

By: Geren

H.B. No. 1573

Substitute the following for H.B. No. 1573:

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C.S.H.B. No. 1573

A BILL TO BE ENTITLED

AN ACT

relating to the definition of the practice of architecture.

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

SECTION 1. Section 1051.001(7), Occupations Code, is amended to read as follows:

(7) "Practice of architecture" means a service or creative work applying the art and science of architecture in which competent performance requires architectural education, training, and experience. The term includes:

(A) establishing and documenting the form, aesthetics, materials, and construction technology for any building, group of buildings, or environs intended to be constructed or altered;

(B) preparing a set of architectural plans and specifications that include all integrated building systems;

(C) programming for construction projects, including identification of economic, legal, and natural constraints and determination of the scope and spatial relationship of functional elements;

(D) administering the construction process to assist in achieving design intent in the finished structure;

(E) recommending and overseeing appropriate project delivery systems, including design-build method, construction management, project management, or program

1 management;

2 (F) consulting, investigating, and analyzing  
3 complex problems of architectural design, technology, or practice,  
4 including, when a remedy to these problems is sought in a formal  
5 dispute resolution process, providing expert opinion and  
6 testimony;

7 (G) research to expand the knowledge base of the  
8 profession of architecture, including publishing or presenting  
9 findings in professional forums; and

10 (H) teaching, administering, and developing  
11 pedagogical theory in academic settings offering architectural  
12 education [~~that involves the application of the art and science of~~  
13 ~~developing design concepts, planning for functional relationships~~  
14 ~~and intended uses, and establishing the form, appearance,~~  
15 ~~aesthetics, and construction details for the construction,~~  
16 ~~enlargement, or alteration of a building or environs, the proper~~  
17 ~~application of which requires education, training, and experience~~  
18 ~~in those matters].~~

19 SECTION 2. Section 1051.701, Occupations Code, is amended  
20 by amending Subsection (a) and adding Subsection (a-1) to read as  
21 follows:

22 (a) Subject to Subsection (a-1), a [A] person may not engage  
23 in the practice of architecture or offer or attempt to engage in the  
24 practice of architecture unless the person is registered as an  
25 architect under this chapter.

26 (a-1) For purposes of Subsection (a), a person does not  
27 engage in the practice of architecture or offer or attempt to engage

1 in the practice of architecture solely because the person engages  
2 in an activity described by Section 1051.001(7)(C), (D), (E), (F),  
3 (G), or (H).

4 SECTION 3. Section 150.001, Civil Practice and Remedies  
5 Code, is amended to read as follows:

6 Sec. 150.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

7 (1) "Design[~~, —~~"design] professional" means a  
8 registered architect or licensed professional engineer.

9 (2) "Practice of architecture" has the meaning  
10 assigned by Section 1051.001, Occupations Code.

11 SECTION 4. Section 3 of this Act applies only to a cause of  
12 action that accrues on or after the effective date of this Act. An  
13 action that accrued before the effective date of this Act is  
14 governed by the law applicable to the action immediately before the  
15 effective date of this Act, and that law is continued in effect for  
16 that purpose.

17 SECTION 5. This Act takes effect September 1, 2005.