

No. 1982-281

AN ACT

HB 2000

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.

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

Section 1. Short title.

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

Section 2. Declaration of purpose.

In order to protect the health, safety and property of the people of the Commonwealth of Pennsylvania and to promote their welfare, no person shall engage in the practice of architecture in this Commonwealth except in compliance with the requirements of this act.

Section 3. Definitions.

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

“Accredited school.” Any educational institution with an academic program in architecture accredited by a national architectural-accrediting body or approved by the board.

“Architect.” An individual licensed under this act to engage in the practice of architecture within the Commonwealth of Pennsylvania.

“Board.” The Architects Licensure Board established by this act.

“Certificate.” The certificate of licensure issued by the board indicating that the individual named therein is an architect.

“Practice of architecture.” The rendering or offering to render certain services, hereinafter described, in connection with the design and construction of a structure or group of structures which have as their principal purpose human habitation or use, and the utilization of space within and surrounding such structures. The services referred to in the previous sentence include planning, providing preliminary studies, designs, drawings, specifications, and other design documents, construction management and administration of construction contracts. The foregoing shall not be deemed to include the practice of engineering as such, for which separate registration is required under the provisions of the act of May 23, 1945 (P.L.913, No.367), known as the “Professional Engineers Registration Law,” excepting only engineering work incidental to the practice of architecture.

“Professional degree.” A first professional degree in architecture conferred by an accredited school.

Section 4. Creation of board; appointment and term of members and officers.

(a) There is hereby established an Architects Licensure Board which shall consist of the Commissioner of Professional and Occupational Affairs, two members who shall represent the public at large, and five members, all of whom shall be architects, who have been in the active practice of architecture in the Commonwealth of Pennsylvania for not less than seven years prior to their appointment.

(b) Each member of the board shall be appointed by the Governor with the advice and consent of the Senate. The presently confirmed members of the existing State Board of Examiners of Architects constituted under the act of July 12, 1919 (P.L.933, No.369), referred to as the Architects Registration Law, as of the effective date of this act, shall continue to serve as board members until their present terms of office expire. When terms of the present board members expire, the next term of succeeding board members shall be designated to expire at different times so that one member shall be appointed for a term of one year, one member shall be appointed for a term of two years, one member shall be appointed for a term of three years, one member shall be appointed for a term of four years, and one member shall be appointed for a full term of

five years. Successive terms shall be four years or until his successor is appointed and qualified.

(c) Vacancies occurring in the membership of the board shall be filled by the Governor, with the advice and consent of the Senate, for the unexpired portion of the term. A member appointed for a full term shall not be eligible for more than two consecutive full terms.

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

(e) The Governor may remove any member of the board for misconduct, incompetence, neglect of duty or any sufficient cause in the manner prescribed by law for the removal of State officials.

Section 5. Organization of board.

(a) An organizational meeting of the board shall be held annually at which time the board shall elect from its membership a president, a vice president and a secretary, who shall serve for one year or until their successors are duly elected. Other meetings of the board may be called in accordance with rules and regulations promulgated by the board.

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

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

(d) Each member of the board, except the Commissioner of Professional and Occupational Affairs, shall be entitled to receive a per diem in an amount to be determined biennially by the commissioner consistent with fees paid such boards. In addition to the above per diem allowance, each member shall be reimbursed for all reasonable traveling, lodging and other necessary expenses incurred in the performance of duties under this act.

Section 6. Powers of board.

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

(b) The board may establish, by regulations consistent with the policy contained in this act, standards of professional conduct for architects.

(c) The board shall schedule examinations in compliance with the provisions of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," for individuals applying for certificates at least once each year, provided the applicants are qualified under sections 8 and 9. The board may establish such rules and regulations consistent with this act for the examination of applicants as it deems appropriate.

(d) The board shall issue certificates to individuals who have qualified to engage in the practice of architecture under the provisions of this act. The board may establish such rules and regulations consistent with this act for the issuance and renewal of certificates as it deems appropriate, including rules for the issuance of certificates by reciprocity.

(e) The board shall have the power to administer and enforce the laws of the Commonwealth of Pennsylvania relating to the practice of architecture and to instruct and require its agents to initiate appropriate proceedings for unauthorized and unlawful practice.

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

(g) The board shall have the power to take appropriate actions to initiate injunction and criminal prosecution proceedings in connection with the unlawful and unauthorized practice of architecture or other violations of this act. Injunction and criminal proceedings shall be instituted in accordance with the "Commonwealth Attorneys Act."

(h) The board shall have the power to appoint, with the approval of the Governor, such hearing examiners as shall be necessary to conduct hearings as may be required under section 21. The board shall have the power to adopt and promulgate rules and regulations setting forth the functions, powers, standards and duties to be followed by its hearing examiners.

Section 7. Duties of board.

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

(b) The board shall maintain an up-to-date roster showing the names and addresses of the places of business of all architects licensed under this act, and under prior laws, and licensed by the board, which roster shall be published in booklet form by the board every five years. In the interim years following the publishing of the complete roster, the board shall each year publish a supplemental roster containing the name, license numbers where applicable, and addresses of all architects licensed by the board subsequent to the publishing of the last published roster or supplemental roster.

(c) The board shall maintain records relating to all architects licensed in the Commonwealth of Pennsylvania. Such records shall include all information directly related to the practice of architecture as defined herein.

(d) Annually at the end of its fiscal year, the board shall submit to the Commissioner of Professional and Occupational Affairs a report of its activities and transactions of the preceding year. The board shall also submit to the Commissioner of Professional and Occupational Affairs a proposed budget request for its operation for the succeeding fiscal year.

Section 8. Examination and qualification of applicants.

(a) Any individual of good character, who is a legal resident of Pennsylvania or who is in the employ of or under the direct supervision of an architect licensed with the board and who maintains a practice in the Commonwealth of Pennsylvania under a permanent Pennsylvania business address may apply for a certificate under this act.

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

(c) Each applicant for licensing who satisfies subsections (a) and (b) shall submit to a licensing examination. The examination shall cover such technical and professional subjects and shall be graded on such basis as the board shall by regulation prescribe. The board may at its discretion adopt the examination and recommended grading procedures adopted by the National Council of Architectural Registration Boards.

(d) The board may require applicants under this section and section 9 to appear for a personal interview.

Section 9. Reciprocal licensing.

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

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

(c) A resident of another state who is licensed to engage in the practice of architecture in the state where his office is located may offer to

perform architectural services in the Commonwealth of Pennsylvania without first obtaining a certificate. Architectural services, however, may not actually be performed by a nonresident architect until a certificate is obtained.

(d) An individual who is licensed to engage in the practice of architecture in a foreign country where his office is located and in addition holds a National Council of Architectural Registration Boards certificate may be admitted to this Commonwealth for the purpose of offering to perform architectural services and for that purpose only without first obtaining a certificate. Architectural services, however, may not actually be performed by a foreign architect until a certificate is obtained.

Section 10. Issuance and renewal of certificates.

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

(b) Every certificate shall expire on the day prescribed by rules and regulations promulgated by the board. An architect may renew his certificate by paying the renewal fee required by section 11(c). If the licensee fails to pay the renewal fee when required and fails to notify the board of his or her intention not to practice architecture, his certificate and his right to practice architecture shall expire. An architect who fails to renew his certificate may not engage in the practice of architecture and may not thereafter renew his certificate except upon payment of the renewal fee, penalty fee and the restoration fee required by section 11(c).

(c) A duplicate certificate to replace one which has been lost, destroyed or mutilated may be issued by the board upon payment of the fee required by section 11(d). The board reserves the right to require architects requesting duplicate certificates to furnish documentation satisfactory to the board relative to loss, destruction or mutilation of original certificate.

(d) Certificates issued to architects shall not be transferable.

Section 11. Payment and disposition of fees.

(a) The fee to be paid by an applicant for licensure shall be established by rules and regulations promulgated by the board after consultation with the Commissioner of Professional and Occupational Affairs. A fee for reexamination in the amount established by the board after consultation with the Commissioner of Professional and Occupational Affairs shall be paid by an applicant each time he is required to take a reexamination.

(b) The fee to be paid by an applicant who is an architect licensed under the laws of another state or country, and who seeks licensure pursuant to section 9, shall be established by rules and regulations promulgated by the board after consultation with the Commissioner of Professional and Occupational Affairs.

(c) The fee to be paid for the renewal of a certificate and the fee for the restoration of an expired certificate shall be established by rules and regulations promulgated by the board after consultation with the Commissioner of Professional and Occupational Affairs.

(d) The fee to be paid for the issuance of a duplicate certificate shall be established by rules and regulations promulgated by the board after consultation with the Commissioner of Professional and Occupational Affairs.

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

Section 12. 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 seal or knowingly permits it to be impressed on drawings, specifications or other design documents which were not prepared by him or under his 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 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, or upon expiration of a certificate without renewal, an architect shall surrender his or her seal or stamp to the board. Upon the death of an architect, his 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.

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

- (1) sole proprietorship;
- (2) partnership;
- (3) professional association;
- (4) professional corporation; or
- (5) business corporation.

(b) A partnership may engage in the practice of architecture in Pennsylvania provided it complies with the provisions of 59 Pa.C.S. Ch. 3 (relating to general partnerships) and that it also satisfies the following requirements:

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

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

(c) A professional association may engage in the practice of architecture in Pennsylvania provided it complies with the provisions of the act of August 7, 1961 (P.L.941, No.416), known as the "Professional Association Act," and must also satisfy the following requirements:

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

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

(d) A professional corporation shall comply with the provisions of the act of July 9, 1970 (P.L.461, No.160), known as the "Professional Corporation Law."

(e) A business corporation may engage in the practice of architecture in Pennsylvania, provided that it complies with the act of May 5, 1933 (P.L.364, No.106), known as the "Business Corporation Law," and that it also satisfies the following requirements:

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

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

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

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

(f) A partnership, professional association or corporation engaged in the practice of architecture having fewer than three partners, governors, shareholders or directors under this section shall have at least one partner, governor, shareholder or director who is an individual duly certified to practice architecture in the Commonwealth pursuant to this act.

(g) 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, a member of the board of governors in the case of a professional association, a shareholder in the case of a professional corporation, or a director in the case of a business corporation, who holds a certificate 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.

(h) The board shall by promulgation of rules and regulations, require any partnership, professional association, professional corporation or business corporation practicing architecture in this State to file with the board information concerning its officers, directors, partners, professional association board of governors, beneficial owners 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 or business corporation to pay an annual filing fee in the amount determined by the board by promulgation of rules and regulations.

(i) No corporation, professional association or partnership may perform any act relating to the practice of architecture which an individual architect is prohibited from doing.

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

Section 14. Firm names.

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

Section 15. Permitted practices.

Nothing contained in this act shall be construed to prohibit:

(1) Persons acting under the personal supervision of an architect from carrying out their normal duties in the preparation of drawings, specifications and other design and construction documents or in administering construction contracts or in performing construction management services.

(2) Engineers registered under the act of May 23, 1945 (P.L.913, No.367), known as the "Professional Engineers Registration Law," as amended, from performing the services for which they are duly licensed or from performing such services included in the practice of architecture as may be incidental to their engineering work.

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

(4) The preparation of any drawings or other design documents by an individual for a single-family residence of any size or cost which is to be used by such individual as his or her home.

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

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

(7) Officers and employees of the Government of the United States, while engaged within this Commonwealth, in the practice of architecture for said government.

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

Section 16. Existing licenses.

Nothing in this act shall be construed to terminate any rights of individual architects licensed and engaged in the practice of architecture at the time of the passage of this act. Any architect so licensed shall be allowed to continue his licensure and to practice architecture in a manner consistent with the provisions of this act.

Section 17. Existing rules and regulations.

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

Section 18. Unauthorized practice prohibited.

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

(b) Except as provided in section 9(c) and (d), no partnership, professional association or corporation shall engage in the practice or offer to engage in the practice of architecture in this Commonwealth, or use any title, sign, card or device implying that such partnership, professional association or corporation is competent to engage in the practice of architecture, unless such partnership, professional association or corporation complies with section 13.

Section 19. Disciplinary proceedings.

(a) The board may refuse to issue a certificate to an applicant or may refuse, revoke or suspend a certificate, censure an architect, issue a letter of reprimand, restrict a certificate holder and attach certain conditions to a 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 certificate.

(2) Engaging in the practice of architecture 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 revoked or suspended or having other disciplinary action taken by the proper licensing authority of another state, territory or country.

(4) Engaging in the practice of architecture 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 in violation of any provisions of this act.

(6) Bribery, fraud, deceit, recklessness, gross negligence or incompetence in the practice of architecture.

(7) Use of an architect's seal in violation of section 12.

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

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

Section 20. Penalties.

(a) Any person who engages or who offers to engage in the practice of architecture without holding a currently valid certificate as required by this act, or any person who violates any of the provisions of this act shall, for a first offense, be guilty of a summary offense and upon conviction thereof shall be sentenced to pay a fine not exceeding \$500 or suffer imprisonment not exceeding 90 days, or both, and for a second or subsequent offense shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than \$2,000 but not more than \$5,000, or to suffer imprisonment of not less than one year, but not more than two years, or both.

(b) In addition to any other penalties imposed pursuant to this act, any person who engages in the practice or offers to engage in the practice of architecture without holding a currently valid certificate as required by this act or without complying with the requirements of section 13 shall return any fees collected in connection with the practice or offering to practice architecture.

(c) The right of the board to refuse to issue a certificate or to refuse, revoke or suspend a certificate or censure an architect or issue a letter of reprimand or restrict a certificate holder or attach conditions to a certificate under this act shall be in addition to the penalties set forth in this section.

Section 21. Complaint procedure and hearings.

(a) Any person may prefer charges against a person licensed 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, and shall, in appropriate cases, file a written statement of charges. The applicant or architect 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 recommendation. Upon review of the record, the board by majority vote, may adopt the findings in the report or may, with or without additional testimony, either return the matter to the representative for such further consideration as the board deems necessary or make additional or other findings of fact on the basis of all the legally probative evidence in the record and enter its conclusions of law and order in accordance with the requirements for the issuance of an adjudication under Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).

(d) The board may, in its discretion, issue a certificate to any applicant denied licensure under section 19(a) upon presentation of suitable evidence of reform.

Section 22. Severability.

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

Section 23. Repeals.

(a) The following acts and parts of acts are repealed absolutely:

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

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

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

Section 24. Effective date.

This act shall take effect immediately.

APPROVED—The 14th day of December, A. D. 1982.

DICK THORNBURGH