1 Lenate BILL NO. 329
2 INTRODUCED BY LASKIE

BY REQUEST OF THE BOARD OF ARCHITECTS

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A BILL FOR AN ACT ENTITLED: "AN ACT TO DESCRIBE THE PURPOSE OF ARCHITECTURE LICENSING LAWS, DEFINE PUBLIC BUILDING, PROVIDE FOR INJUNCTION OF VIOLATIONS OF SUCH LAWS, REVISE THE EXEMPTION PROVISIONS, PROHIBIT OTHER STATE AGENCIES OR POLITICAL SUBDIVISIONS FROM CHARGING ARCHITECT LICENSE FEES, MAKE CLEAR THAT ANY PERSON RENDERING PROFESSIONAL SERVICES ON A PUBLIC BUILDING MUST BE LICENSED TO PRACTICE ARCHITECTURE, AND DELETE THE REQUIREMENT FOR ERRORS AND OMISSIONS INSURANCE; AMENDING SECTIONS 66-103, 56-106, 66-107, 66-110, 66-113, AND 66-114, R.C.M. 1947; AND REPEALING SECTION 66-115, R.C.M. 1947.

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18 Section 1. There is a new R.C.M. section that reads as follows:

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Purpose. It is nereby declared, as a matter of legislative policy in the state of Montana, that the practice of architecture is a privilege granted by legislative authority and is not a natural right of individuals and that it is necessary, as a matter of such policy and in the interests of the health, safety, and

welfare of the people of Montana, to provide laws covering
the granting of that privilege and its subsequent use,
control, and regulation for the purpose of protecting the
public from the unprofessional, improper, unauthorized, and
unqualified practice of architecture.

Section 2. Section 66-103, R.C.M. 1947, is amended to

8 **66-103. Definitions -- examinations for certificates
9 to practice -- granting of certificates -- registration
10 without examination under certain circumstances. (1) Except
11 as provided in this act, no person may practice architecture
12 in this state or use the title "architect" or "registered
13 architect," or any words, letters, figures, or other device
14 indicating or intending to imply that he is an architect,
15 without having qualified under this act.

18 (a) "Practice of architecture" means rendering or
19 offering to render services by consultations, preliminary
20 studies, drawings, specifications, or other service in
21 connection with the design of a building or addition or
22 alteration thereto, whether one or all of these services are
23 performed either in person or as the directing head of an
24 organization.

25 (b) *Architect* means an individual technically and

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legally qualified to practice architecture and who is authorized under this act to practice architecture.

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- (c) "Building" means a structure intended primarily for human occupancy or use.
- (d) "Public building" means any building which the state or any political subdivision thereof maintains for the use of the public or any building where the public has a right to go and be.
- 9 (d)[e] "Board" means the board of architects, provided
 10 for in section 82A-1602.3.
- 11 tel 16. Department means the department of
 12 professional and occupational licensing, provided for in
 13 Title 82A, chapter 16.
 - (3) A person wishing to practice architecture in this state shall apply to the department for a certificate to do so. A person applying shall have successfully completed the requirement of prerequisites in education, practical experience and a written examination as prescribed by the board in conformance with the standard national council of architectural registration boards examination and grading procedure. After examination the department shall, if the candidate has been found qualified, grant a certificate to the candidate to practice architecture in this state, which may only be granted on the consent of not less than two (2) members of the board, and attested by the secretary, and

have the seal of the board attached. However, an architect holding a valid and current license to practice in another state, territory or country will be granted a certificate to practice in Montana following presentation of a certificate issued by the national council of architectural registration boards and approved by the board. But no arrangement may be made under this section which may lower the standard of practice of architecture in this state. The board may, if considered necessary, require an examination of applicants for a license from other states, after careful consideration 10 of the credentials from those states. The board shall by 11 rule establish methods and procedures for investigation of 12 applicants for a license by reciprocity." 13

14 Section 3. Section 66-106, R.C.M. 1947, is amended to read as follows:

16 #66-106. Penalty for illegal practice or misuse of 17 title. (1) Any person who shall use the title "architect" or "registered architect" or any other words, letters, figures, 18 or other device indicating or intending to imply that the 19 person using the same is an architect, or who shall engage 20 21 in the practice of architecture within the meaning of this or shall accept compensation for rendering 22 architectural service, without first having complied with 23 24 the provisions of this act, shall be deemed quilty of a misdemeanor, and upon conviction shall be punished by a fine

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of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment. Any person convicted a second time for any violation of this act shall be punished by both such fine and imprisonment. The district court shall have jurisdiction of all prosecutions brought hereunder.

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(2) Whenever the board of architects has reasonable cause to believe that a person is violating any provision of this act or rule of the board, it may, in addition to the remedies provided in subsection (1) and without prejudice thereto, bring an action in the district court for the county in which the violation is occurring to enjoin such person from continuing to engage in such violation or from doing any act in furtherance thereof.

Section 4. Section 66-107, R.C.M. 1947, is amended to read as follows:

#66-107. Registration limited to individuals -employees of architects entitled to practice under
supervision -- exceptions -- exemptions. (a) No firm,
company, partnership, association, corporation or other
similar originization shall be registered as an architect.
Only individuals shall be registered as architects but a
number of architects constituting a firm may use the

collective title "architects" or "registered architects."

2 (b) Nothing contained in this act shall prevent 3 draftsmen, students, clerks of work, superintendents, and other employees of those lawfully practicing as architects under the provisions of this act from acting under the instruction, control, or supervision of their employers, or 7 prevent the employment of superintendents of the construction, enlargement, or structural alteration of 9 buildings or any appurtenance thereto. Nor shall anything 10 contained in this act be construed to apply to alterations to any building which do not involve changes affecting the 11 12 structural safety thereof or the public health; nor to 13 prevent the preparation of details and shop drawings by 14 persons, other than architects, for use in connection with 15 the execution of their work; nor to prevent the preparation 16 of drawings or details for fixtures, capinet work, 17 furniture, or other interior appliances or equipment, or for any work necessary to provide for their installation unless 18 19 the same involves public health or safety. None of the acts 20 enumerated in this paragraph shall be interpreted or 21 construed as the practice of architecture.

(c) Nothing in this act shall be construed to affect or prevent the following, provided that no words, letters, figures, or other device shall be used in such manner as to tend to convey the impression that the person rendering such

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read as follows:

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service is an architect duly registered under this act:

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- 2 1. Consultants, officers, and employees of the United 3 States while engaged solely in the practice of architecture 4 for said government.
- 5 2. Professional engineers from performing 6 architectural services which are purely incidental to their 7 engineering practice.
 - 3. Any person from planning, designing, altering, constructing, repairing, or supervising, or engaging in construction—of residential construction consisting of less than eight living units regardless of size or cost or farm buildings which are not intended for use or used as a public building.
 - 4. The planning, designs design, alteration, construction, repair, or supervision of construction of a building by its owner if the building is not intended for use or used as a public building."
- 18 Section 5. Section 66-110. R.C.M. 1947. is amended to 19 read as follows:
 - "66-110. Annual fee of licensed architects. (1) A licensed architect in this state who desires to continue the practice of his profession shall annually, during the time he continues in this practice, pay to the department, during the month of July, a fee of twenty-dollars-{520}.
 - (2) The board of architects is vested with exclusive

- jurisdiction to issue licenses for the privilege of
 practicing architecture. No other state agency or political
 subdivision of the state, including counties and
 municipalities, may levy any fee or tax for such privilege.*
 Section 6. Section 66-113, R.C.M. 1947, is amended to
- 7 #66-113. Architects on public buildings must hold certificate from board. A contract for the employment of or the rendering of professional services by an-architect any person relating to the planning or construction of public 10 buildings or other public works or improvements may not be 11 entered into by this state or its agencies, or a county, 12 city, or school district in this state unless the architect person is the holder in good standing of a certificate 14 15 granted by the board entitling him to practice architecture in this state."
- 18 read as follows: 19 "66-114. Plans for public buildings to have seal and All 20 signature architect--insurance---coverage. 21 architectural plans and specifications for public buildings of the state of Montana, or any agency thereof, or of any 22 23 county, city, or school district of the state, shall bear 24 the seal and signature of the architect responsible therefor. 25

Section 7. Section 66-114, R.C.M. 1947, is amended to

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All--architects--shall--have--an--adequate--errors--and 1 omissions--insurance--policy-when-performing-any-supervisory 2 3 acts-relating-to-the-construction-of-any--public--buildingsy works--or-improvements-of-the-state-of-Montana-or-any-agency 5 thereofy-or-of-any-countyy-city-or-school--district--of--the 6 state--and--such--insurance--shall-be-in-force-for-three-(3) years-after-the-completion-of-the-public--buildingsy--worksy 8 or-improvements** Section 8. Repealer. Section 66-115, R.C.M. 1947, is 9 repealed. 10

-End-

STATE OF MONTANA

REQUEST NO. __296-77___

FISCAL NOTE

Form BD-15

In compliance with a written request received <u>January 31</u> , 19 <u>77</u> , there is hereby submitted a Fiscal Note for Senate Bill 329 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.
DESCRIPTION OF PROPOSED LEGISLATION:
An act relating to the Architecture Licensing Laws; prohibiting other state agencies or political subdivisions from charging license fees.
FISCAL IMPACT:
None. Senate Bill 329 is mainly for housekeeping purposes. The Board of Architects foresees no change in revenue or expenditure associated with this proposal.
LOCAL IMPACT:
A slight decrease in revenue may be felt by cities licensing architects. The cities doing licensing are unknown,

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: February 4, 1977

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Approved by Committee on Public Health, Welfare & Safety

2 INTRODUCED BY REQUEST OF THE BOARD OF ARCHITECTS

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OF ARCHITECTURE LICENSING LAWS, DEFINE PUBLIC BUILDING,

PROVIDE FOR INJUNCTION OF VIOLATIONS OF SUCH LAWS, REVISE

THE EXEMPTION PROVISIONS, PROHIBIT OTHER STATE AGENCIES OR

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MAKE CLEAR THAT ANY PERSON RENDERING PROFESSIONAL SERVICES

11 ON A PUBLIC BUILDING MUST BE LICENSED TO PRACTICE

ARCHITECTURE, AND DELETE THE REQUIREMENT FOR ERRORS AND

OMISSIONS INSURANCE; AMENDING SECTIONS 66-103, 66-106,

14 66-107, 66-110, 66-113, AND 66-114, R.C.M. 1947; AND

15 REPEALING SECTION 66-115, R.C.M. 1947.*

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18 Section 1. There is a new R.C.M. section that reads as

19 follows:

Purpose. It is hereby declared, as a matter of legislative policy in the state of Montana, that the practice of architecture is a privilege granted by legislative authority and is not a natural right of individuals and that it is necessary, as a matter of such

policy and in the interests of the health, safety, and

welfare of the people of Montana, to provide laws covering
the granting of that privilege and its subsequent use,
control, and regulation for the purpose of protecting the
public from the unprofessional, improper, unauthorized, and
unqualified practice of architecture.

Section 2. Section 66-103, R.C.M. 1947, is amended to read as follows:

"66-103. Definitions -- examinations for certificates to practice -- granting of certificates -- registration without examination under certain circumstances. (1) Except as provided in this act, no person may practice architecture in this state or use the title "architect" or "registered architect," or any words, letters, figures, or other device indicating or intending to imply that he is an architect, without having qualified under this act.

- (2) Unless the context requires otherwise, in this
- 18 (a) "Practice of architecture" means rendering or
 19 offering to render services by consultations, preliminary
 20 studies, drawings, specifications, or other service in
 21 connection with the design of a building or addition or
 22 alteration thereto, whether one or all of these services are
 23 performed either in person or as the directing head of an
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- 3 (c) "Building" means a structure intended primarily
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- 5 (d) "Public building" means any building which the
 6 state or any political subdivision thereof maintains for the
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- 9 (d)(e) "Board" means the board of architects, provided 10 for in section 82A+1602.3.
- 11 (e)(f) "Department" means the department of
 12 professional and occupational licensing, provided for in
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 - (3) A person wishing to practice architecture in this state shall apply to the department for a certificate to do so. A person applying shall have successfully completed the requirement of prerequisites in education, practical experience and a written examination as prescribed by the board in conformance with the standard national council of architectural registration boards examination and grading procedure. After examination the department shall, if the candidate has been found qualified, grant a certificate to the candidate to practice architecture in this state, which may only be granted on the consent of not less than two (2) members of the board, and attested by the secretary, and

have the seal of the board attached. However, an architect 1 2 holding a valid and current license to practice in another state. territory or country will be granted a certificate to 4 practice in Montana following presentation of a certificate 5 issued by the national council of architectural registration boards and approved by the board. But no arrangement may be 7 made under this section which may lower the standard of practice of architecture in this state. The board may, if 8 considered necessary, require an examination of applicants 10 for a license from other states, after careful consideration 11 of the Credentials from those states. The board shall by 12 rule establish methods and procedures for investigation of 13 applicants for a license by reciprocity."

Section 3. Section 66-106, R.C.M. 1947, is amended to read as follows:

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of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment. Any person convicted a second time for any violation of this act shall be punished by both such fine and imprisonment. The district court shall have jurisdiction of all prosecutions brought hereunder.

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(2) Whenever the board of architects has reasonable cause to believe that a person is violating any provision of this act or rule of the board, it may, in addition to the remedies provided in subsection (1) and without prejudice thereto, bring an action in the district court for the county in which the violation is occurring to enjoin such person from continuing to engage in such violation or from doing any act in furtherance thereof."

Section 4. Section 66-107, R.C.M. 1947, is amended to read as follows:

#66-107. Registration limited to individuals —
employees of architects entitled to practice under
supervision — exceptions — exemptions. (a) No firm,
company, partnership, association, corporation or other
similar organization shall be registered as an architect.
Only individuals shall be registered as architects but a
number of architects constituting a firm may use the

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2 (b) Nothing contained in this act shall 3 draftsmen, students, clarks of work, superintendents, and other employees of those lawfully practicing as architects under the provisions of this act from acting under the instruction, control, or supervision of their employers, or 7 to prevent the employment of superintendents of the construction, enlargement, or structural alteration of 8 9 buildings or any appurtenance thereto. Nor shall anything contained in this act be construed to apply to alterations 10 to any building which do not involve changes affecting the 11 12 structural safety thereof or the public health; nor to 13 prevent the preparation of details and shop drawings by 14 persons, other than architects, for use in connection with 15 the execution of their work; nor to prevent the preparation 16 of drawings or details for fixtures, cabinet work, 17 furniture, or other interior appliances or aguipment, or for 18 any work necessary to provide for their installation unless 19 the same involves public health or safety. None of the acts 20 enumerated in this paragraph shall be interpreted or 21 construed as the practice of architecture.

(c) Nothing in this act shall be construed to affect or prevent the following, provided that no words, letters, figures, or other device shall be used in such manner as to tend to convey the impression that the person rendering such

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service is an architect duly registered under this act:

- 2 1. Consultants, officers, and employees of the United
- 3 States while engaged solely in the practice of architecture
- 4 for said government.
- 5 2. Professional engineers from performing
- 6 architectural services which are purely incidental to their
- 7 engineering practice.
- 3 3. Any person from planning, designing, altering,
- 9 constructing, repairing, or supervising, or engaging in
- 10 construction -- of residential construction consisting of less
- 11 than eight living units regardless of size or cost or farm
- 12 buildings which are not intended for use or used as a public
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- 15 consultation construction, repairs or supervision of
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- 21 licensed architect in this state who desires to continue the
- 22 practice of his profession shall annually, during the time
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- 24 the month of July, a fee of twenty-dollars-f\$20%.
- 25 (2) The poard of architects is vested with exclusive

- jurisdiction to issue licenses for the privilege of
 practicing architecture. No other state agency or political
 subdivision of the state, including counties and
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- 5 Section 6. Section 66-113, R.C.M. 1947, is amended to 6 read as follows:
- 7 *66-113. Architects on public buildings must hold 8 certificate from board. A contract for the employment of or 9 the rendering of professional services by an -architect any person relating to the planning or construction of public 10 11 buildings or other public works or improvements may not be 12 entered into by this state or its agencies, or a county, city, or school district in this state unless the erchitect 13 14 person is the holder in good standing of a certificate 15 granted by the board entitling him to practice architecture in this state." 16
- 17 Section 7. Section 66-114, R.C.M. 1947, is amended to 18 read as follows:
- 19 **66-114. Plans for public buildings to have seal and
 20 signature of architect—insurance——coverage. All
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 23 county, city, or school district of the state, shall bear
 24 the seal and signature of the architect responsible

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#11--architects--shall--have--an--adequate--errors--and 1 2 omissions--insurance--policy-when-performing-any-supervisory acts-relating-to-the-construction-of-any--public--buildings. 3 works--or-improvements-of-the-state-of-Montana-or-any-agency thereofy-or-of-any-countyy-city-or-school--district--of--the 5 state--and--such--insurance--shall-be-in-force-for-three-{3} 7 years-after-the-completion-of-the-public--buildingsy--worksy or-improvements** Section 8. Repealer. Section 66-115, R.C.M. 1947, is 9 10 repealed.

-End-

45th Legislature SB 0329/02 SB 0329/02

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- 3. Any person from planning, designing, altering, constructing, repairing, or supervising, or engaging in construction—of residential construction consisting of less than eight living units regardless of size or cost or farm buildings which are not intended for use or used as a public building.
- 4. The planning, design, alteration, construction, repair, or supervision of construction of a building by its owner if the building is not intended for use or used as a public building."
- 18 Section 5. Section 66-110, R.C.M. 1947, is amended to read as follows:
 - "66-110. Annual fee of licensed architects. (1) A licensed architect in this state who desires to continue the practice of his profession shall annually, during the time he continues in this practice, pay to the department, during the month of July, a fee of twenty-dollars-(\$20).
- 25 (2) The board of architects is vested with exclusive

- jurisdiction to issue licenses for the privilege of practicing architecture. No other state agency or political
- 3 subdivision of the state. including counties and
- 4 municipalities, may levy any fee or tax for such privilege.*
- 5 Section 6. Section 66-113, R.C.M. 1947, is amended to
- 6 read as follows:
- 7 #66-113. Architects on public buildings must hold
- 8 cartificate from board. A contract for the employment of or
 - the rendering of professional services by an -architect <u>any</u>
- 10 person relating to the planning or construction of public
- 11 buildings or other public works or improvements may not be
- 12 entered into by this state or its agencies, or a county,
- 13 city, or school district in this state unless the architect
- 14 <u>person</u> is the holder in good standing of a certificate
- 15 granted by the board entitling him to practice architecture
- 16 in this state."
- 17 Section 7. Section 66-114. R.C.M. 1947, is amended to
- 18 read as follows:
- 19 "66-114. Plans for public buildings to have seal and
- 20 signature of architect--insurance---coverage INSURANCE
- 21 <u>COVERAGE</u>. All architectural plans and specifications for
- 22 public buildings of the state of Montana, or any agency
- 23 thereof, or of any county, city, or school district of the
- 24 state, shall bear the seal and signature of the architect

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25 responsible therefor.

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1 hll--architects--shall--have--an--adequate--errors--and 2 omissions--insurance--policy-when-performing-any-supervisory 3 acts-relating-to-the-construction-of-any--public--buildingsy works--or-improvements-of-the-state-of-Montane-or-eny-agency 5 thereofy-or-of-any-countyy-city-or-school--district--of--the state--and--such--insurance--shall-be-in-force-for-three-(3) 6 7 years-after-the-completion-of-the-public--buildingsy--worksy or--improvements- EACH CONTRACT FOR ARCHITECTURAL SERVICES ø 9 FOR PUBLIC BUILDINGS OF THE STATE OF MONTANA. ANY AGENCY 10 IHEREDE: ANY COUNTY: CITY: SCHOOL DISTRICT: OR OTHER 11 SUBDIVISION OF THE STATE SHALL REQUIRE ERRORS AND OMISSIONS 12 INSURANCE FURNISHED BY THE ARCHITECT. THE AMOUNT AND 13 DURATION OF THE COVERAGE SHALL BE DETERMINED ON EACH 14 CONTRACT FOR SERVICE BY AN AUTHORIZED AGENT OF THE CONTRACTING AUTHORITY AND THE COST INCLUDED IN THE 15 16 CONTRACT." Section 8. Repealer. Section 66-115, R.C.M. 1947, is 17 18 repealed.

-End-

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HOUSE OF REPRESENTATIVES

April 6, 1977

COMMITTEE ON BUSINESS AND INDUSTRY AMENDMENTS TO SENATE BILL 329

Amend the third reading bill as follows:

1. Amend title, line 12.

Following: "ARCHITECTURE, AND" Strike: "DELETE"

Insert: "REVISE"

AS AMENDED BE CONCURRED IN 45th Legislature

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1	SENATE BILL NO. 329
2	INTRODUCED BY ROSKIE
3	BY REQUEST OF THE BOARD OF ARCHITECTS
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO DESCRIBE THE PURPOSE
6	OF ARCHITECTURE LICENSING LAWS, DEFINE PUBLIC BUILDING,
7	PROVIDE FOR INJUNCTION OF VIOLATIONS OF SUCH LAWS, REVISE
8	THE EXEMPTION PROVISIONS: PROHIBIT OTHER STATE AGENCIES OR
9	POLITICAL SUBDIVISIONS FROM CHARGING ARCHITECT LICENSE FEES,
10	MAKE CLEAR THAT ANY PERSON RENDERING PROFESSIONAL SERVICES
11	ON A PUBLIC BUILDING MUST BE LICENSED TO PRACTICE
12	ARCHITECTURE, AND BELEFE REVISE THE REQUIREMENT FOR ERRORS
13	AND UMISSIONS INSURANCE; AMENDING SECTIONS 66-103, 66-106,
14	66-107, 66-110, 66-113, AND 66-114, R.C.M. 1947; AND
15	REPEALING SECTION 66-115. R.C.M. 1947.
16	
17	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
18	Section 1. There is a new R.C.M. section that reads as
19	follows:
20	Purpose. It is hereby declared, as a matter of
21	legislative policy in the state of Montana, that the
22	practice of architecture is a privilege granted by
23	legislative authority and is not a natural right of
24	individuals and that it is necessary, as a matter of such
25	policy and in the interests of the health, safety, and

welfare of the people of Montana, to provide laws covering
the granting of that privilege and its subsequent use.
control, and regulation for the purpose of protecting the
public from the unprofessional, improper, unauthorized, and
unqualified practice of architecture.
Section 2. Section 66-103, R.C.M. 1947, is amended to
read as follows:
<pre>#66-103. Definitions examinations for certificates</pre>
to practice granting of certificates registration
without examination under certain circumstances. (1) Except
as provided in this act, no person may practice architecture
in this state or use the title "architect" or "registered
architect, or any words, letters, figures, or other device
indicating or intending to imply that he is an architect.
without having qualified under this act.
(2) Unless the context requires otherwise, in this
act:

- alteration thereto, whether one or all of these services are
 performed either in person or as the directing head of an
- 24 organization.

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(b) "Architect" means an individual technically and

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legally qualified to practice architecture and who is authorized under this act to practice architecture.

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- (c) "Building" means a structure intended primarily for human occupancy or use.
- (d) "Public building" means any building which the
 state or any political subdivision thereof maintains for the
 use of the public or any building where the public has a
- (d)10) "Board" means the board of architects, provided for in section 82A-1602.3.
 - tell1 "Department" means the department of professional and occupational licensing, provided for in Title 82A, chapter 16.
 - (3) A person wishing to practice architecture in this state shall apply to the department for a certificate to do so. A person applying shall have successfully completed the requirement of prerequisites in education, practical experience and a written examination as prescribed by the board in conformance with the standard national council of architectural registration boards examination and grading procedure. After examination the department shall, if the candidate has been found qualified, grant a certificate to the candidate to practice architecture in this state, which may only be granted on the consent of not less than two (2) members of the board, and attested by the secretary, and

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- have the seal of the board attached. However, an architect 2 holding a valid and current license to practice in another 3 state, territory or country will be granted a certificate to practice in Montana following presentation of a certificate 5 issued by the national council of architectural registration 6 boards and approved by the board. But no arrangement may be 7 made under this section which may lower the standard of practice of architecture in this state. The board may, if considered necessary, require an examination of applicants 10 for a license from other states, after careful consideration 11 of the credentials from those states. The board shall by 12 rule establish methods and procedures for investigation of 13 applicants for a license by reciprocity."
- Section 3. Section 66-106, R.C.M. 1947, is amended to read as follows:

 16 "66-106. Penalty for illegal practice or misuse of title. (1) Any person who shall use the title "architect" or
- title. (1) Any person who shall use the title "architect" or
 mregistered architect" or any other words, letters, figures,
 or other device indicating or intending to imply that the
 person using the same is an architect, or who shall engage
 in the practice of architecture within the meaning of this
 act, or shall accept compensation for rendering
 architectural service, without first having complied with
 the provisions of this act, shall be deemed quilty of a
- 25 misdemeanor, and upon conviction shall be punished by a fine

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of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment. Any person convicted a second time for any violation of this act shall be punished by both such fine and imprisonment. The district court shall have jurisdiction of all prosecutions brought hereunder.

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(2) Whenever the board of architects has reasonable cause to believe that a person is violating any provision of this act or rule of the board, it may, in addition to the remedies provided in subsection (1) and without prejudice thereto, bring an action in the district court for the county in which the violation is occurring to enjoin such person from continuing to engage in such violation or from doing any act in furtherance thereof."

Section 4. Section 66-107, R.C.M. 1947, is amended to read as follows:

*66-107. Registration limited to individuals -employees of architects entitled to practice under
supervision -- exceptions -- exemptions. (a) No firm,
company, partnership, association, corporation or other
similar organization shall be registered as an architect.
Unly individuals shall be registered as architects but a
number of architects constituting a firm may use the

1 collective title "architects" or "registered architects."

(b) Nothing contained in this act shall, prevent 2 draftsmen, students, clerks of work, superintendents, and other employees of those lawfully practicing as architects under the provisions of this act from acting under the instruction, control, or supervision of their employers, or 7 to prevent the employment of superintendents of the 8 construction, enlargement, or structural alteration of 9 buildings or any appurtenance thereto. Nor shall anything 10 contained in this act be construed to apply to alterations 11 to any building which do not involve changes affecting the 12 structural safety thereof or the public health: nor to 13 prevent the preparation of details and shop drawings by 14 persons, other than architects, for use in connection with 15 the execution of their work; nor to prevent the preparation 16 of drawings or details for fixtures, cabinet work, 17 furniture, or other interior appliances or equipment, or for any work necessary to provide for their installation unless 16 19 the same involves public health or safety. None of the acts 20 enumerated in this paragraph shall be interpreted or 21 construed as the practice of architecture.

(c) Nothing in this act shall be construed to affect or prevent the following, provided that no words, letters, figures, or other device shall be used in such manner as to tend to convey the impression that the person rendering such

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service is an architect duly registered under this act:

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- 1. Consultants, officers, and employees of the United States while engaged solely in the practice of architecture for said government.
- 2. Professional engi neers from performing architectural services which are purely incidental to their engineering practice.
- 3. Any person from planning, designing, altering, constructing, repairing, or supervising, or engaging in construction of residential construction consisting of less than eight living units regardless of size or cost or farm buildings which are not intended for use or used as a public building.
- 4. The planning, design, alteration, desi qns consultation construction, repairs or supervision of construction of a building by its owner if the building is not intended for use or used as a public building."
- 18 Section 5. Section 66-110, R.C.M. 1947, is amended to read as follows: 19
 - *66-110. Annual fee of licensed architects. (11 A licensed architect in this state who desires to continue the practice of his profession shall annually, during the time he continues in this practice, pay to the department, during the month of July, a fee of twenty-dollars-{\$20}.
- 25 121 The board of architects is vested with exclusive

1 iurisdiction to issue licenses for the privilege of 2 practicing architecture. No other state agency or political 3 subdivision of the state including counties and municipalities. may levy any fee or tax for such privilege." 5 Section 6. Section 66-113, R.C.M. 1947, is amended to read as follows:

#66-113. Architects on public buildings must hold certificate from board. A contract for the employment of or the rendering of professional services by an--erchitect any person relating to the planning or construction of public buildings or other public works or improvements may not be entered into by this state or its agencies, or a county, city, or school district in this state unless the architect person is the holder in good standing of a certificate granted by the board entitling him to practice architecture in this state."

- 17 Section 7. Section 66-114, R.C.M. 1947, is amended to 18 read as follows:
- 19 *66-114. Plans for public buildings to have seal and 20 signature of architect--insurance---coverage INSURANCE COVERAGE. All architectural plans and specifications for 21 22 public buildings of the state of Montana, or any agency 23 thereof, or of any county, city, or school district of the state, shall bear the seal and signature of the architect 24 25 responsible therefor.

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1 ****--architects--shall--have--an--adequate--errors--and 2 omissions--insurance--policy-when-performing-any-supervisory 3 acts-relating-to-the-construction-of-any--public--buildingsy works--or-improvements-of-the-state-of-Montana-or-any-agency 5 thereofy-or-of-any-countyy-city-or-school--district--of--the 6 state--and--such--insurance--shall-be-in-force-for-three-(3) 7 years-ofter-the-completion-of-the-public--buildingsy--worksy 8 or--improvementsv EACH_CONTRACT FOR ARCHITECTURAL SERVICES 9 FOR PUBLIC BUILDINGS OF THE STATE OF MONTANA, ANY AGENCY 10 IMEREOF. ANY COUNTY. CITY. SCHOOL DISTRICT. OR OTHER 11 SUBDIVISION OF THE STATE SHALL REQUIRE ERRORS AND DMISSIONS 12 INSURANCE FURNISHED BY THE ARCHITECT. THE AMOUNT AND DURATION OF THE COVERAGE SHALL BE DETERMINED ON EACH 13 14 CONTRACT FOR SERVICE BY AN AUTHORIZED AGENT OF THE 15 CONTRACTING AUTHORITY AND THE COST INCLUDED IN THE 16 CONTRACT." 17 Section 8. Repealer. Section 66-115, R.C.M. 1947, is 16 repealed.

-End-