

By: Hardcastle

H.B. No. 2284

A BILL TO BE ENTITLED

AN ACT

relating to the practice of architecture and engineering.

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

SECTION 1. Section 1001.003, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) The practice of engineering does not include the practice of architecture defined by Sections 1051.001(7)(A), (B), and (C) as that definition existed on April 1, 2011, except for the preparation of plans and specifications that an engineer is authorized to prepare under the rules of the Texas Board of Architectural Examiners in effect on April 1, 2011.

SECTION 2. Subchapter J, Chapter 1001, Occupations Code, is amended by adding Section 1001.4524 to read as follows:

Sec. 1001.4524. PROHIBITED PRACTICES. Except for the actions described by Sections 1051.001(7)(D) through (H) and the preparation of plans and specifications that an engineer is authorized to prepare under the rules of the Texas Board of Architectural Examiners in effect on April 1, 2011, an engineer may not perform, offer to perform, or attempt to perform an architectural service, design, or analysis in connection with a building for human use or occupancy unless:

(1) the building is described by Section 1051.606(a)(4); or

(2) the engineer is authorized to practice

1 architecture by the Texas Board of Architectural Examiners.

2 SECTION 3. Subchapter F, Chapter 1051, Occupations Code, is  
3 amended by adding Section 1051.308 to read as follows:

4 Sec. 1051.308. INTERN DEVELOPMENT PROGRAM. The board shall  
5 allow an engineer enrolled in an accredited architectural  
6 professional degree program in this state to enroll concurrently in  
7 the intern development program required by board rules before an  
8 applicant may take the examination under this chapter.

9 SECTION 4. Subchapter L, Chapter 1051, Occupations Code, is  
10 amended by adding Section 1051.607 to read as follows:

11 Sec. 1051.607. LIST OF ENGINEERS PERMITTED TO ENGAGE IN  
12 PRACTICE OF ARCHITECTURE. (a) The board shall maintain a list of  
13 engineers licensed under Chapter 1001 who are authorized to engage  
14 in the practice of architecture based on an administrative finding  
15 of experience under this section. The board shall post the list on  
16 the board's Internet website.

17 (b) An engineer may not engage or offer to engage in the  
18 practice of architecture unless:

19 (1) the engineer is listed under Subsection (a); and  
20 (2) the engineer is in good standing with the Texas  
21 Board of Professional Engineers.

22 (c) The board shall list each engineer who:

23 (1) applies for placement on the list not later than  
24 September 1, 2012;

25 (2) was licensed to practice engineering under Chapter  
26 1001 before January 1, 2011; and

27 (3) provides to the board documentation of at least

1 three projects described by Section 1051.703(a)(2) that were:

2 (A) prepared by the engineer; and

3 (B) adequately and safely built before January 1,  
4 2011.

5 (d) Documentation that is sufficient to satisfy the  
6 requirement of Subsection (c)(3) includes plans, specifications,  
7 photographs, and other records establishing that the architectural  
8 design work was performed by the engineer. The documentation is  
9 subject to verification by the board.

10 (e) The board shall issue written confirmation to each  
11 engineer listed under this section that, notwithstanding the  
12 requirements of Section 1051.701, the engineer may lawfully engage  
13 and offer to engage in the practice of architecture without a  
14 license under this chapter.

15 (f) If the board declines to list an engineer who applies  
16 under this section, the engineer may appeal the decision to an  
17 arbitration panel composed of:

18 (1) two architects selected by the board;

19 (2) two engineers selected by the Texas Board of  
20 Professional Engineers; and

21 (3) an attorney licensed in this state with  
22 substantial experience in construction law, selected by the  
23 arbitrators selected in Subdivisions (1) and (2).

24 (g) A judge of a district court in Travis County selected by  
25 the two boards under Subsection (f) shall select the arbitrator  
26 described by Subsection (f)(3) if the arbitrators selected under  
27 Subsections (f)(1) and (2) do not select the arbitrator described

1 by Subsection (f)(3) before the 11th day after the date the last  
2 arbitrator is selected under Subsections (f)(1) and (2).

3 (h) The board and the Texas Board of Professional Engineers  
4 shall pay equally the costs of the arbitration.

5 (i) The decision of a majority of the arbitrators is binding  
6 on the engineer requesting arbitration.

7 (j) The Texas Board of Professional Engineers has exclusive  
8 regulatory oversight over an engineer listed under Subsection (a).

9 SECTION 5. Section 1051.703(b), Occupations Code, is  
10 amended to read as follows:

11 (b) This section does not prohibit an owner of a building  
12 from contracting with [~~choosing~~] an architect or engineer as the  
13 prime design professional for a building construction, alteration,  
14 or addition project. Designation as the prime design professional  
15 does not expand the scope of practice of an architect or engineer  
16 beyond the scope of practice that the architect or engineer is  
17 authorized to practice under Chapter 1001 or 1051.

18 SECTION 6. Sections 1001.216 and 1051.212, Occupations  
19 Code, are repealed.

20 SECTION 7. This Act takes effect September 1, 2011.