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*Bill Analysis*  
*Legislative Service Commission*

## **Sub. S.B. 225**

127th General Assembly  
(As Reported by H. Commerce and Labor)

**Sens. Schaffer, Faber, Schuler, Austria, Gardner, Harris, Niehaus, Seitz,  
Spada, Wilson**

**Reps. Hughes, Sykes**

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### **BILL SUMMARY**

- Changes the name of the State Board of Examiners of Architects to the Architects Board.
- Allows the Architects Board to adopt rules pertaining to intern architects, architectural interns, and emeritus architects, including rules pertaining to registration and registration and renewal fees.
- Modifies requirements pertaining to certifying and registering out-of-state architects.
- Modifies certain requirements relative to trustees of businesses that offer architectural services and landscape architectural services.
- Modifies ownership requirements relative to businesses that offer architectural services and landscape architectural services.
- Allows the Architects Board to establish a penalty fee for restoration of a certificate of qualification and removes the statutorily specified penalty calculation formula.
- Allows the Architects Board and the State Board of Landscape Architects to establish a fee to cover costs for checks or other instruments returned by financial institutions due to insufficient funds.
- Modifies the criteria specifying acceptable practical experience obtained by an applicant for registration as a landscape architect.

- Eliminates the requirement that the Architects Board hold examinations for applicants to practice architecture not less than once annually.
- Eliminates the requirement to include the architect's place of business on the architect's certificate of qualification.

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## **CONTENT AND OPERATION**

### **Architects Board name change**

The bill changes the name of the State Board of Examiners of Architects to the Architects Board. (Secs. 125.22, 4703.01, 4703.02, 4703.03, 4703.04, 4703.05, 4703.06, 4703.07, 4703.08, 4703.09, 4703.10, 4703.11, 4703.12, 4703.13, 4703.14, 4703.15, 4703.151, 4703.16, 4703.18, 4703.181, 4703.19, 4703.50, 4703.51, and 4703.52.)

### **Intern architects, architectural interns, and emeritus architects**

Current law requires that a person, before engaging in the practice of architecture or before being styled or known as an architect, be registered with the Board and secure from the Board a certificate of the person's qualifications to practice under the title "architect." Furthermore, current law prohibits any other person from assuming the title "architect" and from using any abbreviation, or any words, letters, or figures, to indicate or imply that the person is an architect or registered architect. (Sec. 4703.06(A).)

The bill allows the Board to authorize, by rule, any person to use the title "intern architect," "architectural intern," or "emeritus architect" and to adopt any rules the Board deems necessary pertaining to intern architects, architectural interns, and emeritus architects, including, but not limited to, rules pertaining to registration, registration fees, and renewal fees. (Sec. 4703.06(A) and (B).)

### **Licensure for out-of-state architects**

Current law requires the Board to certify and register an out-of-state applicant who provides satisfactory evidence that the applicant meets all of the following requirements:

(1) Is a licensed or registered architect in another state or jurisdiction where the qualifications required for licensure or registration were equal, in the opinion of the Board, to those required under Ohio's Architects Law (R.C. 4703.01 to 4703.19) at the time of the applicant's original licensure or registration in that state or jurisdiction;

(2) Holds a current record in good standing issued by the National Council of Architectural Registration Boards;

(3) Is a licensed or registered architect in another state or jurisdiction that extends reciprocity similar to that offered under Ohio's Architects Law to architects who are registered in Ohio. (Sec. 4703.08.)

Instead of retaining these reciprocity provisions in statute, the bill authorizes the Board to adopt rules to certify and register an out-of-state applicant for a certificate of qualification to practice architecture who:

(1) Is licensed or registered as an architect in another state or jurisdiction;

(2) Holds a current "certificate" (rather than "record" as under current law) in good standing issued by the National Council of Architectural Registration Boards; and

(3) Wishes to be registered in Ohio. (Secs. 4703.07, 4703.08, and 4703.10.)

**Modification of requirements relative to trustees of businesses**

The Architects Law specifically states that the provisions of that law do not prevent a firm, partnership, association, limited liability company, or corporation of architects registered under that law from providing architectural services. That law also does not prevent an individual registered as a landscape architect under that law or as a professional engineer under the Professional Engineers and Surveyors Law (R.C. Chapter 4733.) from being a member of a firm, partnership, association, limited liability company, or corporation of that type, but a member of that type must not engage in the practice of architecture or hold forth as an architect contrary to the Architects Law and must not practice a profession in which the person is not licensed. The bill adds that the aforementioned provision applies not just to members, but also to trustees of a firm, partnership, association, limited liability company, or corporation. (Sec. 4703.18(F).)

Existing law requires that each firm, partnership, association, limited liability company, or corporation through which architectural services or landscape architectural services are offered or provided in Ohio designate one or more partners, managers, members, officers, or directors as being in responsible charge of the professional architectural or landscape architectural activities and decisions, and those designated persons must be registered in Ohio. Those businesses annually must file with the Board the name and address of each partner, manager, officer, director, member, or shareholder of the business, as appropriate, and the name and address of all persons designated as being in responsible charge

of professional architectural or landscape architectural activities and decisions. The bill adds trustees of those businesses, as appropriate, to those persons who may be designated as being in responsible charge and for whom the business must file a name and address. With respect to a corporation holding a certificate of authorization to practice landscape architectural services, the bill removes the provision in existing law requiring that at least one of the persons designated to be in responsible charge of the professional landscape architectural activities and decisions be a director of the corporation. (Secs. 4703.18(K) and 4703.331(E).)

Under continuing law, a corporation desiring a certificate of authorization from the Architects Board or the State Board of Landscape Architects must file with the appropriate Board a copy of its articles of incorporation and a list of the names and addresses of all its officers, directors, and shareholders. The bill adds the requirement that the names and addresses of the corporation's trustees must be added to this list. (Secs. 4703.18(L) and 4703.331(F).)

### **Ownership requirements**

Currently, no certificate of authorization to offer architectural services of landscape architectural services can be issued to a corporation unless persons owning more than 50% of the corporation's shares and more than 50% of the interests in the corporation are professional engineers, surveyors, architects, or landscape architects, or a combination of those professions, who are registered in Ohio. The bill expands this provision so that it applies as long as those professionals are registered in Ohio or any other state. (Secs. 4703.18(L) and 4703.331(F).)

Under continuing law, generally no firm, partnership, association, limited liability company, or corporation can provide or offer to provide architectural services or landscape architectural services in Ohio unless more than 50% of the partners, members, or shareholders, more than 50% of the directors in the case of a corporation or professional association, and more than 50% of the managers in the case of a limited liability company the management of which is not reserved to its members are professional engineers, surveyors, architects, or landscape architects or a combination of those professions, who are registered in Ohio and who own more than 50% of the interests in the firm, partnership, association, limited liability company, or corporation.<sup>1</sup> The bill expands this provision so that the ownership requirement is satisfied if more than 50% of the trustees in the case of an employee stock ownership plan are these types of registered professionals. The

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<sup>1</sup> Specified exceptions applicable to professional associations organized under the Professional Associations Law (R.C. Chapter 1785.) and to limited liability companies formed under the Limited Liability Companies Law (R.C. Chapter 1705.) apply.

bill further expands this provision so that the ownership requirement relative to firms, partnerships, associations, limited liability companies, and corporations that offer architectural services or landscape architectural services is satisfied if the required professionals are registered in Ohio or any other state. (Secs. 4703.18(J) and 4703.331(D).)

**Penalty fee for restoration of a certificate of qualification; fee for returned checks**

Under current law, the fee to restore a certificate of qualification to practice architecture is the renewal fee for the current certification period, plus the renewal fee for each two-year period in which the certificate was not renewed, plus a penalty of 10% of the total renewal fees for each two-year period or part thereof in which the certificate was not renewed, provided that the maximum fee cannot exceed the amount established by the Board. The bill eliminates the statutory specification of the penalty calculation and instead requires the Board to establish the penalty amount.

Additionally, the bill requires both the Architects Board and the State Board of Landscape Architects to establish a fee to cover costs for checks or other instruments returned by financial institutions due to insufficient funds. (Secs. 4703.16(B) and (C)(5) and 4703.37(C)(6).)

**Qualifications to become registered as a landscape architect**

An applicant who wishes to be registered as a landscape architect must be at least 18 years of age, be of good moral character, have passed a specified examination, and have obtained the appropriate professional degree in landscape architecture. An applicant also must satisfy one of the following criteria:

(1) Complete three years of practical experience in the office of *or* under the direct supervision of a registered landscape architect, provided that other criteria regarding this requirement also are satisfied;

(2) Complete a specified type of internship program or have equivalent experience that is acceptable to the State Board of Landscape Architect Examiners.

The bill modifies the criteria described in (1) above to require an applicant who is choosing to satisfy this criterion to complete three years of practical experience in the office of *and* under the direct supervision of a registered landscape architect. (Sec. 4703.34(D).)

**Examinations for applicants**

The bill eliminates the requirement that the Architects Board hold examinations for applicants to practice architecture not less than once annually. (Sec. 4703.02)

**Information contained on certificate of qualification**

Current law requires certificates of qualification for architects to include specific information, including the architect's place of business. Under the bill, the architect's place of business is not required to be included on the certificate. (Sec. 4703.10.)

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**HISTORY**

ACTION	DATE
Introduced	09-27-07
Reported, S. Insurance, Commerce & Labor	10-30-07
Passed Senate (32-0)	10-30-07
Reported, H. Commerce & Labor	02-06-08

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