

AN ACT

relating to the Texas Board of Architectural Examiners; providing penalties.

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

SECTION 1. Section 1051.0015, Occupations Code, is amended to read as follows:

Sec. 1051.0015. PURPOSE OF REGISTRATION REQUIREMENT. The purpose of Section 1051.701(a) [~~1051.301(a)~~] is to:

(1) safeguard life, health, property, and the public welfare; and

(2) protect the public against the irresponsible practice of architecture.

SECTION 2. Section 1051.101(b), Occupations Code, is amended to read as follows:

(b) Not more than one board member may be:

(1) a stockholder or owner of an interest in a school or college that teaches architecture, interior design, or landscape architecture; or

(2) a full-time [~~an officer or a~~] member of the faculty or administration of the [~~governing board of a school or college that teaches~~] architecture, interior design, or landscape architecture department of a school or college whose position is the primary employment of the board member.

SECTION 3. Sections 1051.107(b) and (c), Occupations Code,

are amended to read as follows:

(b) The ~~[Each January, the]~~ board annually shall elect from its members an assistant presiding officer.

(c) The board shall appoint a secretary-treasurer of the board to serve at the pleasure of the board. ~~[The secretary-treasurer may be, but is not required to be, a member of the board.]~~

SECTION 4. Sections 1051.353(c) and (d), Occupations Code, are amended to read as follows:

(c) A person whose certificate of registration has been expired for more than 90 days but less than two years ~~[one year]~~ may renew the certificate by paying to the board a renewal fee equal to two times the normally required renewal fee.

(d) A person whose certificate of registration has been expired for two years ~~[one year]~~ or more may not renew the certificate. The person may obtain a new certificate of registration by complying with the requirements and procedures, including the examination requirements, for obtaining an original certificate.

SECTION 5. Sections 1051.357(a), (c), and (d), Occupations Code, are amended to read as follows:

(a) The board by rule shall establish a procedure by which an architect may place the architect's ~~[person's]~~ certificate of registration on emeritus status. The architect ~~[person]~~ must apply for emeritus status, on a form prescribed by the board, before the architect's ~~[person's]~~ certificate of registration expires.

(c) An architect ~~[A person]~~ whose certificate of

1 registration is on emeritus status:

2 (1) may ~~[not]~~ engage in the practice of architecture
3 as defined by Sections 1051.001(7)(D), (E), (F), (G), and (H);

4 (2) may prepare ~~[except for the preparation of]~~ plans
5 and specifications described by Sections 1051.606(a)(3) and (4)
6 ~~[Section 1051.056(a)(3) or (4)]~~;

7 (3) ~~[(2)]~~ may use the title "Emeritus Architect" or
8 "Architect Emeritus";

9 (4) ~~[(3)]~~ must pay a renewal fee on a date and in a
10 manner prescribed by board rule; and

11 (5) ~~[(4)]~~ is exempt from continuing education
12 requirements under this chapter.

13 (d) The board shall change an architect's ~~[remove a~~
14 ~~person's]~~ certificate of registration from emeritus status to
15 active status if the architect ~~[person]~~:

16 (1) requests in writing that the board remove the
17 architect's ~~[person's]~~ certificate of registration from emeritus
18 status;

19 (2) pays an administrative fee; and

20 (3) complies with education or other requirements
21 established by board rule.

22 SECTION 6. Section 1051.455(b), Occupations Code, is
23 amended to read as follows:

24 (b) A proceeding under this section relating to an
25 architect, a landscape architect, or an interior designer is
26 subject to Chapter 2001, Government Code.

27 SECTION 7. Section 1051.457(a), Occupations Code, is

amended to read as follows:

(a) If the person on whom an administrative penalty is imposed holds a certificate of registration issued by the board ~~[is an architect]~~, the board's order becomes final as provided by Section 2001.144, Government Code. If the person does not hold a certificate of registration issued by the board, the board's order becomes final on the 20th day after the date the order is issued.

SECTION 8. Section 1052.151, Occupations Code, is amended to read as follows:

Sec. 1052.151. REGISTRATION REQUIRED; EXCEPTIONS. (a) A person may not engage in the practice of landscape architecture unless the person:

(1) holds a certificate of registration under this chapter; or

(2) is authorized under Section 1052.003 to engage in the practice of landscape architecture without holding a certificate of registration.

(b) Except as provided by Subsections (c) and (d), a ~~[A]~~ person may not represent the person to be a landscape architect or use the term "landscape architect," "landscape architectural," or "landscape architecture" or any similar term to describe the person's services unless the person holds a certificate of registration ~~[or is exempt from registration]~~ under this chapter.

(c) A business entity may engage in the practice of landscape architecture without holding a certificate of registration under this chapter if:

(1) the entity is authorized under Section 1052.003 to

1 engage in the practice of landscape architecture without holding a
2 certificate of registration; or

3 (2) any landscape architecture performed on behalf of
4 the entity is performed by or under the supervision and control of a
5 person who:

6 (A) holds a certificate of registration under
7 this chapter; and

8 (B) is a regular, full-time employee of the
9 entity.

10 (d) A business entity may use the term "landscape
11 architect," "landscape architectural," or "landscape architecture"
12 or any similar term to describe the entity or the services provided
13 by the entity without holding a certificate of registration under
14 this chapter if any practice of landscape architecture performed on
15 behalf of the entity is performed by or under the supervision and
16 control of a person who:

17 (1) holds a certificate of registration under this
18 chapter; and

19 (2) is a regular, full-time employee of the entity.

20 SECTION 9. Sections 1052.153(b) and (d), Occupations Code,
21 are amended to read as follows:

22 (b) The board shall prescribe the scope of the examination
23 and the methods of procedure with special reference to the
24 applicant's ability that will ensure the safety of the public
25 welfare and property rights. The board by rule may adopt the
26 examination of the Council of Landscape Architectural Registration
27 Boards or the examination of a nationally recognized testing

1 organization whose examination is determined by the board to be at
2 least as stringent as the council's examination.

3 (d) The board at least annually shall administer the
4 examination or enter into a contract with a nationally recognized
5 testing organization to administer the examination. The board, in
6 the manner provided by board rule, shall provide reasonable public
7 notice of the dates on and locations at which each portion of the
8 examination will be administered [~~at its office in Austin or at~~
9 ~~another location designated by the board~~].

10 SECTION 10. Subchapter D, Chapter 1052, Occupations Code,
11 is amended by adding Section 1052.155 to read as follows:

12 Sec. 1052.155. EMERITUS STATUS; LANDSCAPE ARCHITECTS. (a)
13 The board by rule shall establish a procedure by which a landscape
14 architect may place the landscape architect's certificate of
15 registration on emeritus status. The landscape architect must
16 apply for emeritus status, on a form prescribed by the board, before
17 the landscape architect's certificate of registration expires.

18 (b) A landscape architect is eligible for emeritus status if
19 the landscape architect:

20 (1) has been a landscape architect for 20 years or
21 more; and

22 (2) is 65 years of age or older.

23 (c) A landscape architect whose certificate of registration
24 is on emeritus status:

25 (1) may engage in the practice of landscape
26 architecture to the extent that a person who does not hold a
27 certificate of registration as a landscape architect may under

1 Section 1052.003(a);

2 (2) may use the title "Emeritus Landscape Architect"
3 or "Landscape Architect Emeritus";

4 (3) must pay a renewal fee on a date and in a manner
5 prescribed by board rule; and

6 (4) is exempt from continuing education requirements
7 under this chapter.

8 (d) The board shall change a landscape architect's
9 certificate of registration from emeritus status to active status
10 if the landscape architect:

11 (1) requests in writing that the board change the
12 landscape architect's certificate of registration from emeritus
13 status to active status;

14 (2) pays an administrative fee; and

15 (3) complies with education or other requirements
16 established by board rule.

17 (e) The renewal fee charged under Subsection (c) may not
18 exceed an amount reasonable and necessary to recover the costs to
19 administer this section.

20 SECTION 11. Subchapter D, Chapter 1053, Occupations Code,
21 is amended by adding Section 1053.156 to read as follows:

22 Sec. 1053.156. EMERITUS STATUS; INTERIOR DESIGNERS. (a)
23 The board by rule shall establish a procedure by which an interior
24 designer may place the interior designer's certificate of
25 registration on emeritus status. The interior designer must apply
26 for emeritus status, on a form prescribed by the board, before the
27 interior designer's certificate of registration expires.

1 (b) An interior designer is eligible for emeritus status if
2 the interior designer:

3 (1) has been an interior designer for 20 years or more;
4 and

5 (2) is 65 years of age or older.

6 (c) An interior designer whose certificate of registration
7 is on emeritus status:

8 (1) may use the title "Emeritus Interior Designer" or
9 "Interior Designer Emeritus";

10 (2) must pay a renewal fee on a date and in a manner
11 prescribed by board rule; and

12 (3) is exempt from continuing education requirements
13 under this chapter.

14 (d) The board shall change an interior designer's
15 certificate of registration from emeritus status to active status
16 if the interior designer:

17 (1) requests in writing that the board change the
18 interior designer's certificate of registration from emeritus
19 status to active status;

20 (2) pays an administrative fee; and

21 (3) complies with education or other requirements
22 established by board rule.

23 (e) The renewal fee charged under Subsection (c) may not
24 exceed an amount reasonable and necessary to recover the costs to
25 administer this section.

26 SECTION 12. Sections 1051.157 and 1051.213, Occupations
27 Code, are repealed.

1 SECTION 13. Not later than December 1, 2007, the Texas Board
2 of Architectural Examiners shall adopt the rules necessary to
3 implement the changes in law made by this Act to Chapters 1051,
4 1052, and 1053, Occupations Code.

5 SECTION 14. The changes in law made by this Act to Chapters
6 1051, 1052, and 1053, Occupations Code, apply to a board member
7 appointed to the Texas Board of Architectural Examiners or a
8 certificate of registration renewed under that chapter on or after
9 the effective date of this Act.

10 SECTION 15. This Act takes effect September 1, 2007.

H.B. No. 2060

President of the Senate

Speaker of the House

I certify that H.B. No. 2060 was passed by the House on May 2, 2007, by the following vote: Yeas 147, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2060 on May 25, 2007, by the following vote: Yeas 126, Nays 11, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2060 was passed by the Senate, with amendments, on May 23, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor