

# Enrolled Senate Bill 224

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for State Board of Architect Examiners)

CHAPTER .....

AN ACT

Relating to the regulation of the practice of architecture in this state; creating new provisions; amending ORS 455.062, 455.628, 671.010, 671.020, 671.025, 671.030, 671.041, 671.045, 671.047, 671.050, 671.065, 671.080, 671.085, 671.090, 671.100, 671.120, 671.125, 671.220 and 671.990; repealing ORS 671.060 and 671.105; and prescribing an effective date.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 671.010 is amended to read:

671.010. As used in ORS 671.010 to 671.220, *unless the context requires otherwise*:

[(1) "Architect" means an individual qualified and registered to practice architecture under ORS 671.010 to 671.220, a consulting architect or a foreign architect.]

[(2) "Board" means the State Board of Architect Examiners.]

[(3) "Building" means any structure consisting of foundations, floors, walls and roof, having footings, columns, posts, girders, beams, joists, rafters, bearing partitions, or a combination of any number of these parts, with or without other parts or appurtenances thereto.]

[(4) "Consulting architect" means a person who is licensed or registered by a jurisdiction in the United States or Canada to use the title of "Architect" and engage in the unlimited practice of architecture and who is not subject to practice restrictions as the result of disciplinary action by any architect licensing or registration board.]

[(5) "Firm" means a corporation, limited liability company or partnership operating under a corporate or assumed business name and engaging in the provision of architectural services.]

[(6) "Foreign architect" means a person who is licensed or registered by a country other than the United States or Canada to use the title of "Architect" and engage in the unlimited practice of architecture and who is not subject to practice restrictions as a result of disciplinary action by the architect licensing or registration board issuing the license or registration.]

[(7) "Practice of architecture" means the planning, designing or observing of the erection, enlargement or alteration of any building or of any appurtenance thereto other than exempted buildings.]

[(8) "Registered professional engineer" has the meaning given that term in ORS 672.002.]

**(1) "Architect" means a registered architect or a foreign architect.**

**(2) "Architectural firm" means a business entity that, for compensation, provides the services of an architect or engages in the practice of architecture.**

**(3) "Building" means a structure that has the purpose of supporting or sheltering any use or occupancy.**

(4) **“Business entity”** means a partnership, limited partnership, corporation, professional corporation, limited liability company, business trust, joint venture or other form of business organization the constituent parts of which share a common economic interest.

(5) **“Construction phase services”** means services an architect provides for the purpose of determining that construction work on a building is proceeding generally in accordance with requirements set forth in a technical submission.

(6) **“Foreign architect”** means a person that has a valid license or registration from a jurisdiction other than this state that authorizes the person to engage in the practice of architecture within the jurisdiction that issued the license or registration.

(7) **“Foreign architectural firm”** means a business entity that has a valid license or registration from a jurisdiction other than this state that authorizes the business entity to engage in the practice of architecture within the jurisdiction that issued the license or registration.

(8) **“Practice of architecture”** means engaging in the art and science of designing, in whole or in part, buildings and the space within and appurtenant to buildings and providing related services that include, but are not limited to, planning, developing design concepts, preparing technical submissions and other documents that define a building’s form and function, coordinating construction work and the work of other consultants and providing construction phase services.

(9) **“Registered architect”** means an individual who has a valid certificate of registration issued by the State Board of Architect Examiners under ORS 671.010 to 671.220 that authorizes the individual to engage in the practice of architecture within this state.

(10) **“Registered architectural firm”** means a business entity that has a valid certificate of registration issued by the State Board of Architect Examiners under ORS 671.010 to 671.220 that authorizes the business entity to engage in the practice of architecture within this state.

(11) **“Responsible control”** means a degree of control over an operation that is consistent with the scope of a registered architect’s professional knowledge and the application of a registered architect’s professional standard of care.

[9] (12) **“State building code”** has the meaning given that term in ORS 455.010.

(13) **“Technical submission”** means a plan, design, drawing, blueprint or other document that an architect prepares in connection with the practice of architecture and submits to a regulatory authority to comply with the state building code, a municipal building code or related rules, ordinances, resolutions or other regulatory requirements.

**SECTION 2.** ORS 671.020 is amended to read:

671.020. [(1) *In order to safeguard health, safety and welfare and to eliminate unnecessary loss and waste in this state, a person may not engage in the practice of architecture or assume or use the title of “Architect” or any title, sign, cards or device indicating, or tending to indicate, that the person is practicing architecture or is an architect or represent in any manner that the person is an architect, without first qualifying before the State Board of Architect Examiners and obtaining a certificate of registration as provided by ORS 671.010 to 671.220.*]

[(2) *Notwithstanding subsection (1) of this section, a consulting architect may engage in the practice of architecture if the consulting architect:*]

[(a) *Is affiliated with an Oregon-registered architect who is in responsible charge of all aspects of the architectural services provided; and*]

[(b) *Uses the designation of “Consulting Architect, in consultation with,” followed by the name of the Oregon-registered architect described in paragraph (a) of this subsection and the name of the architectural firm.*]

[(3) *Notwithstanding subsection (1) of this section, a foreign architect may engage in the practice of architecture if:*]

[(a) *The foreign architect is affiliated with an Oregon-registered architect who is in responsible charge of all aspects of the architectural services provided;*]

*[(b) The foreign architect uses the designation of "Foreign Architect, in consultation with," followed by the name of the Oregon-registered architect described in paragraph (a) of this subsection and the name of the architectural firm; and]*

*[(c) The board determines that the jurisdiction in which the foreign architect is licensed or registered has adequate education and training standards. The board, by rule, may recognize agreements between a national certification organization and the foreign jurisdiction as proof of education and training standards.]*

*[(4) A person may not practice or attempt to practice the profession of architecture, or assume the title of "Architect," "Consulting Architect" or "Foreign Architect," or use in connection with the business of the person any words, letters or figures indicating the title of "Architect," "Consulting Architect" or "Foreign Architect" without first complying with ORS 671.010 to 671.220.]*

*[(5) Every registered architect shall, upon registration, obtain a stamp of the design authorized by the board. All drawings and the title page of all specifications intended for use as construction documents in the practice of architecture must bear the stamp of a registered architect and be signed by the architect. The stamp and signature constitute certification that the architect has exercised the requisite professional judgment about and made the decisions upon all matters embodied within those construction documents, that the documents were prepared either by the architect or under the direct control and supervision of the architect and that the architect accepts responsibility for the documents.]*

*[(6) Except as provided in ORS 671.041, an architect registered under ORS 671.010 to 671.220 may pursue the practice of architecture only under the architect's own name as that name appears in the certificate of registration.]*

**(1) Except as provided in subsection (2) of this section, an individual or business entity that does not have a valid certificate of registration from the State Board of Architect Examiners may not:**

**(a) Engage in the practice of architecture within this state;**

**(b) Assume or use a title, form of address or other designation within this state that indicates or reasonably could be understood to indicate that the individual is an architect or that the individual or business entity engages in the practice of architecture; or**

**(c) State, declare, represent or otherwise purport in any title, sign, card, device, advertisement or other indication of the individual's or the business entity's business or occupation that the individual is an architect or that the individual or business entity engages in the practice of architecture within this state.**

**(2) An individual who does not have the certificate of registration under subsection (1) of this section may engage in the practice of architecture within this state and use a designation that indicates that the individual is an architect or engages in the practice of architecture if the individual:**

**(a) Is a foreign architect;**

**(b) Has a written agreement of affiliation with a registered architect or registered architectural firm under which the registered architect or registered architectural firm has responsible control over all aspects of the architectural services the individual provides; and**

**(c) Uses the designation "foreign architect, in consultation with" followed by the name of a registered architect and the registered architect's registered architectural firm, if any, on all technical submissions, advertisements or other communications that purport to identify the foreign architect's profession, occupation or business within this state.**

**(3) Upon receiving a certificate of registration from the board, a registered architect shall obtain a stamp that conforms with a design that the board specifies by rule. The stamp, when accompanied by the registered architect's signature on any technical submission, constitutes the registered architect's attestation that the registered architect has responsible control over the content of the technical submission. The registered architect is responsible for controlling the custody and use of the stamp.**

**(4) A registered architect may engage in the practice of architecture only under the registered architect's own name, as that name appears on the certificate of registration,**

**except that the registered architect may practice under the name or assumed business name of a registered architectural firm, as provided in ORS 671.041.**

**SECTION 3.** ORS 671.025 is amended to read:

671.025. (1) Any person applying for a license or permit required under the laws of this state or **under** the ordinances of any jurisdiction in **this state within** which the person proposes to erect, construct, enlarge, alter, repair, move, improve, remove or convert a building shall submit an original or reproduction of the *[drawings and specifications]* **technical submissions** for the work proposed. The *[drawings and specifications]* **technical submissions** must:

(a) Bear the stamp **and signature** of a registered architect *[or registered professional engineer]* if the services of a registered architect *[or registered professional engineer]* are required under ORS 671.010 to 671.220; and

(b) Be *[drawn to scale with sufficient clarity]* **sufficiently clear** to indicate the nature and extent of the work proposed and that the work proposed conforms with the requirements of ORS 671.010 to 671.220, the state building code and any other applicable laws and ordinances.

(2) The *[drawings and specifications]* **technical submissions** must bear identification that includes, but is not limited to:

(a) The project name and location;

(b) The name, address and telephone number of the person responsible for *[the preparation of the documents]* **preparing the technical submissions, including technical submissions the person prepared on behalf of another person;**

(c) The name, address and telephone number of the owner; and

(d) The date the documents were issued.

(3) Each jurisdiction that requires the issuance of a permit as a condition precedent to the construction, alteration, improvement or repair of any building or structure shall require the signature and *[registration]* **an impression of the stamp described in ORS 671.020 (3)** on the *[drawings and specifications]* **technical submissions** from a person authorized to prepare the *[drawings and specifications]* **technical submissions.**

(4) The *[registration]* **registered architect's** stamp and signature on the *[drawings and specifications]* **technical submissions** *[of the architect or engineer preparing the drawings and specifications]* constitute compliance with this section.

*[(5) This section does not apply to the issuance of permits if the preparation of the drawings and specifications for the construction, alteration, improvement or repair of a building or structure is exempt from the provisions of this section, except that the person preparing the drawings and specifications for others shall be so identified.]*

**(5) An architect shall retain, for a period of not less than 10 years following the completion of the project for which the architect submitted technical submissions, records and documentation that demonstrate the architect's responsible control over the preparation of the technical submissions.**

**SECTION 4.** ORS 671.030 is amended to read:

671.030. (1) ORS 671.010 to 671.220 do not apply to the practice of **marine**, naval or landscape architecture *[or of engineering by a registered professional engineer or a person engaged in architecture or engineering work as an employee of an architect or registered professional engineer].*

(2) ORS 671.010 to 671.220 do not prohibit:

*[(a) Draftsmen, clerks of the work, superintendents and other Employees of registered architects and registered professional engineers from acting under the instructions, control or supervision of their employers. A draftsman, clerk, superintendent or other employee may not use the designation "architect," "architectural" or "architecture" unless registered under the provisions of ORS 671.010 to 671.220, or unless a title containing the designation is provided by rule of the State Board of Architect Examiners.]*

*[(b) A person from making drawings or specifications for, or observing the erection, enlargement or alteration of, a building, or an appurtenance to a building, if the building:]*

(a) An employee of a registered architect from acting under the registered architect's instruction, control or supervision. An employee who is not a registered architect may not use the designation "architect," "registered architect" or "foreign architect" or the words "architecture" or "architectural" to describe the employee's work unless a rule of the State Board of Architect Examiners provides otherwise.

(b) A person that is not an architect from preparing technical submissions or providing construction phase services related to erecting, enlarging or altering a building or an appurtenance to a building if the building or the appurtenance:

(A) Is *[to be used for]* a single family residential dwelling or farm building; *[or]*

(B) Is a structure used in connection with or auxiliary to a single family residential dwelling or farm building, including but not limited to a three-car garage, barn or shed or a shelter used for the housing of domestic animals or livestock[.]; **or**

*[(c)] (C) [A person from making drawings or specifications for, or observing the erection, enlargement or alteration of, a building, or an appurtenance to a building, if the building]* Has a ground area of 4,000 square feet or less and is not more than 20 feet in height from the top surface of lowest flooring to the highest interior overhead finish *[of the structure]*.

*[(d)] (c)* A person from planning, designing, specifying or observing the alterations or repairs to a building if:

(A) The structural part of the building, including but not limited to the foundation walls, floors, roof, footings, bearing partitions, beams, columns and joists, is not involved;

(B) The building code classification by use or occupancy of the building is not changed; and

(C) The building code classification by type of construction of the building is not changed.

*[(e)] (d)* A contractor *[or duly appointed superintendent or foreman]* from directing the work of erecting, enlarging or altering a building, or an appurtenance to a building, under the observation of a registered architect *[or under the supervision of a registered professional engineer]*.

*[(f)] (e)* A person practicing marine, naval or landscape architecture from purporting to be a marine, naval or landscape architect if the work is confined and limited to those classifications.

*[(g)] (f)* A construction contractor licensed under ORS chapter 701 from offering services constituting the practice of architecture if:

**(A) The construction contractor's offer discloses in writing that the construction contractor is not an architect and identifies the registered architect or registered architectural firm that will provide the architectural services;**

*[(A)] (B)* The services are *[appurtenant]* ancillary to construction services *[to be provided by the]* **the construction contractor will provide; and**

*[(B)] (C)* **A registered architect or registered architectural firm provides** the services constituting the practice of architecture. *[are performed by an architect registered under ORS 671.010 to 671.220 or provided by a firm registered under ORS 671.010 to 671.220; and]*

*[(C) The offer by the construction contractor discloses in writing that the contractor is not an architect and identifies the registered architect who will perform the services constituting the practice of architecture or the firm that will provide the architectural services.]*

**SECTION 5.** ORS 671.041 is amended to read:

671.041. *[(1) As used in this section, "corporate firm" includes a domestic private corporation, foreign private corporation, domestic cooperative corporation, foreign cooperative corporation, domestic professional corporation and foreign professional corporation.]*

*[(2) A firm may engage in the provision of architectural services in this state under a corporate or assumed business name if:]*

*[(a) At least two-thirds of the board of directors of a corporate firm, or owners having at least a two-thirds ownership interest in a noncorporate firm, are registered or licensed as architects or as engineers in any jurisdiction recognized by rule of the State Board of Architect Examiners or the State Board of Examiners for Engineering and Land Surveying;]*

*[(b) At least one-third of the board of directors of a corporate firm or owners having at least a one-third ownership interest in a noncorporate firm are architects registered or licensed in any jurisdiction recognized by rule of the State Board of Architect Examiners;]*

*[(c) All persons in charge of the practice of architecture in this state for the firm are:]*

*[(A) Members of the board of directors or owners of the firm;]*

*[(B) Regularly employed in the office of the firm that directs and has supervisory control of the practice of architecture in this state; and]*

*[(C) Registered as architects under ORS 671.010 to 671.220;]*

*[(d) The corporate or assumed business name does not include the surname of an individual who is not presently or was not previously associated in the practice of architecture or engineering in this state or in any jurisdiction recognized by rule of the State Board of Architect Examiners or the State Board of Examiners for Engineering and Land Surveying with the named entity or with the members or predecessors of the named entity; and]*

*[(e) The corporate or assumed business name identifies the firm as being engaged in the provision of architectural services.]*

*[(3) A firm must register with the State Board of Architect Examiners before the firm may provide architectural services. A firm must file a renewal of the registration as provided by rule of the board.]*

*[(4) All professional documents issued by the firm that are required by ORS 671.010 to 671.220 to bear the stamp of an architect must bear the stamp of the architect responsible for the preparation of the documents and bear the corporate or assumed business name of the firm.]*

*[(5) Notwithstanding subsections (2) and (3) of this section, a professional corporation that existed on September 29, 1991, may engage in the provision of architectural services if the stockholders owning a majority of the stock of the corporation are registered as architects under ORS 671.010 to 671.220 or professional engineers under ORS 672.002 to 672.325.]*

*[(6) In adopting rules required by this section, the State Board of Architect Examiners or the State Board of Examiners for Engineering and Land Surveying shall recognize jurisdictions that enforce requirements for registration or licensing of architects or engineers that are substantially equal to the requirements for registration of architects or engineers in this state.]*

**(1) A business entity may apply to the State Board of Architect Examiners for a certificate of registration that authorizes the business entity to engage in the practice of architecture within this state as a registered architectural firm.**

**(2) The board by rule shall specify:**

**(a) The manner in which and the procedures under which a business entity may apply for a certificate of registration under subsection (1) of this section;**

**(b) The form and content of all application materials;**

**(c) The period during which a registration remains valid;**

**(d) Fees to apply for registration and to renew registration;**

**(e) Conditions or qualifications under which the board grants or denies registration; and**

**(f) Any other matter related to the registration of a business entity that the board deems necessary to specify.**

**(3) If an applicant under subsection (1) of this section meets the qualifications and conditions the board establishes for registration, the board shall issue a certificate of registration to the applicant. A registered architectural firm shall display a copy of the certificate of registration at each of the registered architectural firm's places of business within this state.**

**(4)(a) A foreign architectural firm may offer to provide in this state services that constitute the practice of architecture, and may assume or use a name, form of address or other designation within this state that indicates or reasonably could be understood to indicate that the foreign architectural firm is an architectural firm or engages in the practice of architecture, if the foreign architectural firm provides a notice in writing to each person that**

responds to or accepts the offer that states that the foreign architectural firm is not a registered architectural firm.

(b) Notwithstanding the permission given under paragraph (a) of this subsection, a foreign architectural firm may not engage in the practice of architecture in this state without a certificate of registration.

(5) A business entity that provides services in this state that constitute the practice of architecture may provide the services only through, or under the responsible control of, an owner or employee of the business entity who is a registered architect.

(6) Any technical submission that a registered architectural firm submits to comply with a requirement under the laws of this state, or an ordinance or other law of a jurisdiction in this state, must bear the stamp of a registered architect who has responsible control of the technical submission and must display the name of the registered architectural firm.

(7) A registered architectural firm may not have, use, display or communicate a name or assumed business name that includes the name of an individual who was not previously or is not currently an owner, employee or otherwise in a contractual relationship with the registered architectural firm under which the individual previously engaged in or currently engages in the practice of architecture in this state.

**SECTION 6.** ORS 671.045 is amended to read:

671.045. ORS 671.041 to 671.047 do not affect the law applicable to the professional relationship and liabilities between [a person] **an architect or architectural firm** rendering professional service **in the practice of architecture** and a person receiving the **architect's or architectural firm's** service, and ORS 671.041 to 671.047 do not affect the standards of professional conduct [of a profession] **that apply to architects or architectural firms**. A shareholder, director, **member**, officer, employee or agent of [a professional corporation] **an architectural firm** may be held personally liable for negligent or wrongful acts or misconduct committed by [that person] **the shareholder, director, member, officer, employee or agent**, or by a person under the direct supervision and control of [that person] **the shareholder, director, member, officer, employee or agent**, while rendering professional service on behalf of the [corporation] **architectural firm** to a person receiving the service the same as though the service [was] **were** being rendered by an individual. A shareholder, director, **member** or officer may also be held liable for negligent or wrongful acts or misconduct in participation with such acts or misconduct of another shareholder, director, **member** or officer of the [corporation] **architectural firm**. The [corporation] **architectural firm** is jointly and severally liable up to the full value of [its] **the architectural firm's** assets for [such] **the architectural firm's** acts or misconduct[. However], **but** the shareholders, directors, **members**, officers, employees and agents of the [corporation] **architectural firm** are not personally liable for the debts or other contractual obligations of the [corporation] **architectural firm**.

**SECTION 7.** ORS 671.047 is amended to read:

671.047. [The Oregon Business Corporation Act is applicable to professional corporations and they enjoy the powers and privileges and are subject to the duties, restrictions and liabilities of corporations organized under the Oregon Business Corporation Act, except when inconsistent with ORS 671.041 to 671.047. ORS 671.041 to 671.047 take precedence in the event of any conflict with provisions of the Oregon Business Corporation Act or other law.]

**Unless inconsistent with ORS 671.041 to 671.047, ORS chapters 58, 60, 62, 63, 65, 67 and 70 apply as appropriate to the form of business entity in which an architectural firm is organized. The provisions of ORS 671.041 to 671.047 take precedence in governing the powers, privileges, duties, restrictions and liabilities of an architectural firm over conflicting provisions of ORS chapter 58, 60, 62, 63, 65, 67 or 70.**

**SECTION 8.** ORS 671.050 is amended to read:

671.050. (1) Any [person] **individual** desiring the right to **engage in the practice of architecture** in [the State of Oregon] **this state** shall apply to the State Board of Architect Examiners [upon such forms and in such manner as may be provided by the board. In addition to possessing the qualifica-

tions required by ORS 671.010 to 671.220, each applicant must be at least 18 years of age.] for a certificate of registration. To obtain a certificate of registration, the individual must:

(a) Complete an application with documentation that, in the board's judgment, shows that the applicant successfully completed an education program, an experience program and an examination that meet standards the board specifies by rule; and

(b) Pay an application fee in an amount the board specifies by rule.

(2) The board by rule shall specify:

(a) The manner in which and the procedures under which an individual may apply for a certificate of registration under subsection (1) of this section;

(b) The form and content of all application materials;

(c) The period during which a registration remains valid;

(d) Fees to apply for registration and to renew registration;

(e) Conditions or qualifications under which the board grants or denies registration; and

(f) Any other matter related to the registration of an individual that the board deems necessary to specify.

*[(2) Each applicant for a certificate of registration shall pay to the board the required fee.]*

(3) If the board determines that the individual is qualified to engage in the practice of architecture in this state, the board shall issue a certificate of registration to the individual.

(4) In specifying standards for an examination under this section, the board may adopt the examination and the recommended grading procedures of the National Council of Architectural Registration Boards.

**SECTION 9.** ORS 671.065 is amended to read:

671.065. (1) The State Board of Architect Examiners may grant a certificate of registration without examination to any *[person]* **individual** who is not registered to **engage in the practice of architecture** in this state but is certified by the National Council of Architectural Registration Boards or has lawfully been issued a license or certificate to **engage in the practice of architecture** in another jurisdiction of the United States or another country that has qualifications and licensing examinations substantially similar to those required in this state.

*[(2) A person who seeks to practice architecture in this state and meets the requirements for certification in subsection (1) of this section may offer to render architectural services without being issued a certificate of registration by the board, if the architect advises the prospective client and the board in writing and submits an application for registration in this state. The person may use the title of "Architect" while offering to render architectural services, but may not represent that the person is qualified to practice under ORS 671.010 to 671.220.]*

(2)(a) A foreign architect who does not have a certificate of registration under ORS 671.020 may offer to provide in this state services that constitute the practice of architecture, and may assume or use a title, form of address or other designation within this state that indicates or reasonably could be understood to indicate that the foreign architect is an architect or that the foreign architect engages in the practice of architecture, if the foreign architect provides a notice in writing to each person that responds to or accepts the offer that states that the foreign architect is not a registered architect.

(b) Notwithstanding the permission given in paragraph (a) of this subsection, a foreign architect may not engage in the practice of architecture in this state without a certificate of registration.

**SECTION 10.** ORS 671.080 is amended to read:

671.080. *[(1) Each registrant who desires to continue as an architect in this state shall submit to the State Board of Architect Examiners, on or before the renewal deadline established by board rule, a renewal application and the renewal fee authorized under ORS 671.085. The registrant shall also furnish evidence satisfactory to the board that the registrant has complied with any continuing education requirements adopted by the board under ORS 671.125, unless those requirements have been waived. Upon payment and, if required, the furnishing of satisfactory evidence, the board shall issue to the registrant a certificate of renewal of registration.]*



*[(2) If a registrant fails to have a certificate renewed on or before the renewal deadline established by board rule, the registrant is delinquent. The registrant may renew the certificate not later than the 30th day after the renewal date, without penalty, if the registrant pays the renewal fee and furnishes evidence satisfactory to the board that the registrant has complied with any continuing education requirements adopted by the board under ORS 671.125, unless those requirements have been waived. The registrant may renew the certificate after the 30th day after the renewal date, if the registrant pays the renewal fee plus a late fee in an amount to be prescribed by the board by rule, and furnishes evidence satisfactory to the board that the registrant has complied with any continuing education requirements adopted by the board under ORS 671.125, unless those requirements have been waived.]*

*[(3) Any person who fails to pay the renewal fee, with any late fees, or fails to furnish evidence satisfactory to the board that the registrant has complied with any continuing education requirements adopted by the board under ORS 671.125, unless those requirements have been waived, for a period of 60 days, forfeits the right to practice architecture in this state. The person may be reinstated as an architect only upon passing examinations required by the board, by complying with any continuing education requirements adopted by the board under ORS 671.125 and by paying any required fees and penalties.]*

*[(4) The board may grant inactive status to any registered architect who gives up the practice and while in good standing makes a request in writing to the board. The architect may resume practice by complying with any continuing education requirements adopted by the board under ORS 671.125 and paying any required fees and penalties.]*

**(1)(a) A registered architect must periodically renew the registration described in ORS 671.020 by submitting to the State Board of Architect Examiners, on or before the renewal date the board establishes by rule:**

**(A) An application for renewal;**

**(B) Any fees the board authorizes under ORS 671.085; and**

**(C) Evidence satisfactory to the board that the registered architect has complied with any continuing education requirements the board adopted under ORS 671.125, unless the board waives the continuing education requirements.**

**(b) The board shall renew the registered architect's certificate of registration after the applicant complies with the requirements described in paragraph (a) of this subsection.**

**(2) If a registered architect does not renew the certificate of registration on or before the renewal deadline the board establishes by rule, the certificate of registration expires on the 61st day after the renewal deadline.**

**(3)(a) A person is no longer a registered architect and forfeits the right to engage in the practice of architecture in this state if, for a period of more than 60 days after a renewal deadline, the person fails to pay a renewal fee or any late fee the board imposes or if the person fails to submit evidence satisfactory to the board of the person's compliance with continuing education requirements the board adopts under ORS 671.125, unless the board waives the continuing education requirements.**

**(b) The board may reinstate as a registered architect a person that failed to renew the person's certificate of registration only if the person passes any examination the board requires, the person complies with any continuing education requirements the board adopted under ORS 671.125 and the person pays all outstanding renewal fees, late fees and penalties.**

**(4) The board may grant inactive status to any registered architect who ceases to engage in the practice of architecture and, while in good standing, submits to the board a written request for inactive status. The registered architect may resume practice by passing any examinations the board requires, complying with any continuing education requirements the board adopts under ORS 671.125 and paying any required fees and penalties.**

**SECTION 11.** ORS 671.085 is amended to read:

*671.085. [In addition to any other fee imposed by the State Board of Architect Examiners by rule, the board may impose fees for the following:]*

*[(1) Registration.]*

- [(2) Renewal.]*
- [(3) Filing an application for Architectural Registration Examination.]*
- [(4) Architectural Registration Examination, resident and nonresident.]*
- [(5) Reciprocal application.]*
- [(6) Duplicate certificate.]*
- [(7) Registration of a firm.]*
- [(8) Renewal of registration of a firm.]*

**The State Board of Architect Examiners may impose fees that are reasonable and necessary to aid in the administration of ORS 671.010 to 671.220 and to regulate the practice of architecture in this state. The fees may include, but are not limited to, fees for accepting and processing applications and issuing and renewing certificates of registration.**

**SECTION 12.** ORS 671.090 is amended to read:

671.090. *[The State Board of Architect Examiners may refuse to grant, reinstate or renew, or may suspend or revoke, a certificate of registration to engage in the practice of architecture or in the provision of architectural services in this state upon proof of one or more of the following grounds:]*

*[(1) Using fraud or deception in applying for a certificate of registration or in passing an examination as provided in ORS 671.010 to 671.220.]*

*[(2) Falsely impersonating a practitioner or former practitioner.]*

*[(3) Practicing under an assumed or fictitious name or a firm name contrary to the provisions of ORS 671.010 to 671.220.]*

*[(4) Demonstrating fraud, deceit, gross negligence, incompetency or misconduct in the practice of architecture or in the provision of architectural services.]*

*[(5) Willfully evading or attempting to evade any law, ordinance, code or regulation of the state, or counties and cities of this state, governing construction of buildings.]*

*[(6) Stamping or signing any drawings or specifications that were not prepared by the architect or under the architect's direct control and supervision.]*

*[(7) Unbeknown to a party for whom the architect is doing work, receiving rebates, commissions, grants of moneys or favors which the architect is not entitled to or justified in receiving.]*

*[(8) Engaging in the practice of architecture or the provision of architectural services in a manner contrary to the provisions and requirements of ORS 671.010 to 671.220.]*

*[(9) Failing to comply with any continuing education requirements adopted by the board under ORS 671.125, unless the requirements have been waived by the board.]*

*[(10) Being convicted of any crime under circumstances that relate to the practice of architecture or the provision of architectural services.]*

*[(11) Being the subject of disciplinary action taken by another jurisdiction.]*

**(1) A person may not:**

**(a) Use fraud or deception in applying for a certificate of registration or in passing an examination required under ORS 671.010 to 671.220.**

**(b) Falsely impersonate a registered architect or engage in the practice of architecture in this state without a certificate of registration from the State Board of Architect Examiners.**

**(c) Engage in the practice of architecture in this state under an assumed or fictitious business name without registering the assumed or fictitious business name under ORS chapter 648.**

**(d) Demonstrate fraud, deceit, gross negligence, incompetency or misconduct in the practice of architecture or in the provision of architectural services.**

**(e) Willfully evade or attempt to evade any law, ordinance, code or regulation of this state, or of counties and cities of this state, that govern the construction of buildings.**

**(f) Stamp or sign any technical submissions unless the person is a registered architect and prepared the technical submissions or caused the technical submissions to be prepared under the person's direct control and supervision.**

(g) Receive rebates, commissions, grants of moneys or favors to which the person is not entitled or is not justified in receiving, if the person is a registered architect and is doing work for another person that is unaware of the rebate, commission, moneys or favor.

(h) Engage in the practice of architecture or the provision of architectural services in a manner contrary to the provisions and requirements of ORS 671.010 to 671.220.

(i) Fail to comply with any continuing education requirements the board adopts under ORS 671.125, unless the board waives the requirements.

(j) Be convicted of any crime under circumstances that relate to the practice of architecture or the provision of architectural services.

(k) Be the subject of a final order in a disciplinary action that suspends or revokes the person's right to engage in the practice of architecture in another jurisdiction.

(L) Engage in conduct that the board determines is unprofessional or dishonorable.

(m) Violate a provision of ORS 671.010 to 671.220, a rule the board adopts under ORS 671.010 to 671.220 or an order the board issues under the authority of ORS 671.010 to 671.220.

(2)(a) The board may investigate, at the board's own initiative or in response to a complaint under ORS 671.100, any conduct that the board reasonably determines constitutes or could constitute a violation of a provision of subsection (1) of this section.

(b) Except as provided in paragraphs (c) and (d) of this subsection, information the board obtains or receives in an investigation under paragraph (a) of this subsection is confidential and is not subject to disclosure under ORS 192.311 to 192.478 unless the public interest requires the disclosure.

(c) The board may disclose information described in paragraph (b) of this subsection if:

(A) The investigation results in a proceeding for which the board gives notice under ORS 183.413; or

(B) The board issues a finding or final order related to matters the board investigated under paragraph (a) of this subsection.

(d) The board may disclose the fact that the board is conducting an investigation under paragraph (a) of this subsection to the subject of the investigation and to the public and may describe in the disclosure the general nature of the matter the board is investigating.

(3)(a) If the board determines that a person has violated a provision of subsection (1) of this section, the board may:

(A) Refuse to issue or renew a certificate of registration to the person or to reinstate a certificate of registration the board previously issued to the person;

(B) Suspend or revoke the person's certificate of registration; or

(C) Reprimand or otherwise discipline the person.

(b) In addition to taking an action set forth in paragraph (a) of this subsection, the board may impose a civil penalty under ORS 671.990 upon a person that violates subsection (1) of this section.

(4) Actions the board takes under subsection (3) of this section:

(a) Are subject to all applicable provisions of ORS chapter 183 including, but not limited to, a requirement to afford the subject of the action an opportunity for a hearing and the requirements for judicial review of any order of the board; and

(b) May be cumulative and are in addition to and not in lieu of any other applicable penalty or liability to which a person is subject for a violation of the laws of this state.

**SECTION 13.** ORS 671.100 is amended to read:

671.100. [(1) *The State Board of Architect Examiners may revoke, suspend or annul the certificate of registration to practice architecture in this state of an architect, or reprimand, censure or otherwise discipline an architect who violates any provision of ORS 671.010 to 671.220 or any rule adopted under ORS 671.010 to 671.220.*]

[(2)] (1) Any person may [prefer charges] **submit to the State Board of Architect Examiners a complaint** against a [holder of a certificate of registration to practice architecture] **registered architect**. The [charges] **complaint** must be in writing and be sworn to by the complainant. The board

shall *[take action on the preferred charges]* **review the complaint** at the next regular board meeting following receipt of the *[charges]* **complaint**.

**(2) Submitting a complaint under subsection (1) of this section does not give the claimant a particular priority for resolution of the complaint or restrict or prevent the board from acting on a complaint other than the complaint submitted under subsection (1) of this section.**

**SECTION 14.** ORS 671.120 is amended to read:

671.120. The State Board of Architect Examiners shall operate as a semi-independent state agency subject to ORS 182.456 to 182.472 for the purpose of carrying out ORS 671.010 to 671.220. The board shall be composed of seven members appointed by the Governor to four-year terms with three terms maximum. **Before a member's term expires, the Governor shall appoint a member with a term that is effective on September 1 of the year in which the previous member's term expires. If a vacancy occurs on the board for any cause, the Governor shall appoint a member for the remainder of the unexpired term.** The chair of the board *[shall]* **must** be elected by the board from among the current members. The board shall have as members:

(1) Five architects who are residents of *[Oregon and who have resided in]* this state *[for a period of not less than five years]*; and

(2) Two members of the general public.

**SECTION 15.** ORS 671.125 is amended to read:

671.125. In accordance with *[any applicable provisions of]* ORS chapter 183, the State Board of Architect Examiners may:

(1) Adopt reasonable rules necessary for the administration of the laws the board is charged with administering; and

(2) Adopt reasonable rules prescribing standards of professional conduct for architects and rules requiring continuing professional education for architects. In adopting rules under this subsection, the board shall *[give consideration to]* **consider** national standards and practices as a means of facilitating reciprocal registration and licensing of architects among jurisdictions recognized by the board. The board shall also consider local practices.

**SECTION 16.** ORS 671.220 is amended to read:

671.220. *[(1) The State Board of Architect Examiners may assess a civil penalty, not to exceed \$5,000 per offense, against any person who violates any provision of ORS 671.010 to 671.220 or any rule adopted under ORS 671.010 to 671.220. A civil penalty authorized under this section is in addition to and not in lieu of any other penalty or sanction provided by law.]*

*[(2) If the board determines that a person is engaging or about to engage in an activity in violation of ORS 671.020 or 671.041, the board may institute a proceeding in an appropriate circuit court to restrain the activity or proposed activity. An injunction may be issued without proof of actual damages, but does not relieve the defendant from the imposition of a civil penalty for violation of ORS 671.010 to 671.220.]*

*[(3) A person practicing architecture may not maintain a proceeding in a court of this state in regard to the practice of architecture unless the person alleges and proves that the person was registered as an architect under ORS 671.010 to 671.220, or was an affiliated consulting architect or foreign architect, at the time of practicing architecture. A firm engaged in the provision of architectural services may not maintain a proceeding in any court of this state in regard to the provision of architectural services unless the firm was registered under ORS 671.010 to 671.220 at the time of providing the architectural services.]*

*[(4) Civil penalties under this section shall be imposed as provided in ORS 183.745.]*

*[(5) ORS 671.010 to 671.220 do not prevent any person from representing the person's membership or affiliation with any bona fide professional or trade organization unless the representation is made to advance that person's unlicensed practice of architecture or unlawful attempt to practice architecture.]*

*[(6) Notwithstanding ORS 670.335, civil penalties recovered under this section shall be deposited into an account established by the board as provided in ORS 182.470. Moneys deposited are appro-*

*riated continuously to the board and shall be used only for the administration and enforcement of ORS 182.456 to 182.472 and 671.010 to 671.220.]*

(1) **If the State Board of Architect Examiners determines that a person is engaging in or is about to engage in an activity that violates ORS 671.020 or 671.041, the board may bring an action to restrain the activity or proposed activity. An appropriate circuit court may issue an injunction without proof of actual damages, but the injunction does not relieve the defendant in the action from the imposition of a civil penalty for a violation of ORS 671.010 to 671.220.**

(2) **A person may not bring or maintain an action related to the practice of architecture in a court of this state unless the person alleges and proves that at the time the person engaged in the practice of architecture, the person was a registered architect or was a foreign architect acting in compliance with ORS 671.020. An architectural firm may not bring or maintain an action related to the practice of architecture in a court of this state unless the architectural firm was a registered architectural firm at the time the architectural firm engaged in the practice of architecture.**

(3) **ORS 671.010 to 671.220 do not prevent a person from representing the person's membership in or affiliation with any bona fide professional or trade organization unless the person makes the representation to advance the person's unlawful practice of architecture or unlawful attempt to engage in the practice of architecture.**

**SECTION 17.** ORS 671.990 is amended to read:

*671.990. [(1) Violation of any of the provisions of ORS 671.010 to 671.220 is subject to the provisions of ORS 671.220.]*

(1)(a) **A person that violates a provision of ORS 671.010 to 671.220 or a rule the State Board of Architect Examiners adopts under ORS 671.010 to 671.220 is subject to a civil penalty of not more than \$5,000 for each violation. A civil penalty under this subsection is in addition to and not in lieu of any other penalty or sanction provided by law.**

(b) **The board may impose a civil penalty under this section only in accordance with ORS 183.745.**

(c) **Notwithstanding ORS 670.335, the board shall deposit all civil penalties recovered under this section into an account the board establishes in accordance with ORS 182.470. Moneys the board deposits are appropriated continuously to the board and may be used only for the administration and enforcement of ORS 182.456 to 182.472 and 671.010 to 671.220.**

(2) Violation of ORS 671.530 is a misdemeanor.

**SECTION 18.** ORS 455.062 is amended to read:

455.062. (1) A Department of Consumer and Business Services employee acting within the scope of that employment may provide typical drawings and specifications:

(a) For structures of a type for which the provision of *[drawings or specifications]* **technical submissions** is exempted under ORS 671.030 from the application of ORS 671.010 to 671.220 and exempted under ORS 672.060 from the registration requirements of ORS 672.002 to 672.325; and

(b) Notwithstanding ORS 671.010 to 671.220 and 672.002 to 672.325, for structures that are metal or wood frame Use and Occupancy Classification Group U structures under the structural specialty code.

(2) A Department of Consumer and Business Services employee, who is licensed or registered under ORS 671.010 to 671.220 or 672.002 to 672.325, who is acting within the scope of that employment and who is providing typical drawings and specifications under subsection (1) of this section, is not required to seal or sign the typical drawings and specifications and is not subject to disciplinary action under ORS 671.010 to 671.220 or 672.002 to 672.325 based on providing those typical drawings and specifications.

(3) A building official or inspector, as those terms are defined in ORS 455.715, when acting within the scope of direct employment by a municipality, may provide typical drawings or specifications for structures of a type for which the provision of *[drawings or specifications]* **technical submissions** is exempted under ORS 671.030 from the application of ORS 671.010 to 671.220 and

exempted under ORS 672.060 from the registration requirements of ORS 672.002 to 672.325. This subsection does not alter any applicable requirement under ORS 671.010 to 671.220 or 672.002 to 672.325 regarding stamps and seals for a set of plans for a structure.

**SECTION 19.** ORS 455.628 is amended to read:

455.628. (1) The Department of Consumer and Business Services or a municipality administering and enforcing a building inspection program under ORS 455.148 or 455.150 may not require a plan review for one and two family dwellings that are of conventional light frame construction, as defined by the department by rule, if:

(a) The plans for the dwelling are designed and stamped by a professional engineer registered under ORS 672.002 to 672.325 or an architect registered under ORS [671.060] **671.010 to 671.220**; and

(b) The engineer or architect is certified by the Director of the Department of Consumer and Business Services under ORS 455.720 as being qualified to examine one and two family dwelling plans.

(2) The department or municipality is exempt from liability for any damages arising from the nonperformance of a plan review pursuant to this section.

**SECTION 20.** ORS 671.060 and 671.105 are repealed.

**SECTION 21.** (1) The amendments to ORS 455.062, 455.628, 671.010, 671.020, 671.025, 671.030, 671.041, 671.045, 671.047, 671.050, 671.065, 671.080, 671.085, 671.090, 671.100, 671.120, 671.125, 671.220 and 671.990 by sections 1 to 19 of this 2023 Act and the repeal of ORS 671.060 and 671.105 by section 20 of this 2023 Act become operative on January 2, 2024.

(2) The State Board of Architect Examiners may adopt rules and take any other action before the operative date specified in subsection (1) of this section that is necessary to enable the board, on and after the operative date specified in subsection (1) of this section, to undertake and exercise all of the duties, functions and powers conferred on the board by the amendments to ORS 455.062, 455.628, 671.010, 671.020, 671.025, 671.030, 671.041, 671.045, 671.047, 671.050, 671.065, 671.080, 671.085, 671.090, 671.100, 671.120, 671.125, 671.220 and 671.990 by sections 1 to 19 of this 2023 Act.

**SECTION 22.** This 2023 Act takes effect on the 91st day after the date on which the 2023 regular session of the Eighty-second Legislative Assembly adjourns sine die.

Passed by Senate February 27, 2023

.....  
Lori L. Brocker, Secretary of Senate

.....  
Rob Wagner, President of Senate

Passed by House April 27, 2023

.....  
Dan Rayfield, Speaker of House

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

.....  
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

.....  
Shemia Fagan, Secretary of State