

**ASSEMBLY BILL**

**No. 937**

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**Introduced by Committee on Business and Professions (Eng (Chair),  
Emmerson (Vice Chair), Bass, Carter, Hayashi, Hernandez,  
Horton, Maze, Price, and Torrico)**

February 22, 2007

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An act to amend Sections 5535, 5535.1, 5535.2, and 5535.3 of, and to add Section 5535.25 to, the Business and Professions Code, relating to architecture.

LEGISLATIVE COUNSEL'S DIGEST

AB 937, as introduced, Committee on Business and Professions. Architects.

The Architects Practice Act provides for licensing and regulation of persons engaged in the practice of architecture by the California Architects Board. Existing law provides for the licensing of certain persons, as defined, to practice architecture and permits an architect to form a partnership with nonarchitects if certain conditions are met. Existing law requires architects to have responsible control, as defined, over certain aspects of practice. Existing law makes it a crime for an unlicensed person to engage in certain activities related to architecture, for a person to make certain representations, or for a licensee in responsible control of plans, specifications, and instruments of service not to sign off on those documents.

This bill would also include a partnership or a professional corporation in the definition of a person for the purposes of the Architects Practice Act. The bill would permit an architect to enter into any collaboration, defined as an employer and employee relationship, a joint venture, a partnership, or a corporation, with a nonarchitect as long as certain

conditions are met. This bill would additionally revise the definition of “responsible control” to control over the content of all instruments of architectural service, rather than control over the content of technical submissions. Because this bill would expand the application of certain criminal provisions, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 5535 of the Business and Professions  
 2 Code is amended to read:  
 3 5535. As used in this article, the word “person” includes any  
 4 individual, firm, *partnership*, corporation, *professional corporation*,  
 5 or limited liability partnership, *as authorized by the Corporations*  
 6 *Code*.  
 7 SEC. 2. Section 5535.1 of the Business and Professions Code  
 8 is amended to read:  
 9 5535.1. The phrase “responsible control” means that amount  
 10 of control over the content of ~~technical submissions~~ *all instruments*  
 11 *of architectural service* during their preparation that is ordinarily  
 12 exercised by architects applying the required professional standard  
 13 of care.  
 14 SEC. 3. Section 5535.2 of the Business and Professions Code  
 15 is amended to read:  
 16 5535.2. This chapter does not prevent an architect from ~~forming~~  
 17 ~~a partnership~~ *collaborating* with persons who are not architects  
 18 but the name, *license number*, and *signature* of the architect shall  
 19 appear as the architect *in responsible control* on all *offers*,  
 20 *contracts*, and instruments of service and in no case may the ~~other~~  
 21 *nonarchitect* members of the ~~partnership~~ *collaboration* be  
 22 designated as, *or represented to be*, architects.  
 23 SEC. 4. Section 5535.25 is added to the Business and  
 24 Professions Code, to read:

1 5535.25. As used in this article, the term “collaboration”  
2 includes employer and employee relationships, joint ventures,  
3 partnerships, and corporations.

4 SEC. 5. Section 5535.3 of the Business and Professions Code  
5 is amended to read:

6 5535.3. This chapter does not prevent a corporation from  
7 furnishing or supplying by contract architectural services, *as long*  
8 *as the services are offered and provided* by and under the  
9 responsible control of a licensed architect or architects.

10 SEC. 6. No reimbursement is required by this act pursuant to  
11 Section 6 of Article XIII B of the California Constitution because  
12 the only costs that may be incurred by a local agency or school  
13 district will be incurred because this act creates a new crime or  
14 infraction, eliminates a crime or infraction, or changes the penalty  
15 for a crime or infraction, within the meaning of Section 17556 of  
16 the Government Code, or changes the definition of a crime within  
17 the meaning of Section 6 of Article XIII B of the California  
18 Constitution.

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