

No. 1983-86

AN ACT

SB 950

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," providing for the reestablishment and continuation of the Architects Licensure Board; further providing for membership on the board; providing for review of the board; further providing for meetings of the board, per diem for members and civil penalties; and making editorial changes.

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

Section 1. Section 4 of the act of December 14, 1982 (P.L.1227, No.281), known as the Architects Licensure Law, is amended to read:

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, *the Director of the Bureau of Consumer Protection in the Office of Attorney General, or his designee*, 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 *professional and public* 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,] *who were members on December 14, 1982, and the presently confirmed members of the Architects Licensure Board constituted under this act as of December 31, 1983*, shall continue to serve as board members until their [present] terms of office expire *but not longer than six months beyond the expiration of such term. In the event that any of said members shall die or resign during his term of office, his successor shall be appointed in the same way and with the same qualifications as above set forth and shall hold office for the unexpired term.* 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] *A member of the board who fails to attend three consecutive meetings shall [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.] forfeit his seat unless the Commissioner of Professional and Occupational Affairs, upon written request from the member, finds that the member should be excused from a meeting because of illness or the death of an immediate family member.***

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

(g) ***Five members of the board shall constitute a quorum.***

Section 2. Section 5(a) and (d) of the act are amended to read:

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. ***The board may meet at least once a month and at other times as the board, in consultation with the Commissioner of Professional and Occupational Affairs, deems desirable.*** Other meetings of the board may be called in accordance with rules and regulations promulgated by the board. ***Adequate public notice of the time and place of meetings of the board shall be given.***

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

Section 3. Sections 7 and 11 of the act are amended to read:

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 *and to the House and Senate Appropriations Committees, 15 days after the Governor has submitted his budget to the General Assembly*, a proposed budget request for its operation for the succeeding fiscal year.

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

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) All fees required under the provisions of this act shall be fixed by the board by regulation and shall be subject to review in accordance with the act

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

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

(c) 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 4. Sections 19 and 20 of the act are amended by adding subsections to read:

Section 19. Disciplinary proceedings.

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(c) Unless ordered to do so by a court, the board shall not reinstate the certificate of a person to practice as an architect which has been revoked and such person shall be required to apply for a certificate after a period of five years in accordance with section 8 if he desires to practice at any time after such revocation.

Section 20. Penalties.

* * *

(d) In addition to any other civil remedy or criminal penalty provided for in this act, the board, by a vote of the majority of the maximum number of the authorized membership of the board as provided by law, or by a vote of the majority of the duly qualified and confirmed membership or a minimum of four members, whichever is greater, may levy a civil penalty of up to \$1,000 on any current licensee who violates any provision of this act or on any person who practices the profession of an architect without being properly licensed to do so under this act. The board shall levy this penalty only after 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 5. This act reestablishes the Architects Licensure Board, the successor to the State Board of Examiners of Architects, in accordance with the procedures set forth in section 7(a) of the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

Section 6. Each rule and regulation of the board in effect on December 31, 1983, shall remain in effect after such date until repealed or amended by the board.

Section 7. All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 8. This act shall be applicable on and after December 31, 1983 whether enacted before, on or after that date.

Section 9. This act shall take effect immediately.

APPROVED—The 22nd day of December, A. D. 1983.

DICK THORNBURGH