

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1271 Session of
1997

INTRODUCED BY RAYMOND, BUNT, MICOZZIE, WAUGH, FAIRCHILD, CIVERA,
MELIO, BELARDI, GEIST, TRELLO, COY, KENNEY, HENNESSEY,
GRUITZA, LYNCH, ARMSTRONG, HERSHEY, ITKIN, STEELMAN,
PHILLIPS, STEVENSON, YOUNGBLOOD, E. Z. TAYLOR AND BARD,
APRIL 9, 1997

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, APRIL 9, 1997

AN ACT

1 Amending the act of December 14, 1982 (P.L.1227, No.281),
2 entitled "An act regulating the practice of architecture in
3 the Commonwealth of Pennsylvania; providing for the
4 examination and licensure of architects by a State Architects
5 Licensure Board; and providing penalties," further providing
6 for definitions and for various practices relating to
7 architecture.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 3 of the act of December 14, 1982
11 (P.L.1227, No.281), known as the Architects Licensure Law, is
12 amended by adding definitions to read:

13 Section 3. Definitions.

14 The following words and phrases when used in this act shall
15 have, unless the context clearly indicates otherwise, the
16 meanings given to them in this section:

17 * * *

18 "Design-build." A project delivery method whereby a design-
19 build entity signs a single contract to provide a combination of

1 architectural and construction services to a client.

2 "Design-build entity." An entity which provides by single
3 contract to a client a combination of architectural and
4 construction services.

5 * * *

6 Section 2. Sections 12, 13, 15 and 18(b) of the act are
7 amended to read:

8 Section 12. Seal of architect.

9 (a) Every architect shall obtain a seal approved by rules
10 and regulations promulgated by the board and, except for
11 projects which fall under section 15(4), shall impress said seal
12 on drawings, specifications and other design documents prepared
13 by the individual or under the architect's personal supervision
14 for use in this State. [An] Except for projects which fall under
15 section 15(4), an architect who impresses his seal or knowingly
16 permits it to be impressed on drawings, specifications or other
17 design documents which were not prepared by him or under his
18 personal supervision shall be guilty of a violation of this act
19 and shall be subject to the penalties provided herein. Any
20 person who impresses an architect's seal or knowingly permits it
21 to be impressed on drawings, specifications or other design
22 documents after the architect's certificate has expired, or has
23 been revoked, annulled or suspended, shall be guilty of a
24 violation of this act and shall be subject to the penalties
25 provided herein.

26 (b) A stamp of design identical to the prescribed seal may
27 be used in lieu of a seal.

28 (c) Upon the forfeiture, revocation, suspension or annulment
29 of a certificate, or upon expiration of a certificate without
30 renewal, an architect shall surrender his or her seal or stamp

1 to the board. Upon the death of an architect, his personal
2 representative shall surrender said seal or stamp to the board
3 in accordance with rules and regulations promulgated by the
4 board. The board shall have the power to take appropriate
5 action, in accordance with the "Commonwealth Attorneys Act," to
6 enforce this subsection.

7 Section 13. Firm practice.

8 (a) An individual architect or a group of architects in
9 Pennsylvania may practice architecture in one of the following
10 forms of architectural firms:

- 11 (1) sole proprietorship;
- 12 (2) partnership;
- 13 (3) professional association;
- 14 (4) professional corporation; [or]
- 15 (5) business corporation[.];
- 16 (6) limited liability company; or
- 17 (7) limited liability partnership.

18 (b) A partnership may engage in the practice of architecture
19 in Pennsylvania provided it complies with the provisions of 59
20 Pa.C.S. Ch. 3 (relating to general partnerships) and that it
21 also satisfies the following requirements:

22 (1) At least two-thirds of the partners are licensed
23 under the laws of any state to practice architecture,
24 engineering or landscape architecture.

25 (2) At least one-third of the partners are licensed
26 under the laws of any state to practice architecture.

27 (c) A professional association may engage in the practice of
28 architecture in Pennsylvania provided it complies with the
29 provisions of the act of August 7, 1961 (P.L.941, No.416), known
30 as the "Professional Association Act," and must also satisfy the

1 following requirements:

2 (1) At least two-thirds of the members of the board of
3 governors are licensed under the laws of any state to
4 practice architecture, engineering or landscape architecture.

5 (2) At least one-third of the members of the board of
6 governors are licensed under the laws of any state to
7 practice architecture.

8 (d) A professional corporation shall comply with the
9 provisions of the act of July 9, 1970 (P.L.461, No.160), known
10 as the "Professional Corporation Law."

11 (e) A business corporation may engage in the practice of
12 architecture in Pennsylvania, provided that it complies with the
13 act of May 5, 1933 (P.L.364, No.106), known as the "Business
14 Corporation Law," and that it also satisfies the following
15 requirements:

16 (1) At least two-thirds of the directors are licensed
17 under the laws of any state to practice architecture,
18 engineering or landscape architecture.

19 (2) At least one-third of the directors are licensed
20 under the laws of any state to practice architecture.

21 (3) At least two-thirds of all classes of voting stock
22 issued and outstanding at any one time shall be owned by an
23 individual or individuals licensed under the laws of any
24 state to practice architecture, engineering or landscape
25 architecture.

26 (4) At least one-third of all classes of voting stock
27 issued and outstanding at any one time shall be owned by an
28 individual or individuals licensed under the laws of any
29 state to practice architecture.

30 (f) A limited liability company may engage in the practice

1 of architecture in this Commonwealth, provided that it complies
2 with the act of December 7, 1994 (P.L.703, No.106), known as the
3 "Limited Liability Company Act," and that it also satisfies the
4 following requirements:

5 (1) At least two-thirds of the members, if managed by
6 members, or at least two-thirds of the managers, if managed
7 by managers, are licensed under the laws of any state to
8 practice architecture, engineering or landscape architecture.

9 (2) At least one-third of the members, if managed by
10 members, or least one-third of the managers, if managed by
11 managers, are licensed under the laws of any state to
12 practice architecture.

13 (3) At least two-thirds of all classes of voting
14 membership at any one time shall be owned by an individual or
15 individuals licensed under the laws of any state to practice
16 architecture, engineering or landscape architecture.

17 (4) At least one-third of all classes of voting
18 membership at any one time shall be owned by an individual or
19 individuals licensed under the laws of any state to practice
20 architecture.

21 (g) A partnership which has elected to be a limited
22 liability partnership and governed by the act of December 7,
23 1994 (P.L.703, No.106), known as the "Limited Liability Company
24 Act," may engage in the practice of architecture in this
25 Commonwealth provided it complies with the provisions of 15
26 Pa.C.S. Ch. 82 (relating to registered limited liability
27 partnerships) and that it also satisfies the following
28 requirements:

29 (1) At least two-thirds of the partners are licensed
30 under the laws of any state to practice architecture,

1 engineering or landscape architecture.

2 (2) At least one-third of the partners are licensed
3 under the laws of any state to practice architecture.

4 ~~[(f)]~~ (h) A partnership, professional association [or],
5 corporation, limited liability company or limited liability
6 partnership engaged in the practice of architecture having fewer
7 than three partners, governors, shareholders or directors,
8 members or managers, under this section shall have at least one
9 partner, governor, shareholder or director, member or manager
10 who is an individual duly certified to practice architecture in
11 the Commonwealth pursuant to this act.

12 ~~[(g)]~~ (i) Each project undertaken by a firm engaged in the
13 practice of architecture in the Commonwealth of Pennsylvania
14 must be under the personal supervision of a partner in the case
15 of a partnership or limited liability partnership, a member of
16 the board of governors in the case of a professional
17 association, a shareholder in the case of a professional
18 corporation, [or] a director in the case of a business
19 corporation, or member or manager in the case of limited
20 liability company who holds a certificate to engage in the
21 practice of architecture in this Commonwealth pursuant to this
22 act. The seal of such individuals must appear on all drawings,
23 specifications and other design documents issued by the firm for
24 such projects.

25 ~~[(h)]~~ (j) The board shall by promulgation of rules and
26 regulations, require any partnership, professional association,
27 professional corporation [or], business corporation, limited
28 liability company or limited liability partnership practicing
29 architecture in this State to file with the board information
30 concerning its officers, directors, partners, professional

1 association board of governors, beneficial owners, members or
2 managers and such other aspects of its organization as the board
3 deems appropriate. In the administration of this subsection, the
4 board may require each partnership, professional association,
5 professional corporation [or], business corporation, limited
6 liability company or limited liability partnership to pay an
7 annual filing fee in the amount determined by the board by
8 promulgation of rules and regulations.

9 [(i)] (k) No corporation, professional association [or],
10 partnership, limited liability company or limited liability
11 partnership may perform any act relating to the practice of
12 architecture which an individual architect is prohibited from
13 doing.

14 (j) (l) Nothing in this section shall be construed to
15 prevent the practice of architecture by an individual as an
16 employee of a person, partnership or corporation which is not an
17 architectural firm, provided such individual holds a certificate
18 to practice architecture in the Commonwealth in conformity with
19 the provisions of this act and the architect's seal is affixed
20 to all documents prepared by him or under his personal
21 supervision for use in this Commonwealth.

22 (m) An architectural firm authorized to practice under
23 section 13(a) through (i) will be allowed to offer design-build
24 services consistent with the provisions of section 15(9).

25 Section 15. Permitted practices.

26 Nothing contained in this act shall be construed to prohibit:

27 (1) Persons acting under the personal supervision of an
28 architect from carrying out their normal duties in the
29 preparation of drawings, specifications and other design and
30 construction documents or in administering construction

1 contracts or in performing construction management services.

2 (2) Engineers registered under the act of May 23, 1945
3 (P.L.913, No.367), known as the "Professional Engineers
4 Registration Law," as amended, from performing the services
5 for which they are duly licensed or from performing such
6 services included in the practice of architecture as may be
7 incidental to their engineering work.

8 (3) The preparation of any shop drawings or the
9 performance of construction management services by persons
10 customarily engaged in construction work.

11 (4) The preparation of any drawings or other design
12 documents [by an individual] strictly in accordance with the
13 following practices:

14 (i) An individual may prepare drawings or other
15 design documents for a single-family residence of wood
16 frame construction of three stories in height with
17 basement of any size or cost which is to be used by such
18 individual as his or her home. For the purposes of this
19 section, "wood frame construction" shall mean metal stud
20 or its equivalent.

21 (ii) In lieu of personally preparing the
22 construction drawings for a single-family detached
23 residence of wood frame construction not more than three
24 stories in height excluding basement, a person may
25 utilize preprepared, commercially published, available to
26 the public, construction drawings which bear a
27 certification that they were originally prepared by an
28 architect licensed in any United States' jurisdiction,
29 provided these construction documents are reviewed,
30 signed, sealed and adapted to the specific site by an

1 architect authorized to practice architecture under
2 section 13(a) through (i).

3 (iii) A builder or home improvement contractor may
4 offer to perform preconstruction services either in the
5 construction of single-family residence of wood frame
6 construction not more than three stories in height
7 excluding basement in connection with the demolition,
8 enlargement or alteration thereto, provided that the
9 construction documents have been prepared or reviewed and
10 approved by a licensed architect authorized to practice
11 in section 13(a) through (i). Preconstruction services
12 means the providing of services by a builder or home
13 improvement contractor which include scheduling, cost
14 estimating, description of plan requirements,
15 construction specifications and design-build services,
16 use and exhibit of model homes or preprepared,
17 commercially published, available to the public,
18 construction drawings which bear a certification that
19 they were originally prepared by an architect licensed in
20 any United States' jurisdiction.

21 (iv) A builder or home improvement contractor may
22 perform preconstruction services for an attached single-
23 family dwelling of not more than four dwelling units of
24 wood frame construction, not more than three stories in
25 height excluding basement provided the construction
26 documents are reviewed, signed, sealed and adapted to the
27 specific site by an architect authorized to practice
28 architecture under section 13(a) through (j). However,
29 this section shall not be construed to allow an
30 unlicensed person to do preconstruction services for

1 multiple buildings of up to four dwelling units.

2 (v) By signing and sealing construction documents
3 covered by subparagraphs (ii), (iii) and (iv), the
4 architect shall assume full responsibility for the
5 construction documents, just as if the construction
6 documents were prepared under the direct supervision of
7 the architect.

8 (vi) A builder or home improvement contractor may
9 perform preconstruction services for renovations or
10 modifications to attached and detached single-family
11 residences, of wood frame construction as referenced in
12 this section that do not affect the structural system or
13 change the access or exit patterns or modify fire and
14 life safety requirements without the seal of a licensed
15 architect.

16 (vii) A builder or home improvement contractor may
17 provide preconstruction services for detached and
18 attached single-family accessory structures such as
19 sheds, terraces, fences, decks and garages without the
20 seal of a licensed architect provided that such
21 structures meet all State and local municipal
22 requirements.

23 (viii) Nothing in this section shall be construed to
24 prevent a local municipality from requiring the seal of a
25 licensed architect for the design and preparation of
26 construction drawings of an attached or detached single-
27 family dwelling and any and all of its appurtenances and
28 renovations or additions.

29 (ix) Nothing in this section shall be construed to
30 permit any individual, person or corporation other than

1 an architect authorized to practice under section 13(a)
2 through (i), to advertise design services direct to the
3 public.

4 (5) The preparation of any drawings or other design
5 documents for any utility or farm structure when such utility
6 or farm structure is used in connection with a farm
7 residence.

8 (6) The preparation of any drawings or other design
9 documents for the remodeling or alteration of a building not
10 involving structural or egress changes or additions thereto,
11 provided that the author of such plans or other design
12 documents shall not receive any compensation as the author
13 thereof.

14 (7) Officers and employees of the Government of the
15 United States, while engaged within this Commonwealth, in the
16 practice of architecture for said government.

17 (8) Any person while in the regular employment of any
18 railroad, telephone or telegraph company engaged in
19 interstate commerce.

20 (9) Design-build services strictly in accordance with
21 the following practices: a design-build entity not authorized
22 to practice under section 13(a) through (i) may offer design-
23 build services, if the architectural services in the design-
24 build process are provided in accordance with the following:

25 (i) An architectural firm which has been authorized
26 to practice architecture in this Commonwealth under
27 section 13(a) through (i) shall independently contract
28 with a design-build entity and is responsible for all
29 material aspects of the practice of architecture as
30 defined in section 3.

1 (ii) At the time a design-build entity offers a
2 written design-build proposal for a specific project the
3 design-build entity shall give a written disclosure to
4 the client stating an architect will be engaged by and
5 will be contractually responsible to the design-build
6 entity offering design-build services and will not be
7 responsible to the client.

8 (iii) The design-build entity shall agree that the
9 architect will have direct supervision of the
10 architectural work.

11 (iv) The contract between the design-build entity
12 and the client shall set forth the name of the
13 architectural firm which will be contractually
14 responsible to the design-build entity for providing
15 architectural services.

16 Section 18. Unauthorized practice prohibited.

17 * * *

18 (b) Except as provided in section 9(c) and (d), no
19 partnership, professional association [or], corporation, limited
20 liability company or limited liability partnership shall engage
21 in the practice or offer to engage in the practice of
22 architecture in this Commonwealth, or use any title, sign, card
23 or device implying that such partnership, professional
24 association [or], corporation, limited liability company or
25 limited partnership is competent to engage in the practice of
26 architecture, unless such partnership, professional association
27 [or], corporation, limited liability company or limited
28 liability partnership complies with section 13.

29 Section 3. This act shall take effect in 60 days.