.C.S. Ch. 83 (relating to general partnerships) and that it
15 also satisfies the following requirements:

16 (1) At least two-thirds of the partners are licensed
17 under the laws of any state to practice architecture,
18 engineering or landscape architecture.

19 (2) At least one-third of the partners are licensed
20 under the laws of any state to practice architecture.

21 (c) A professional association may engage in the practice of
22 architecture in Pennsylvania provided it complies with the
23 provisions of 15 Pa.C.S. Ch. 93 (relating to professional
24 associations) and must also satisfy the following requirements:

25 (1) At least two-thirds of the members of the board of
26 governors are licensed under the laws of any state to
27 practice architecture, engineering or landscape architecture.

28 (2) At least one-third of the members of the board of
29 governors are licensed under the laws of any state to
30 practice architecture.

1 (d) A professional corporation shall comply with the
2 provisions of 15 Pa.C.S. Ch. 29 (relating to professional
3 corporations).

4 (e) A business corporation may engage in the practice of
5 architecture in Pennsylvania, provided that it complies with the
6 provisions of 15 Pa.C.S. Pt. II Subpt. B (relating to business
7 corporations) and that it also satisfies the following
8 requirements:

9 (1) At least two-thirds of the directors are licensed
10 under the laws of any state to practice architecture,
11 engineering or landscape architecture.

12 (2) At least one-third of the directors are licensed
13 under the laws of any state to practice architecture.

14 (3) At least two-thirds of all classes of voting stock
15 issued and outstanding at any one time shall be owned by an
16 individual or individuals licensed under the laws of any
17 state to practice architecture, engineering or landscape
18 architecture.

19 (4) At least one-third of all classes of voting stock
20 issued and outstanding at any one time shall be owned by an
21 individual or individuals licensed under the laws of any
22 state to practice architecture.

23 (f) A limited liability company may engage in the practice
24 of architecture in this Commonwealth provided that it complies
25 with the provisions of 15 Pa.C.S. Ch. 89 (relating to limited
26 liability companies) and that it also satisfies the following
27 requirements:

28 (1) At least two-thirds of the members if managed by
29 members or at least two-thirds of the managers if managed by
30 managers are licensed under the laws of any state to practice

1 architecture, engineering or landscape architecture.

2 (2) At least one-third of the members if managed by
3 members or at least one-third of the managers if managed by
4 managers are licensed under the laws of any state to practice
5 architecture.

6 (3) At least two-thirds of all classes of voting
7 membership at any one time shall be owned by an individual or
8 individuals licensed under the laws of any state to practice
9 architecture, engineering or landscape architecture.

10 (4) At least one-third of all classes of voting
11 membership at any one time shall be owned by an individual or
12 individuals licensed under the laws of any state to practice
13 architecture.

14 (g) A partnership which has elected to be a limited
15 liability partnership and to be governed by the provisions of 15
16 Pa.C.S. Ch. 82 (relating to registered limited liability
17 partnerships) may engage in the practice of architecture in this
18 Commonwealth provided it complies with the provisions of 15
19 Pa.C.S. Ch. 82 and that it also satisfies the following
20 requirements:

21 (1) At least two-thirds of the partners are licensed
22 under the laws of any state to practice architecture,
23 engineering or landscape architecture.

24 (2) At least one-third of the partners are licensed
25 under the laws of any state to practice architecture.

26 (h) A partnership, professional association, corporation,
27 limited liability company or limited liability partnership
28 engaged in the practice of architecture having fewer than three
29 partners, governors, shareholders or directors, members or
30 managers under this section shall have at least one partner,

governor, shareholder or director, member or manager who is an individual duly certified to practice architecture in the Commonwealth pursuant to this act.

(i) Each project undertaken by a firm engaged in the practice of architecture in the Commonwealth of Pennsylvania must be under the personal supervision of a partner in the case of a partnership or limited liability partnership, a member of the board of governors in the case of a professional association, a shareholder in the case of a professional corporation, a director in the case of a business corporation or member or manager in the case of limited liability company who holds a [certificate] license to engage in the practice of architecture in this Commonwealth pursuant to this act. The seal of such individuals must appear on all drawings, specifications and other design documents issued by the firm for such projects.

(j) The board shall by promulgation of rules and regulations, require any partnership, professional association, professional corporation, business corporation, limited liability company or limited liability partnership practicing architecture in this State to file with the board information concerning its officers, directors, partners, professional association board of governors, beneficial owners, members or managers and such other aspects of its organization as the board deems appropriate. In the administration of this subsection, the board may require each partnership, professional association, professional corporation, business corporation, limited liability company or limited liability partnership to pay an annual filing fee in the amount determined by the board by promulgation of rules and regulations.

(k) No corporation, professional association, partnership,

1 limited liability company or limited liability partnership may
2 perform any act relating to the practice of architecture which
3 an individual architect is prohibited from doing.

4 (l) Nothing in this section shall be construed to prevent
5 the practice of architecture by an individual as an employee of
6 a person, partnership or corporation which is not an
7 architectural firm, provided such individual holds a
8 [certificate] license to practice architecture in the
9 Commonwealth in conformity with the provisions of this act and
10 the architect's seal is affixed to all documents prepared by
11 [him or under his] the architect or under the architect's
12 personal supervision for use in this Commonwealth.

13 (m) An architectural firm authorized to practice under
14 subsections (a) through (i) will be allowed to offer design-
15 build services consistent with the provisions of section [15(9)]
16 508(9).

17 Section 9. Section 14 of the act is renumbered to read:
18 Section [14. Firm] 507. Architectural firm names.

19 An individual or group of individuals satisfying the
20 requirements of this act and engaged in the practice of
21 architecture in this Commonwealth may adopt any name which is
22 not prohibited by law or the ethics of the profession in which
23 the individual or group of individuals is engaged or by rules
24 and regulations promulgated by the board.

25 Section 10. Sections 15 and 16 of the act are amended to
26 read:

27 Section [15] 508. Permitted practices.

28 Nothing contained in this act shall be construed to prohibit:

29 (1) Persons acting under the personal supervision of an
30 architect from carrying out their normal duties in the

1 preparation of drawings, specifications and other design and
2 construction documents or in administering construction
3 contracts or in performing construction management services.

4 (2) [Engineers registered under the act of May 23, 1945
5 (P.L.913, No.367), known as the "Professional Engineers
6 Registration Law," as amended,] Professional engineers
7 licensed under the act of May 23, 1945 (P.L.913, No.367),
8 known as the "Engineer, Land Surveyor and Geologist
9 Registration Law," from performing the services for which
10 they are duly licensed or from performing such services
11 included in the practice of architecture as may be incidental
12 to their engineering work.

13 (3) The preparation of any shop drawings or the
14 performance of construction management services by persons
15 customarily engaged in construction work.

16 (4) The preparation of any drawings or other design
17 documents for detached one-family or two-family dwellings not
18 more than three stories in height and their accessory
19 structures.

20 (5) The preparation of any drawings or other design
21 documents for any utility or farm structure when such utility
22 or farm structure is used in connection with a farm
23 residence.

24 (6) The preparation of any drawings or other design
25 documents for the remodeling or alteration of a building not
26 involving structural or egress changes or additions thereto[,
27 provided that the author of such plans or other design
28 documents shall not receive any compensation as the author
29 thereof].

30 (7) Officers and employees of the Government of the

1 United States, while engaged within this Commonwealth, in the
2 practice of architecture for said government.

3 (8) Any person while in the regular employment of any
4 railroad, telephone or telegraph company engaged in
5 interstate commerce.

6 (9) Design-build services strictly in accordance with
7 the following practices: a design-build entity not authorized
8 to practice under section [13(a)] 506(a) through (i) may
9 offer design-build services if the architectural services in
10 the design-build process are provided in accordance with the
11 following:

12 (i) An architectural firm which has been authorized
13 to practice architecture in this Commonwealth under
14 section [13(a)] 506(a) through (i) shall independently
15 contract with a design-build entity and is responsible
16 for all material aspects of the practice of architecture
17 as defined in section [3] 103.

18 (ii) At the time a design-build entity offers a
19 written design-build proposal for a specific project, the
20 design-build entity shall give a written disclosure to
21 the client stating an architect will be engaged by and
22 will be contractually responsible to the design-build
23 entity offering design-build services and will not be
24 responsible to the client.

25 (iii) The design-build entity shall agree that the
26 architect will have direct supervision of the
27 architectural work.

28 (iv) The contract between the design-build entity
29 and the client shall set forth the name of the
30 architectural firm which will be contractually

1 responsible to the design-build entity for providing
2 architectural services.

3 (10) An architect from offering to provide or providing
4 interior design services.

5 Section [16] 509. Existing architect licenses.

6 Nothing in this act shall be construed to terminate any
7 rights of individual architects licensed and engaged in the
8 practice of architecture at the time of the passage of this act.

9 Any architect so licensed shall be allowed to continue his
10 licensure and to practice architecture in a manner consistent
11 with the provisions of this act.

12 Section 11. Section 17 of the act is renumbered to read:

13 Section [17] 510. Existing rules and regulations.

14 Each rule and regulation of the board in effect on the date
15 of the passage of this act shall remain in effect after such
16 date until repealed or amended by the board, unless such rule or
17 regulation is inconsistent with any provision of this act.

18 Section 12. Section 18 of the act is amended to read:

19 Section [18] 511. Unauthorized practice of architecture
20 prohibited.

21 (a) Except as provided in section [9(c)] 502(c) and (d), no
22 individual shall engage in the practice, or offer to engage in
23 the practice of architecture in this State, or use the title of
24 architect or use any sign, card or device implying that such
25 individual is an architect, or is competent to engage in the
26 practice of architecture, unless such individual holds a
27 currently valid [certificate] license issued pursuant to this
28 act.

29 (b) Except as provided in section [9(c)] 502(c) and (d), no
30 partnership, professional association, corporation, limited

1 liability company or limited liability partnership shall engage
2 in the practice or offer to engage in the practice of
3 architecture in this Commonwealth, or use any title, sign, card
4 or device implying that such partnership, professional
5 association, corporation, limited liability company or limited
6 partnership is competent to engage in the practice of
7 architecture, unless such partnership, professional association,
8 corporation, limited liability company or limited liability
9 partnership complies with section [13] 506.

10 Section 13. The act is amended by adding a chapter to read:

11 CHAPTER 7

12 CERTIFICATION OF INTERIOR DESIGNERS

13 Section 701. Examination and qualification of certified
14 interior designer applicants.

15 (a) Application.--Any individual of good character may apply
16 for a certificate under this act to engage in the provision of
17 interior design services as a certified interior designer. In
18 assessing the character of an applicant with a criminal
19 conviction, the board shall conduct an individualized assessment
20 in accordance with 63 Pa.C.S. § 3113 (relating to consideration
21 of criminal convictions).

22 (b) Eligibility.--An applicant for a certificate under this
23 section shall submit evidence satisfactory to the board that the
24 applicant has met the eligibility requirements to take a
25 national certification exam approved by the board, including all
26 of the following:

27 (1) A professional degree in interior design or
28 architecture from an accredited school.

29 (2) At least two years of practical experience under the
30 direct supervision of a nationally certified interior

1 designer or architect.

2 (c) Grading procedures.--The board may, at its discretion,
3 adopt the examination and recommended grading procedures adopted
4 by the Council for Interior Design Qualification on the
5 effective date of this subsection.

6 (d) Interviews.--The board may require an applicant under
7 this section and section 702 to appear for a personal interview.
8 Section 702. Reciprocal certification of interior designers.

9 (a) Reciprocity.--The board may issue a certificate to
10 provide interior design services as a certified interior
11 designer in this Commonwealth, without examination, to any
12 individual who is licensed, registered or certified as an
13 interior designer in another state or country where the
14 qualifications required are equivalent to those required in this
15 Commonwealth. The possession of a certificate from the Council
16 for Interior Design Qualification shall be prima facie evidence
17 that the individual meets the qualifications required in this
18 Commonwealth.

19 (b) Examination.--The board may issue a certificate to
20 provide interior design services as a certified interior
21 designer to an individual who has lawfully provided interior
22 design services as an interior designer licensed, registered or
23 certified in another state or country for a period of more than
24 10 years if the individual achieves a satisfactory score on a
25 practical examination of a nature determined by the board.

26 (c) Certificate not required.--An individual who is
27 licensed, registered or certified as an interior designer in
28 another jurisdiction may offer and provide interior design
29 services in this Commonwealth without first obtaining a
30 certificate.

1 (d) Architects.--The board shall issue a certificate to
2 provide interior design services, without examination or
3 additional fees, to an architect who applies and demonstrates
4 competency in the field of interior design in this Commonwealth
5 as determined by the board.

6 Section 703. Issuance and renewal of certificates of interior
7 designers.

8 (a) Issuance.--Upon payment of the same fee for a
9 certification required by the board, an individual who has
10 complied with section 701 or 702 shall be entitled to a
11 certificate indicating that the individual is certified under
12 this act to provide interior design services as a certified
13 interior designer in this Commonwealth. Each certificate shall
14 contain the name of the individual to whom it was issued and the
15 individual's certification number and shall be valid for a
16 period of two years.

17 (b) Renewal.--Every certificate shall expire on the day
18 prescribed by rules and regulations promulgated by the board. A
19 certified interior designer may renew a certificate by paying
20 the renewal fee for a certificate required by the board. If the
21 certificate holder fails to pay the renewal fee when required
22 and fails to notify the board of the certificate holder's
23 intention not to provide interior design services, the
24 certificate and the right to provide interior design services as
25 a certified interior designer shall expire. Except as otherwise
26 provided in this chapter, a certified interior designer who
27 fails to renew a certificate may not engage in the provision of
28 interior design services as a certified interior designer except
29 upon payment of the renewal fee, penalty fee and restoration fee
30 for a certificate required by the board.

1 (c) Duplicates.--A duplicate certificate to replace one
2 which has been lost, destroyed or mutilated may be issued by the
3 board upon payment of the renewal fee, penalty fee and the
4 restoration fee for a certificate required by the board.

5 (d) Nontransferable.--Certificates issued to certified
6 interior designers shall not be transferable.

7 (e) Continuing education.--As a condition of biennial
8 renewal, a certified interior designer shall provide the board
9 with documentation of successful completion of a minimum of 24
10 hours of continuing education, half of which shall be in the
11 subject areas of health, safety and welfare.

12 (f) Signature requirement.--A certified interior designer
13 shall ensure that documentation of successful completion of the
14 continuing education requirement under subsection (e) is
15 properly signed as being correct and true.

16 (g) Exemption.--An individual who is applying for initial
17 certification to provide interior design services shall be
18 exempt from the continuing education requirement under
19 subsection (e) during the biennial certification period in which
20 the individual obtained the initial certification.

21 (h) Waivers.--The board may waive all or part of the
22 continuing education requirement under subsection (e) for a
23 certified interior designer who provides evidence satisfactory
24 to the board that the certificate holder is unable to complete
25 the requirement due to illness, emergency, hardship or active
26 military service.

27 (i) Prohibition.--The board may not approve courses in
28 office management or practice building for the purpose specified
29 under subsection (e).

30 (j) Preapproval.--The board may preapprove continuing

1 education providers and courses for the purpose specified under
2 subsection (e).

3 (k) Regulations.--The board may promulgate regulations for
4 the continuing education of certified interior designers to
5 demonstrate competence in interior design services for the
6 purpose specified under subsection (e).

7 Section 704. Document requirements for certified interior
8 designers.

9 A certified interior designer shall ensure that all interior
10 design documents, including drawings, schedules and
11 specifications prepared by the certified interior designer, bear
12 the signature and certificate number of the certified interior
13 designer and the date when each document was signed by the
14 certified interior designer on each document's title block. If
15 an architect personally supervises the preparation of an
16 interior design document, the certificate number of the
17 certified interior designer shall not be required under this
18 section.

19 Section 14. The act is amended by adding a chapter heading
20 to read:

21 CHAPTER 9

22 PENALTIES

23 Section 15. Sections 19, 20 and 21 of the act are amended to
24 read:

25 Section [19] 901. Disciplinary proceedings.

26 (a) The board may refuse to issue a license or certificate
27 to an applicant or may refuse, revoke or suspend a license of an
28 architect or a certificate of an interior designer, censure an
29 architect or certified interior designer, issue a letter of
30 reprimand, restrict a licensee or certificate holder and attach

certain conditions to a license or certificate for any of the following acts:

(1) Bribery, fraud, misstatement or misrepresentation of fact by an applicant in connection with this application for a license or certificate.

(2) Engaging in the practice of architecture or providing interior design services as a certified interior designer in this Commonwealth in violation of any provisions of this act or the rules and regulations promulgated thereunder.

(3) Having a license to practice architecture or a certificate to provide interior design services as a certified interior designer revoked or suspended or having other disciplinary action taken by the proper licensing or certifying authority of another state, territory or country.

(4) Engaging in the practice of architecture or providing interior design services as a certified interior designer in this Commonwealth in violation of the standards of professional conduct established by rules and regulations promulgated by the board.

(5) Aiding or abetting any individual, partnership, association or corporation to engage in the practice of architecture or providing interior design services as a certified interior designer in violation of any provisions of this act.

(6) Bribery, fraud, deceit, recklessness, gross negligence or incompetence in the practice of architecture or in the provision of interior design services as a certified interior designer.

1 (7) Use of an architect's seal in violation of section
2 [12] 505 or the use of a certified interior designer's number
3 is violation of section 704.

4 (8) Conviction of a felony or a crime involving moral
5 turpitude. Conviction shall include a finding or verdict of
6 guilt, an admission of guilt or a plea of nolo contendere.

7 (b) A plea of nolo contendere shall be deemed to be a
8 conviction for purposes of this section.

9 (c) Unless ordered to do so by a court, the board shall not
10 reinstate the [certificate] license of a person to practice as
11 an architect or the certificate of a person to provide interior
12 design services as a certified interior designer which has been
13 revoked and such person shall be required to apply for a license
14 or certificate after a period of five years in accordance with
15 section [8 if he] 501 or 701 if the person desires to practice
16 at any time after such revocation.

17 Section [20] 902. Penalties.

18 (a) Any person who engages or who offers to engage in the
19 practice of architecture or provides interior design services as
20 a certified interior designer without holding a currently valid
21 license or certificate as required by this act, or any person
22 who violates any of the provisions of this act shall, for a
23 first offense, be guilty of a summary offense and upon
24 conviction thereof shall be sentenced to pay a fine not
25 exceeding \$500 or suffer imprisonment not exceeding 90 days, or
26 both, and for a second or subsequent offense shall be guilty of
27 a misdemeanor and upon conviction thereof shall be sentenced to
28 pay a fine of not less than \$2,000 but not more than \$5,000, or
29 to suffer imprisonment of not less than one year, but not more
30 than two years, or both.

1 (b) In addition to any other penalties imposed pursuant to
2 this act, any person who engages in the practice or offers to
3 engage in the practice of architecture or provides interior
4 design services as a certified interior designer without holding
5 a currently valid license or certificate as required by this act
6 or without complying with the requirements of section [13] 506
7 as an architect shall return any fees collected in connection
8 with the practice or offering to practice architecture or the
9 provision of interior design services as a certified interior
10 designer.

11 (c) The right of the board to refuse to issue a license or
12 certificate or to refuse, revoke or suspend a license or
13 certificate or censure an architect or certified interior
14 designer or issue a letter of reprimand or restrict a licensee
15 or certificate holder or attach conditions to a license or
16 certificate under this act shall be in addition to the penalties
17 set forth in this section.

18 (d) In addition to any other civil remedy or criminal
19 penalty provided for in this act, the board, by a vote of the
20 majority of the maximum number of the authorized membership of
21 the board as provided by law, or by a vote of the majority of
22 the duly qualified and confirmed membership or a minimum of four
23 members, whichever is greater, may levy a civil penalty of up to
24 \$1,000 on any current licensee or certificate holder who
25 violates any provision of this act or on any person who
26 practices the profession of an architect without being properly
27 licensed or provides interior design services as a certified
28 interior designer without being properly certified to do so
29 under this act. The board shall levy this penalty only after
30 affording the accused party the opportunity for a hearing, as

provided in Title 2 of the Pennsylvania Consolidated Statutes
(relating to administrative law and procedure).

(e) All fines and civil penalties imposed in accordance with
this section shall be paid into the Professional Licensure
Augmentation Account.

Section [21] 903. Complaint procedure and hearings.

(a) Any person may prefer charges against a person licensed
or holding a certificate under the provisions of this act by
submitting a written statement of charges, sworn to by the
complainant, to the board. In addition, the board may, on its
own motion, investigate the conduct of an applicant [or a],
licensee or certificate holder, and shall, in appropriate cases,
file a written statement of charges. The applicant [or],
architect or certified interior designer charged shall be
entitled to be represented by counsel. Hearings shall be
conducted in accordance with the provisions for hearings of
contested cases as prescribed by the applicable laws and
regulations relating to administrative hearings.

(b) The hearings may be held by the board or any member
thereof, or by any of its duly authorized hearing examiners or
by any other person duly authorized by the board for such
purpose in any particular case. The time and place of such
hearing shall be fixed by the board or its duly authorized
hearing examiner. Any member of the board or hearing examiner
authorized to conduct the hearing may administer oaths and
conduct investigations.

(c) When a matter is referred to a hearing examiner for
hearing, such person following the completion of the testimony
in the hearing before him shall, with reasonable dispatch, file
a report with the board setting forth his findings of fact and

1 recommendation. Upon review of the record, the board by majority
2 vote, may adopt the findings in the report or may, with or
3 without additional testimony, either return the matter to the
4 representative for such further consideration as the board deems
5 necessary or make additional or other findings of fact on the
6 basis of all the legally probative evidence in the record and
7 enter its conclusions of law and order in accordance with the
8 requirements for the issuance of an adjudication under Title 2
9 of the Pennsylvania Consolidated Statutes (relating to
10 administrative law and procedure).

11 (d) The board may, in its discretion, issue a license or
12 certificate to any applicant denied licensure or certification
13 under section [19(a)] 901(a) upon presentation of suitable
14 evidence of reform.

15 Section 16. The act is amended by adding a chapter heading
16 to read:

17 CHAPTER 11
18 MISCELLANEOUS PROVISIONS

19 Section 17. The act is amended by adding a section to read:
20 Section 1101. Regulations.

21 The board may promulgate regulations necessary to implement
22 this act.

23 Section 17. Sections 22, 23 and 24 of the act are renumbered
24 to read:

25 Section [22] 1102. Severability.

26 The provisions of this act are severable and if any section
27 shall be declared invalid or void for any reason, the remainder
28 of the act shall not be affected or impaired.

29 Section [23] 1103. Repeals.

30 (a) The following acts and parts of acts are repealed

1 absolutely:

2 Act of July 12, 1919 (P.L.933, No.369), entitled "An act to
3 regulate the practice of architecture in the Commonwealth of
4 Pennsylvania by providing for the examination and registration
5 of architects by a State Board of Examiners; defining the power
6 and duties of said board of examiners; and providing penalties
7 for the violation of this act."

8 Section 422, act of April 9, 1929 (P.L.177, No.175), known as
9 "The Administrative Code of 1929."

10 (b) All acts or parts of acts inconsistent herewith are
11 hereby repealed.

12 Section [24] 1104. Effective date.

13 This act shall take effect immediately.

14 Section 18. This act shall take effect in 60 days.