

HOUSE BILL 51

Introduced by R. Johnson

12/23	Introduced
12/30	Referred to Business & Economic Development
1/04	First Reading
1/06	Hearing
1/08	Committee Report--Bill Not Passed
1/11	Adverse Committee Report Adopted

HOUSE BILL NO. 51

INTRODUCED BY R. JOHNSON

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING DEFINITIONS APPLICABLE TO THE LICENSED PRACTICE OF ARCHITECTURE, INCLUDING THE DEFINITIONS OF "BUILDING", "PRACTICE OF ARCHITECTURE", AND "PUBLIC BUILDING"; CLARIFYING EXEMPTIONS APPLICABLE TO THE PRACTICE OF ARCHITECTURE; AMENDING SECTIONS 37-65-102 AND 37-65-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 37-65-102, MCA, is amended to read:

"37-65-102. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "Architect" means an individual technically and legally qualified to practice architecture and who is authorized under this chapter to practice architecture.

(2) "Board" means the board of architects provided for in 2-15-1871.

(3) "Building" means a structure of any type intended primarily for human occupancy or use and includes structural, mechanical, and electrical systems, utility services, and other facilities required for the structure.

(4) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18.

(5) "Practice of architecture" means any the performance of the professional service-or-creative-work requiring-the-application-of-advanced-knowledge services of:

(a) architectural the planning and design, of building buildings;

(b) the preparation and use of space surrounding buildings;

(c) the preparation of working drawings and specifications for the construction--and--standards--and involving--the--constant-exercise-of-discretion-and-judgment in-such-activities--in--which--the--safeguarding--of--life, health,--or--property--is--concerned,--as--consultation, investigation, evaluation, planning, design,--or--inspection of--construction--for--any--public--or--private--building of buildings; and

(d) the observation of construction and administration of contracts for the construction of buildings.

(6) "Public building" means any a building which that:

(a) the state or any of its political subdivision thereof subdivisions maintains for the use of the public;

(b) is normally and routinely held open to the public for commercial purposes or for assembly of 10 or more persons; or

(c) houses a public accommodation, as that term is defined in 42 U.S.C. 12181 on [the effective date of this act]."

Section 2. Section 37-65-103, MCA, is amended to read:

"37-65-103. **Exemptions.** (1) Nothing contained in this chapter shall prevent draftsmen, students, clerks of work, superintendents, and other employees of those lawfully practicing as architects under the provisions of this chapter from acting under the instruction, control, or supervision of their employers or to prevent the employment of superintendents of the construction, enlargement, or structural alteration of buildings or any building appurtenance thereto.

(2) Nothing contained in this chapter ~~shall~~ may be construed to:

(a) apply to alterations to any building ~~which~~ that do not involve changes affecting the structural safety ~~thereof~~ of the building or the public health, safety, or welfare;

(b) prevent the preparation of details and shop drawings by persons other than architects for use in connection with the execution of their work; or

(c) prevent the preparation of drawings or details for fixtures, cabinetwork, furniture, or other interior appliances or equipment or for any work necessary to provide for their installation unless the same involves public

health or safety.

(3) None of the acts enumerated in subsections (1) and (2) ~~shall~~ may be interpreted or construed as the practice of architecture.

(4) Nothing in this chapter ~~shall~~ may be construed to affect or prevent the following, provided that no words, letters, figures, or other device ~~shall~~ may be used ~~in--such manner--as--to~~ that tend to convey the impression that the person rendering ~~such~~ the service is an architect ~~duty~~ registered under this chapter:

(a) consultants, officers, and employees of the United States while engaged solely in the practice of architecture for ~~said~~ the federal government;

(b) professional engineers from performing architectural services ~~which~~ that are purely incidental to their engineering practice;

(c) any person from planning, designing, altering, repairing, supervising, or engaging in residential construction consisting of less than eight living units, regardless of size or cost, or farm buildings ~~which~~ that are not intended for use or used as a public building;

(d) 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."

HB 0051/01

- 1 NEW SECTION. **Section 3.** Effective date. [This act] is
- 2 effective on passage and approval.

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