

## Senate Bill No. 1607

### CHAPTER 184

An act to amend Sections 5500.1, 5535.1, 5536, 5536.1, 5536.2, 5560, 5573, 5580, 5582.1, 5585, 5600, 5600.3, 5603, 5604 of, and to amend and renumber Section 5539 of, and to add Sections 5535.1 and 5535.3 to, the Business and Professions Code, relating to architects.

[Approved by Governor July 16, 1996. Filed with  
Secretary of State July 17, 1996.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1607, Leslie. Architects: licensing.

The Architects Practice Act provides for licensing and regulation of persons engaged in the practice of architecture. The act is administered by the California Board of Architectural Examiners.

This bill would define "responsible control" by an architect, and would make conforming changes to incorporate that term into various provisions of the act. The bill would also make other changes in the act, including authorizing the board to suspend temporarily an architect's license for an indefinite period.

Existing law provides that a licensed architect may be disciplined for incompetence or recklessness in the construction or structural design of a building.

This bill would instead provide that a licensed architect may be disciplined for any incompetence or recklessness.

The bill also makes technical changes and deletes outdated provisions.

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

SECTION 1. Section 5500.1 of the Business and Professions Code is amended to read:

5500.1. (a) The practice of architecture within the meaning and intent of this chapter is defined as offering or performing, or being in responsible control of, professional services which require the skills of an architect in the planning of sites, and the design, in whole or in part, of buildings, or groups of buildings and structures.

(b) Architects' professional services may include any or all of the following:

- (1) Investigation, evaluation, consultation, and advice.
- (2) Planning, schematic and preliminary studies, designs, working drawings, and specifications.
- (3) Coordination of the work of technical and special consultants.



(4) Compliance with generally applicable codes and regulations, and assistance in the governmental review process.

(5) Technical assistance in the preparation of bid documents and agreements between clients and contractors.

(6) Contract administration.

(7) Construction observation.

(c) As a condition for licensure, architects shall demonstrate a basic level of competence in the professional services listed in subdivision (b) in examinations administered under this chapter.

SEC. 2. Section 5535.1 is added to the Business and Professions Code, to read:

5535.1. The phrase “responsible control” means that amount of control over the content of technical submissions during their preparation that is ordinarily exercised by architects applying the required professional standard of care.

SEC. 3. Section 5535.3 is added to the Business and Professions Code, to read:

5535.3. This chapter does not prevent a corporation from furnishing or supplying by contract architectural services by and under the responsible control of a licensed architect or architects.

SEC. 4. Section 5536 of the Business and Professions Code is amended to read:

5536. (a) It is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding one year, or by both fine and imprisonment, for any person who is not licensed to practice architecture under this chapter, to practice architecture in this state or to use any term confusingly similar to the word architect, or to use the stamp of a licensed architect, as provided in Section 5536.1, or to advertise or put out any sign or card or other device which might indicate to the public that he or she is an architect or that he or she is qualified to engage in the practice of architecture or is an architectural designer.

(b) It is a misdemeanor, punishable as specified in subdivision (a), for any person who is not licensed to practice architecture under this chapter to affix a stamp or seal which bears the legend “State of California” or words or symbols that represent or imply that such person is so licensed by the state to plans, specifications, or instruments of service.

(c) It is a misdemeanor, punishable as specified in subdivision (a), for any person to advertise or represent that he or she is a “registered building designer” or is registered or otherwise licensed by the state as a building designer.

SEC. 5. Section 5539 of the Business and Professions Code is amended and renumbered to read:

5535.2. This chapter does not prevent an architect from forming a partnership with persons who are not architects but the name of the



architect shall appear as the architect on all instruments of service and in no case may the other members of the partnership be designated as architects.

SEC. 6. Section 5536.1 of the Business and Professions Code is amended to read:

5536.1. (a) All persons preparing or being in responsible control of plans, specifications, and instruments of service for others shall sign those plans, specifications, and other instruments of service and all contracts therefor, and if licensed under this chapter shall affix a stamp, which complies with subdivision (b) as evidence of the person's responsibility for them. Failure of any person to comply with this subdivision is a misdemeanor punishable as provided in Section 5536. This section shall not apply to employees of persons licensed under this chapter while acting within the course of their employment.

(b) For the purposes of this chapter, any stamp used by any architect licensed under this chapter shall be of design authorized by the board which shall at a minimum bear the licensee's name, his or her license number, the legend "licensed architect" and the legend "State of California," and which shall provide a means of indicating the renewal date of the license.

(c) The preparation of plans, specifications, or instruments of service for any building, except the buildings described in Section 5537, by any person who is not licensed to practice architecture in this state, is a misdemeanor punishable as provided in Section 5536.

(d) The board may adopt regulations necessary for the implementation of this section.

SEC. 7. Section 5536.2 of the Business and Professions Code is amended to read:

5536.2. Each county or city which requires the issuance of any permit as a condition precedent to the construction, alteration, improvement, or repair of any building or structure shall also require as a condition precedent to the issuance of the permit a signed statement that the person who prepared or was in responsible control of the plans and specifications for the construction, alteration, improvement, or repair of the building or structure is licensed under this chapter to prepare the plans and specifications, or is otherwise licensed in this state to prepare the plans and specifications.

The signature and stamp, as provided for in Section 5536.1, on the plans and specifications by the person who prepared or was in responsible control of the plans and specifications shall constitute compliance with this section.

It is the responsibility of the agency that issues the permit to determine that the person who signed and stamped the plans and specifications or who submitted the signed statement required by this section is licensed under this chapter or is otherwise licensed in this state to prepare the plans and specifications.



This section shall not apply to the issuance of permits where the preparation of plans and specifications for the construction, alteration, improvement, or repair of a building or structure is exempt from this chapter, except that the person preparing the plans and specifications for others shall sign the plans and specifications as provided by Section 5536.1.

SEC. 8. Section 5537 of the Business and Professions Code is amended to read:

5537. (a) This chapter does not prohibit any person from preparing plans, drawings, or specifications for any of the following:

(1) Single-family dwellings of woodframe construction not more than two stories and basement in height.

(2) Multiple dwellings containing no more than four dwelling units of woodframe construction not more than two stories and basement in height. However, this paragraph shall not be construed as allowing an unlicensed person to design multiple clusters of up to four dwelling units each to form apartment or condominium complexes where the total exceeds four units on any lawfully divided lot.

(3) Garages or other structures appurtenant to buildings described under subdivision (a), of woodframe construction not more than two stories and basement in height.

(4) Agricultural and ranch buildings of woodframe construction, unless the building official having jurisdiction deems that an undue risk to the public health, safety, or welfare is involved.

(b) If any portion of any structure exempted by this section deviates from substantial compliance with conventional framing requirements for woodframe construction found in the most recent edition of Title 24 of the California Code of Regulations or tables of limitation for woodframe construction, as defined by the applicable building code duly adopted by the local jurisdiction or the state, the building official having jurisdiction shall require the preparation of plans, drawings, specifications, or calculations for that portion by, or under the responsible control of, a licensed architect or registered engineer. The documents for that portion shall bear the stamp and signature of the licensee who is responsible for their preparation. Substantial compliance for purposes of this section is not intended to restrict the ability of the building officials to approve plans pursuant to existing law and is only intended to clarify the intent of Chapter 405 of the Statutes of 1985.

SEC. 9. Section 5560 of the Business and Professions Code is amended to read:

5560. The board may upon its own motion, and shall upon the verified complaint in writing of any person, investigate the actions of any architect and may temporarily suspend or permanently revoke, the license of any architect who is guilty of, or commits one



or more of, the acts or omissions constituting grounds for disciplinary action under this chapter.

SEC. 10. Section 5580 of the Business and Professions Code is amended to read:

5580. The fact that the holder of a license is impersonating an architect or former architect of the same or similar name, or is practicing under an assumed, fictitious, or corporate name, constitutes a ground for disciplinary action.

SEC. 11. Section 5582.1 of the Business and Professions Code is amended to read:

5582.1. The fact that the holder of a license has affixed his or her signature to plans, drawings, specifications, or other instruments of service which have not been prepared by him or her or in his or her office, or under his or her responsible control, or has permitted his or her name to be used for the purpose of assisting any person, not an architect, to evade the provisions of this chapter, constitutes a ground for disciplinary action.

SEC. 12. Section 5585 of the Business and Professions Code is amended to read:

5585. The fact that in the practice of architecture the holder of a license has been guilty of incompetency or recklessness constitutes a ground for disciplinary action.

SEC. 13. Section 5600 of the Business and Professions Code is amended to read:

5600. All licenses issued or renewed under this chapter shall expire at 12 midnight on the last day of the birth month of the licenseholder in each odd-numbered year following the issuance or renewal of the license.

To renew an unexpired license, the licenseholder shall, before the time at which the license would otherwise expire, apply for renewal on a form prescribed by the board and pay the renewal fee prescribed by this chapter.

SEC. 14. Section 5600.3 of the Business and Professions Code is amended to read:

5600.3. A license which is not renewed within five years after its expiration may not be renewed, restored, reissued, or reinstated thereafter. The holder of the expired license may apply for and obtain a new license only if he or she pays all of the fees, and meets all of the requirements set forth in this chapter for obtaining an original license, except as follows:

(a) An examination shall not be required if the expired license was issued without an examination.

(b) Examination may be waived by the board if it finds that with due regard for the public interest, the holder of the expired license is qualified to practice architecture.

(c) The holder of the expired license shall not be required to meet the qualifications set forth in this chapter relating to education.



The board may, by regulation, authorize the waiver or refund of all or any part of the application fee paid by a person to whom a license is issued without an examination under this section.

SEC. 15. Section 5603 of the Business and Professions Code is amended to read:

5603. The board shall make available to local building departments, and others upon request, an official roster listing the name, license number, and address of all its licensees issued licenses pursuant to this chapter and who are in good standing. The roster shall be open to inspection by the public during office hours of the board. Except for local building departments, the board may charge a fee for the maintenance, publication, and distribution of the roster, not to exceed the actual cost. All fees collected pursuant to this section shall be deposited in the California Board of Architectural Examiners Fund.

SEC. 16. Section 5604 of the Business and Professions Code is amended to read:

5604. The fees prescribed by this chapter for architect applicants or architect licenseholders shall be fixed by the board as follows:

(a) The application fee for reviewing a candidate's eligibility to take any section of the examination may not exceed one hundred dollars (\$100).

(b) The fee for any section of the examination administered by the board may not exceed one hundred dollars (\$100).

(c) The fee for an original license at an amount equal to the renewal fee in effect at the time the license is issued, except that, if the license is issued less than one year before the date on which it will expire, then the fee shall be fixed at an amount equal to 50 percent of the renewal fee in effect at the time the license is issued. The board may, by appropriate regulation, provide for the waiver or refund of the fee for an original license if the license is issued less than 45 days before the date on which it will expire.

(d) The fee for an application for reciprocity may not exceed one hundred dollars (\$100).

(e) The fee for a duplicate license may not exceed twenty-five dollars (\$25).

(f) The renewal fee may not exceed two hundred dollars (\$200).

(g) The delinquency fee may not exceed 50 percent of the renewal fee.

(h) The fee for a retired license may not exceed the fee prescribed in subdivision (c).

