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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1560 Session of  
2012

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INTRODUCED BY RAFFERTY, TARTAGLIONE, FONTANA, FERLO, SOLOBAY,  
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ALLOWAY AND MENSCH, JUNE 13, 2012

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REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, JUNE  
13, 2012

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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, for administration, for examination and  
7 qualification of applicants, for reciprocal licensing, for  
8 licensing periods and renewals, for seals, for firm practice,  
9 for firm names, for permitted practices, for existing  
10 licenses, for unauthorized practice, for disciplinary  
11 proceedings and for penalties; providing for injunction; and  
12 further providing for complaint procedure and hearings.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. Section 3 of the act of December 14, 1982  
16 (P.L.1227, No.281), known as the Architects Licensure Law,  
17 amended February 18, 1998 (P.L.186, No.31), is amended to read:

18 Section 3. Definitions.

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

22 "Accredited [school] educational program." Any educational

1 institution with an academic program in architecture accredited  
2 by a national architectural accrediting body or approved by the  
3 board.

4 "Architect." [An individual licensed under this act to  
5 engage in the practice of architecture within the Commonwealth  
6 of Pennsylvania] A licensee.

7 "Board." The Architects Licensure Board established by this  
8 act.

9 ["Certificate." The certificate of licensure issued by the  
10 board indicating that the individual named therein is an  
11 architect.]

12 "Continuing education." Educational activities which:

13 (1) promote competency of licensees;

14 (2) are given by providers that are approved by the  
15 board; and

16 (3) meet the criteria established by regulations  
17 promulgated by the board.

18 "Design-build." A project delivery method whereby a design-  
19 build entity signs a single contract to provide a combination of  
20 architectural and construction services to a client.

21 "Design-build entity." An entity which provides [by single  
22 contract] to a client a combination of architectural and  
23 construction services.

24 "Electronic seal." A digital representation of a seal of a  
25 licensee in responsible charge applied to an electronic  
26 document.

27 "Electronic signature." A digital representation of a seal  
28 and signature of a licensee in responsible charge applied to an  
29 electronic document.

30 "Firm registration." The document issued by the board

1 indicating that an architect or group of architects is  
2 authorized to provide architectural services in this  
3 Commonwealth as an architectural firm in accordance with  
4 regulations established by the board.

5 "Instruments of service." Representations, in any medium of  
6 expression, of the work by an architect or under the responsible  
7 charge of an architect prepared in the practice of architecture.  
8 The term includes studies, data, surveys, modeling, sketches,  
9 drawings and specifications, which illustrate, fix and describe  
10 the planning, design or construction of a structure, group of  
11 structures or space within and surrounding a structure or group  
12 of structures.

13 "Joint venture." A contractual arrangement:

14 (1) in which at least one party is an architectural firm  
15 registered in this Commonwealth; and

16 (2) which is entered into with the owner of a specific  
17 project for the purpose of providing architectural services.

18 "License." The document issued by the board indicating that  
19 the individual named in the document is authorized to practice  
20 architecture.

21 "Licensee." An individual licensed by the board to practice  
22 architecture in this Commonwealth.

23 "National council." The National Council of Architectural  
24 Registration Boards.

25 "Practice of architecture." As follows:

26 (1) The rendering or offering to render [certain]  
27 services[, hereinafter] described in paragraph (2), in  
28 connection with:

29 (i) the design [and], construction, enlargement or  
30 alteration of a structure or group of structures which

1 have as their principal purpose human habitation,   
2 occupancy or use[,]; and  
3 (ii) the utilization of space within and surrounding  
4 [such] a structure or group of structures.

5 (2) The services referred to in [the previous sentence]  
6 paragraph (1) include predesign, programming, planning,  
7 providing preliminary studies, designs, drawings,  
8 specifications, [and] other design documents, modeling,  
9 instruments of service, coordination of elements of technical  
10 submissions, construction management and administration of  
11 construction contracts.

12 (3) The [foregoing shall] term does not [be deemed to]  
13 include the practice of engineering as such, for which  
14 separate registration is required under the provisions of the  
15 act of May 23, 1945 (P.L.913, No.367), known as the  
16 "Professional Engineers Registration Law," excepting only  
17 engineering work incidental to the practice of architecture.  
18 "Professional degree." A first professional degree in  
19 architecture conferred by an accredited [school] educational  
20 program.

21 "Regular supervision." The use of initiative, skill and  
22 independent judgment, with a degree of competence and  
23 accountability gained by technical education and experience of a  
24 grade and character sufficient to qualify an individual to  
25 personally and independently engage in and be entrusted with the  
26 work involved in the practice of architecture.

27 "Responsible charge." The rendering of regular supervision  
28 by a licensed architect to individuals performing services or in  
29 the preparation of instruments of service.

30 "Seal." An embossing device, rubber stamp type or

1 electronically generated image of a design, prescribed by  
2 regulation of the board.

3 "Single-purpose entity." A contractual arrangement:

4 (1) comprised of the owner, an architectural firm  
5 registered in this Commonwealth, a constructor and other key  
6 project participants; and

7 (2) established for the sole purpose of providing  
8 services for the design and construction of a specific  
9 structure, group of structures or space within and  
10 surrounding a structure or group of structures.

11 "Sole practitioner." A form of sole proprietorship in which  
12 a licensee employs no other licensed professionals.

13 "Sole proprietorship." An architectural firm which is:

14 (1) solely owned by a licensee; and

15 (2) registered in this Commonwealth.

16 Section 2. Sections 4 and 5 of the act, amended December 22,  
17 1983 (P.L.343, No.86), are amended to read:

18 Section 4. Creation of board; appointment and term of members  
19 and officers.

20 (a) There is [hereby] established an Architects Licensure  
21 Board which shall consist of:

22 (1) the following ex officio members:

23 (i) the Commissioner of Professional and  
24 Occupational Affairs[, ] or a designee; and

25 (ii) the Director of the Bureau of Consumer  
26 Protection in the Office of Attorney General, or [his] a  
27 designee[, ];

28 (2) two members who shall represent the public at  
29 large[, ]; and

30 (3) five members, all of whom shall be architects, who

1 have been in the active practice of architecture in the  
2 Commonwealth of Pennsylvania for not less than seven years  
3 prior to their appointment.

4 (b) Each [professional and public] member of the board under  
5 subsection (a) (2) or (3) shall be appointed by the Governor with  
6 the advice and consent of the Senate for a term of six years.

7 The confirmed members of the State Board of Examiners of  
8 Architects constituted under the act of July 12, 1919 (P.L.933,  
9 No.369), referred to as the Architects Registration Law, who  
10 were members on December 14, 1982, and the presently confirmed  
11 members of the Architects Licensure Board constituted under this  
12 act as of December 31, 1983, shall continue to serve as board  
13 members until their terms of office expire but not longer than  
14 six months beyond the expiration of such term. [In the event  
15 that any of said members shall die or resign during his term of  
16 office, his] If there is a vacancy in office under subsection  
17 (a) (2) or (3) due to death or resignation, a successor shall be  
18 appointed [in the same way] as set forth in this subsection and  
19 with the same qualifications as [above] set forth in subsection  
20 (a) and shall hold office for the unexpired term. [When terms of  
21 the present board members expire, the next term of succeeding  
22 board members shall be designated to expire at different times  
23 so that one member shall be appointed for a term of one year,  
24 one member shall be appointed for a term of two years, one  
25 member shall be appointed for a term of three years, one member  
26 shall be appointed for a term of four years, and one member  
27 shall be appointed for a full term of five years. Successive  
28 terms shall be four years or until his successor is appointed  
29 and qualified.]

30 (c) A member appointed for a full term shall not be eligible

1 for more than two consecutive full terms.

2 (d) Each member of the board shall take and subscribe to the  
3 oath of office generally required of State officials.

4 (e) A member of the board who fails to attend three  
5 consecutive meetings shall forfeit his seat unless the  
6 Commissioner of Professional and Occupational Affairs, upon  
7 written request from the member, finds that the member should be  
8 excused from a meeting because of illness or the death of an  
9 immediate family member.

10 (f) The board is subject to evaluation, review and  
11 termination within the time and in the manner provided in the  
12 act of December 22, 1981 (P.L.508, No.142), known as the "Sunset  
13 Act."

14 [(g) Five members of the board shall constitute a quorum.]  
15 Section 5. Organization of board.

16 (a) An organizational meeting of the board shall be held  
17 annually at which time the board shall elect from its membership  
18 a president[, ] and a vice president [and a secretary], who shall  
19 serve for one year or until their successors are duly elected.  
20 The board may meet at least once a month and at other times as  
21 the board, in consultation with the Commissioner of Professional  
22 and Occupational Affairs, deems desirable. Other meetings of the  
23 board may be called in accordance with rules and regulations  
24 promulgated by the board. Adequate public notice of the time and  
25 place of meetings of the board shall be given.

26 (b) Should a vacancy in the office of president[, ] or vice  
27 president [or secretary] of the board occur, the remaining  
28 members of the board shall fill such vacancy by election.

29 (c) [The] A majority of the board shall constitute a quorum  
30 [for the transaction of all business, but no action shall be

1 taken at any meeting without the majority of the current board  
2 membership in accord]. The board may act by a majority of the  
3 members present and voting at a meeting at which a quorum is  
4 present.

5 (d) Each professional and public member of the board shall  
6 be paid reasonable traveling, hotel and other necessary expenses  
7 and per diem compensation at the rate of \$60 for each day of  
8 actual service while on board business.

9 Section 3. Section 6 of the act is amended to read:

10 Section 6. Powers of board.

11 (a) The board may establish reasonable rules and regulations  
12 to carry out the provisions of this act.

13 (b) The board may establish, by regulations consistent with  
14 the policy contained in this act, standards of professional  
15 conduct for architects.

16 (c) [The board shall schedule examinations in compliance  
17 with the provisions of the act of April 9, 1929 (P.L.177,  
18 No.175), known as "The Administrative Code of 1929," for  
19 individuals applying for certificates at least once each year,  
20 provided the applicants are qualified under sections 8 and 9.]  
21 The board may establish such rules and regulations consistent  
22 with this act for the examination of applicants as it deems  
23 appropriate.

24 (d) The board shall issue [certificates] licenses to  
25 individuals who have qualified to engage in the practice of  
26 architecture under the provisions of this act. The board may  
27 establish such rules and regulations consistent with this act  
28 for the issuance and renewal of [certificates] licenses as it  
29 deems appropriate, including rules for the issuance of  
30 [certificates] licenses by reciprocity.



1 (e) The board shall have the power to administer and enforce  
2 the laws of the Commonwealth of Pennsylvania relating to the  
3 practice of architecture and to instruct and require its agents  
4 to initiate appropriate proceedings for unauthorized and  
5 unlawful practice.

6 (f) The board shall have the power to take disciplinary  
7 action as described in this act. In all disciplinary proceedings  
8 brought pursuant to this act, the board shall have the power to  
9 administer oaths, to summon witnesses, and to compel the  
10 production of documents in accordance with law. Upon the failure  
11 of any person to appear or produce documents in accordance with  
12 the board's order, the board may take appropriate action in  
13 accordance with the act of October 15, 1980 (P.L.950, No.164),  
14 known as the "Commonwealth Attorneys Act," to enforce  
15 compliance.

16 [(g) The board shall have the power to take appropriate  
17 actions to initiate injunction and criminal prosecution  
18 proceedings in connection with the unlawful and unauthorized  
19 practice of architecture or other violations of this act.  
20 Injunction and criminal proceedings shall be instituted in  
21 accordance with the "Commonwealth Attorneys Act."]

22 (h) The board shall have the power to appoint, with the  
23 approval of the Governor, such hearing examiners as shall be  
24 necessary to conduct hearings as may be required under section  
25 21. The board shall have the power to adopt and promulgate rules  
26 and regulations setting forth the functions, powers, standards  
27 and duties to be followed by its hearing examiners.]

28 Section 4. Section 7 of the act, amended December 22, 1983  
29 (P.L.343, No.86), is amended to read:

30 Section 7. Duties of board.

1 (a) The board shall keep a record of its proceedings and the  
2 board shall keep records relating to applications. Records  
3 relating to applications shall include the name, age and last  
4 known address of each applicant for licensure, information  
5 concerning each applicant's education, experience and other  
6 qualifications, the text of all examinations administered and  
7 the results thereof and such other information as the board  
8 deems appropriate. The records of the board shall be prima facie  
9 evidence in the proceedings and a certified transcript by the  
10 secretary shall be admissible in evidence with the same force  
11 and effect as if the original were produced.

12 (b) The board shall maintain an up-to-date roster showing  
13 the names and addresses of the places of business of all  
14 architects licensed under this act, and under prior laws, and  
15 licensed by the board, which roster shall be published [in  
16 booklet form] by the board [every five years. In the interim  
17 years following the publishing of the complete roster, the board  
18 shall each year publish a supplemental roster containing the  
19 name, license numbers where applicable, and addresses of all  
20 architects licensed by the board subsequent to the publishing of  
21 the last published roster or supplemental roster].

22 (c) The board shall maintain records relating to all  
23 [architects licensed in the] licensees and registered firms in  
24 this Commonwealth [of Pennsylvania]. Such records shall include  
25 all information directly related to the practice of architecture  
26 as defined herein.

27 (d) Annually at the end of its fiscal year, the board shall  
28 submit to the Commissioner of Professional and Occupational  
29 Affairs a report of its activities and transactions of the  
30 preceding year. The board shall also submit to the Commissioner

1 of Professional and Occupational Affairs and to the House and  
2 Senate Appropriations Committees, 15 days after the Governor has  
3 submitted his budget to the General Assembly, a proposed budget  
4 request for its operation for the succeeding fiscal year.

5 (e) The board shall submit annually a report to the  
6 Professional Licensure Committee of the House of Representatives  
7 and to the Consumer Protection and Professional Licensure  
8 Committee of the Senate a description of the types of complaints  
9 received, status of cases, board action which has been taken and  
10 the length of time from the initial complaint to final board  
11 resolution.

12 Section 5. Sections 8, 9, 10 and 12 of the act are amended  
13 to read:

14 Section 8. Examination and qualification of applicants.

15 (a) Any individual of good moral character[, who is a legal  
16 resident of Pennsylvania or who is in the employ of or under the  
17 direct supervision of an architect licensed with the board and  
18 who maintains a practice in the Commonwealth of Pennsylvania  
19 under a permanent Pennsylvania business address] may apply for a  
20 [certificate under this act] license.

21 (b) Each applicant for [a certificate] the licensing  
22 examination shall submit evidence satisfactory to the board that  
23 the applicant holds a professional degree in architecture [from  
24 an accredited school] and [has obtained at least three years'  
25 practical experience in the employ of or under the direct  
26 supervision of a registered architect or as part of the  
27 applicant's academic] is enrolled in a diversified training  
28 program established by the national council. In lieu of a  
29 professional degree in architecture, the board may accept  
30 evidence of [at least six years'] comprehensive practical

1 experience [obtained in the employ of or under the direct  
2 supervision of a registered architect which may include academic  
3 training. The board may require that applicants who do not hold  
4 a professional degree in architecture must first pass a  
5 qualifying examination before being admitted to the licensing  
6 examination described in subsection (c)], as defined by  
7 regulations promulgated by the board. The board may at its  
8 discretion adopt as its standards for minimum education and  
9 experience, the current guidelines on education, training and  
10 experience equivalents adopted by the [National Council of  
11 Architectural Registration Boards] national council.

12 (c) Each applicant for licensing who satisfies subsections  
13 (a) and (b) shall submit to a licensing examination. The  
14 examination shall cover such technical and professional subjects  
15 and shall be graded on such basis as the board shall by  
16 regulation prescribe. The board may at its discretion adopt the  
17 examination and recommended grading procedures adopted by the  
18 [National Council of Architectural Registration Boards] national  
19 council.

20 (d) The board may require applicants under this section and  
21 section 9 to appear for a personal interview.

22 Section 9. Reciprocal licensing.

23 (a) The board may issue a [certificate] license, without  
24 examination, to any individual who is [registered or certified]  
25 licensed as an architect in another [state or] jurisdiction,  
26 including another country, where the qualifications required are  
27 equivalent to those required in this [State] Commonwealth. The  
28 possession of a certificate from the [National Council of  
29 Architectural Registration Boards] national council shall be  
30 prima facie evidence that the individual meets the

1 qualifications required in this [State] Commonwealth.

2 (b) The board may issue a [certificate to individuals who  
3 have] license to an individual who:

4 (1) has lawfully practiced architecture in another  
5 [state or] jurisdiction, including another country, for a  
6 period of more than ten years [if such individual achieves a  
7 satisfactory score on a practical examination of a nature  
8 determined by]; and

9 (2) meets the requirements established by regulation of  
10 the board.

11 (c) A [resident of another state who is licensed to engage  
12 in the practice of architecture in the state where his office is  
13 located] licensee of another jurisdiction, not including another  
14 country, or an architectural firm not registered in this  
15 Commonwealth:

16 (1) may offer to [perform architectural services in the]  
17 practice architecture in this Commonwealth [of Pennsylvania]  
18 without first obtaining a [certificate. Architectural  
19 services, however,] license or firm registration; but

20 (2) may not actually [be performed by a nonresident  
21 architect] practice architecture until a [certificate is  
22 obtained] license or firm registration is issued.

23 (d) An individual who is licensed to [engage in the]  
24 practice [of] architecture in a foreign country [where his  
25 office is located] and [in addition] holds a [National Council  
26 of Architectural Registration Boards] national council  
27 certificate or an architectural firm not registered in this  
28 Commonwealth:

29 (1) may [be admitted to] offer to practice architecture  
30 in this Commonwealth [for the purpose of offering to perform

1 architectural services and for that purpose only] without  
2 first obtaining a [certificate. Architectural services,  
3 however,] license or firm registration; but

4 (2) may not actually [be performed by a foreign  
5 architect] practice architecture until a [certificate is  
6 obtained] license or firm registration is issued.

7 Section 10. Issuance and renewal of [certificates] licenses;  
8 continuing education and continuing competency.

9 (a) Upon payment of the fees required by section 11, an  
10 individual who has complied with section 8 or 9 shall be  
11 entitled to a [certificate] license indicating that [he] the  
12 individual is qualified to engage in the practice of  
13 architecture in this Commonwealth. Each [certificate] license  
14 shall contain the name of the individual to whom it was issued  
15 and shall be valid for [a] the remainder of the biennial  
16 licensure period [of two years].

17 (a.1) The following apply to continuing education:

18 (1) As a condition for the biennial renewal of a  
19 license, a licensee must provide certification of successful  
20 completion of a minimum of 24 hours of continuing education  
21 during the immediately preceding two years, in accordance  
22 with regulations established by the board. A minimum of 12  
23 hours of the continuing education must be in the areas of  
24 health, safety and welfare of the general public, as defined  
25 by the board.

26 (2) A licensee of another jurisdiction in which the  
27 architect's primary practice is located shall be deemed to  
28 have satisfied the continuing education requirement under  
29 paragraph (1) if the licensee certifies on the biennial  
30 renewal application that the licensee has satisfied the

1 continuing education requirement of the jurisdiction of  
2 primary practice.

3 (3) Certification of credit hours submitted by a  
4 licensee must be properly signed as being correct and true.

5 (4) An individual applying for initial licensure shall  
6 be exempt from the continuing education requirement during  
7 the biennial licensure period in which the individual  
8 obtained initial licensure.

9 (5) The board may waive all or part of the continuing  
10 education requirement for a licensee who provides evidence  
11 satisfactory to the board that the licensee was unable to  
12 complete the requirement due to illness, emergency, hardship  
13 or active military service.

14 (b) A license is valid for two years. The following apply:

15 (1) Every [certificate] license shall expire on the day  
16 prescribed by rules and regulations promulgated by the board.  
17 [An architect may renew his certificate]

18 (2) A licensee may renew a license by paying the  
19 renewal fee required by section 11(c).

20 (3) If [the] a licensee fails to pay the renewal fee  
21 when required and fails to notify the board of [his or her]  
22 an intention not to practice architecture, [his certificate  
23 and his] the license and the individual's right to practice  
24 architecture shall expire.

25 (4) An architect who fails to renew [his certificate] a  
26 license under paragraph (2):

27 (i) may not engage in the practice of architecture;

28 and

29 (ii) may not thereafter renew [his certificate] the

30 license except upon:

1                   (A) completion of the continuing education  
2                   required by subsection (a.1); and

3                   (B) payment of the renewal fee, penalty fee and  
4                   the restoration fee required by section 11(c).

5           (b.1) The following apply to late renewal or reactivation of  
6 a license:

7                   (1) Except as set forth in paragraph (2), the  
8                   application for late renewal or reactivation must be made  
9                   within seven years after expiration.

10                   (2) A license may be renewed after the seven-year period  
11                   only if the individual has assured continued competency to  
12                   practice architecture, in accordance with the regulations  
13                   established by the board.

14           (c) A duplicate [certificate] license to replace one which  
15 has been lost, destroyed or mutilated may be issued by the board  
16 upon payment of the fee required by section [11(d)] 11(c). The  
17 board reserves the right to require architects requesting  
18 duplicate [certificates] licenses to furnish documentation  
19 satisfactory to the board [relative to loss, destruction or  
20 mutilation of original certificate].

21           (d) [Certificates issued to architects] Licenses shall not  
22 be transferable.

23 Section 12. Seal of architect.

24           (a) The following apply to seals:

25                   (1) Every architect shall obtain a seal [approved by  
26                   rules and regulations promulgated by the board] and shall  
27                   impress [said seal on drawings, specifications and other  
28                   design documents prepared by the individual or under the  
29                   architect's personal supervision for use in this State] the  
30                   seal and a signature on the architect's instruments of



1 service for use in this Commonwealth.

2 (2) An architect who impresses [his seal] or knowingly  
3 permits [it to be impressed on drawings, specifications or  
4 other design documents which were not prepared by him or  
5 under his personal supervision] the impression of the  
6 architect's seal or signature on instruments of service which  
7 were not prepared by the architect or under the architect's  
8 responsible charge shall be guilty of a violation of this act  
9 and shall be subject to the penalties provided [herein] in  
10 this act.

11 (3) Any person who impresses [an architect's seal] or  
12 knowingly permits [it to be impressed on drawings,  
13 specifications or other design documents] the impression of  
14 an architect's seal or signature on instruments of service  
15 after the architect's [certificate] license has expired[, ] or  
16 has been revoked, annulled or suspended or after the  
17 architect has died, shall be guilty of a violation of this  
18 act and shall be subject to the penalties provided [herein]  
19 in this act.

20 (b) [A stamp of design identical to the prescribed seal may  
21 be used in lieu of a seal.] An electronic seal and an electronic  
22 signature have the same force and effect as a manual seal and a  
23 manual signature.

24 (c) Upon the forfeiture, revocation[, suspension] or  
25 annulment of a [certificate] license, or upon expiration of a  
26 [certificate] license without renewal, an architect shall  
27 [surrender his or her] destroy the architect's seal [or stamp to  
28 the board]. Upon the death of an architect, [his] the  
29 architect's personal representative shall [surrender said seal  
30 or stamp to the board] destroy the seal in accordance with rules

1 and regulations promulgated by the board. Instruments of service  
2 prepared prior to the death of a licensee may be issued or  
3 reissued by another licensee if that licensee is acting in  
4 responsible charge for the project. The board shall have the  
5 power to take appropriate action, in accordance with the act of  
6 October 15, 1980 (P.L.950, No.164), known as the "Commonwealth  
7 Attorneys Act," to enforce this subsection.

8 Section 6. Section 13 of the act, amended February 18, 1998  
9 (P.L.186, No.31), is amended to read:

10 Section 13. Firm practice.

11 (a) An individual architect or a group of architects in  
12 Pennsylvania [may] must practice architecture in one of the  
13 following forms of architectural firms:

- 14 (1) sole proprietorship;
- 15 (2) general or limited partnership;
- 16 (3) professional association;
- 17 (4) professional corporation;
- 18 (5) business corporation;
- 19 (6) limited liability company; [or]
- 20 (7) limited liability partnership; or
- 21 (8) joint venture.

22 (a.1) A sole proprietorship may engage in the practice of  
23 architecture in this Commonwealth if it is solely owned by an  
24 individual licensee and is not another form of architectural  
25 firm as identified under this section.

26 (b) A general partnership may engage in the practice of  
27 architecture in [Pennsylvania provided] this Commonwealth if it  
28 complies with the provisions of 15 Pa.C.S. Ch. 83 (relating to  
29 general partnerships) and [that it also] satisfies the following  
30 requirements:

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

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

6 (3) At least one partner is a licensee of the board.

7 (b.1) A limited partnership may engage in the practice of  
8 architecture in this Commonwealth if it complies with the  
9 provisions of 15 Pa.C.S. Ch. 85 (relating to limited  
10 partnerships) and it satisfies the following requirements:

11 (1) At least two-thirds of the general partners are  
12 licensed under the laws of any state to practice  
13 architecture, engineering or landscape architecture.

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

17 (3) At least one general partner is a licensee of the  
18 board.

19 (c) A professional association may engage in the practice of  
20 architecture in [Pennsylvania provided] this Commonwealth if it  
21 complies with the provisions of 15 Pa.C.S. Ch. 93 (relating to  
22 professional associations) and [must also satisfy] satisfies the  
23 following requirements:

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

27 (2) At least one-third of the members of the board of  
28 governors are licensed under the laws of any state to  
29 practice architecture.

30 (3) At least one member of the board of governors is a

1       licensee of the board.

2       (d) A professional corporation [shall comply] may engage in  
3 the practice of architecture in this Commonwealth if it complies  
4 with the provisions of 15 Pa.C.S. Ch. 29 (relating to  
5 professional corporations) and satisfies the following  
6 requirements:

7           (1) Every shareholder is licensed in a state to practice  
8 architecture, engineering or landscape architecture.

9           (2) At least one shareholder is a licensee of the board.

10       (e) A business corporation may engage in the practice of  
11 architecture in [Pennsylvania, provided that] this Commonwealth  
12 if it complies with the provisions of 15 Pa.C.S. Pt. II Subpt. B  
13 (relating to business corporations) and [that it also] satisfies  
14 the following requirements:

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

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

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

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

29           (5) At least one director is a licensee of the board.

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

1 of architecture in this Commonwealth [provided that] if it  
2 complies with the provisions of 15 Pa.C.S. Ch. 89 (relating to  
3 limited liability companies) 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 by  
7 managers are licensed under the laws of any state to practice  
8 architecture, engineering or landscape architecture.

9 (2) At least one-third of the members if managed by  
10 members or at least one-third of the managers if managed by  
11 managers are licensed under the laws of any state to practice  
12 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 (5) At least one member or manager is a licensee of the  
22 board.

23 (g) A general or limited partnership which has elected to be  
24 a limited liability partnership and to be governed by the  
25 provisions of 15 Pa.C.S. Ch. 82 (relating to registered limited  
26 liability partnerships) may engage in the practice of  
27 architecture in this Commonwealth [provided] if it complies with  
28 the provisions of 15 Pa.C.S. Ch. 82 and [that it also] satisfies  
29 the following requirements:

30 (1) At least two-thirds of the general partners are

1 licensed under the laws of any state to practice  
2 architecture, engineering or landscape architecture.

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

6 (3) At least one general partner is a licensee of the  
7 board.

8 (g.1) A joint venture may engage in the practice of  
9 architecture in this Commonwealth if at least one joint party to  
10 the joint venture is registered with the board as a firm  
11 authorized to practice architecture under this section.

12 (h) A general partnership, limited partnership, professional  
13 association, corporation, limited liability company [or],  
14 limited liability partnership or joint venture engaged in the  
15 practice of architecture having fewer than three partners,  
16 governors, shareholders or directors, members or managers or  
17 joint venturers under this section shall have at least one  
18 partner, governor, shareholder or director, member or manager or  
19 joint venturer who is an individual [duly certified] licensed or  
20 a firm registered to practice architecture in [the] this  
21 Commonwealth pursuant to this act and who owns at least 50% of  
22 the firm.

23 (i) The following shall apply:

24 (1) Each project undertaken by a firm engaged in the  
25 practice of architecture in [the] this Commonwealth [of  
26 Pennsylvania] must be under the [personal supervision of a]  
27 responsible charge of the following:

28 (i) A sole proprietor in the case of a sole  
29 proprietorship.

30 (ii) A general partner in the case of a

1 [partnership] general, limited or limited liability  
2 partnership[, a].

3 (iii) A member of the board of governors in the case  
4 of a professional association[, a].

5 (iv) A shareholder in the case of a professional  
6 corporation[, a].

7 (v) A director in the case of a business corporation  
8 [or].

9 (vi) A member or manager in the case of limited  
10 liability company who holds a [certificate] license to  
11 engage in the practice of architecture in this  
12 Commonwealth pursuant to this act.

13 (2) The seal of [such individuals must appear on all  
14 drawings, specifications and other design documents issued by  
15 the firm for such projects] the architect under paragraph (1)  
16 must appear on instruments of service issued by the firm for  
17 projects in accordance with any rules and regulations.

18 (j) [The board shall by promulgation of rules and  
19 regulations, require any partnership, professional association,  
20 professional corporation, business corporation, limited  
21 liability company or limited liability partnership practicing  
22 architecture in this State to file with the board information  
23 concerning its officers, directors, partners, professional  
24 association board of governors, beneficial owners, members or  
25 managers and such other aspects of its organization as the board  
26 deems appropriate. In the administration of this subsection, the  
27 board may require each partnership, professional association,  
28 professional corporation, business corporation, limited  
29 liability company or limited liability partnership to pay an  
30 annual filing fee in the amount determined by the board by

1 promulgation of rules and regulations.] The following shall  
2 apply:

3 (1) The board shall require, by regulation, that a sole  
4 proprietorship, general partnership, limited partnership,  
5 professional association, professional corporation, business  
6 corporation, limited liability company or limited liability  
7 partnership practicing architecture in this Commonwealth  
8 register with the board.

9 (2) The board may require each sole proprietorship that  
10 employs one or more architects, landscape architects or  
11 engineers other than the owner, and each general partnership,  
12 limited partnership, professional association, professional  
13 corporation, business corporation, limited liability company,  
14 limited liability partnership and joint venture to pay a  
15 biennial firm registration fee in the amount determined by  
16 the regulation of the board.

17 (3) The board may not require a sole practitioner to pay  
18 the biennial firm registration fee.

19 (k) No sole proprietorship, professional corporation or  
20 business corporation, professional association, general  
21 partnership, limited partnership, limited liability company or  
22 limited liability partnership may perform any act relating to  
23 the practice of architecture which an individual architect is  
24 prohibited from doing.

25 (1) [Nothing in this section shall be construed to prevent  
26 the practice of architecture by an individual as an employee of  
27 a person, partnership or corporation which is not an  
28 architectural firm, provided such individual holds a certificate  
29 to practice architecture in the Commonwealth in conformity with  
30 the provisions of this act and the architect's seal is affixed



1 to all documents prepared by him or under his personal  
2 supervision for use in this Commonwealth] Nothing under this  
3 section may be construed to prevent the employment of an  
4 architect by a business which is not engaged in the practice of  
5 architecture if the work performed by the employed architect  
6 concerns the practice of architecture related to the design or  
7 construction of structures or facilities which the employer  
8 intends to utilize for its own use and occupancy. The employed  
9 architect must be a licensee of the board.

10 (m) An architectural firm or licensed architect authorized  
11 to practice under subsections (a) through (i) will be allowed to  
12 offer design-build services or participate in a single-purpose  
13 entity consistent with [the provisions of] section 15(9).

14 Section 7. Section 14 of the act is amended to read:  
15 Section 14. Firm names.

16 [An individual or group of individuals] A registered firm or  
17 licensed architect satisfying the requirements of this act and  
18 engaged in the practice of architecture in this Commonwealth may  
19 adopt any name which is not prohibited by law or the ethics of  
20 the profession in which the [individual or group of individuals]  
21 architect or firm is engaged or by rules and regulations  
22 promulgated by the board.

23 Section 8. Section 15 of the act, amended February 18, 1998  
24 (P.L.186, No.31), is amended to read:

25 Section 15. [Permitted practices] Practice exceptions.

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

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

1 administering construction contracts or in performing  
2 construction management services] instruments of service and  
3 normal duties associated with the practice of architecture.

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

11 (3) The preparation of any shop drawings or the  
12 performance of construction management services by persons  
13 customarily engaged in construction work.

14 (4) The preparation of any technical submittals or  
15 drawings or other design documents for detached one-family or  
16 two-family dwellings not more than three stories in height  
17 and their accessory structures.

18 (5) The preparation of any drawings or other [design]  
19 documents for any utility or farm structure when [such] the  
20 utility or farm structure is used in connection with a farm  
21 residence.

22 (6) The preparation of any drawings [or other design  
23 documents for the remodeling or alteration of a building not  
24 involving structural or egress changes or additions thereto,  
25 provided that], plans, specifications or other design or  
26 construction documents for the remodeling or alteration of a  
27 building or space within a building not involving structural,  
28 egress, accessibility or life safety changes, if the author  
29 of [such] the plans or other design documents shall not  
30 receive any compensation as the author thereof.

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

4           (8) [Any person while in the regular employment of any  
5 railroad, telephone or telegraph company engaged in  
6 interstate commerce.] (Reserved).

7           (9) [Design-build services strictly in accordance with  
8 the following practices: a design-build entity not authorized  
9 to practice under section 13(a) through (i) may offer design-  
10 build services if the architectural services in the design-  
11 build process are provided in accordance with the following:

12           (i) An architectural firm which has been authorized  
13 to practice architecture in this Commonwealth under  
14 section 13(a) through (i) shall independently contract  
15 with a design-build entity and is responsible for all  
16 material aspects of the practice of architecture as  
17 defined in section 3.

18           (ii) At the time a design-build entity offers a  
19 written design-build proposal for a specific project, the  
20 design-build entity shall give a written disclosure to  
21 the client stating an architect will be engaged by and  
22 will be contractually responsible to the design-build  
23 entity offering design-build services and will not be  
24 responsible to the client.

25           (iii) The design-build entity shall agree that the  
26 architect will have direct supervision of the  
27 architectural work.

28           (iv) The contract between the design-build entity  
29 and the client shall set forth the name of the  
30 architectural firm which will be contractually

1 responsible to the design-build entity for providing  
2 architectural services.] Design-build entities or single-  
3 purpose entities shall provide services in accordance  
4 with this paragraph. Entities listed under section 13(a)  
5 and not authorized to practice under section 13(a)  
6 through (i) may offer services if the architectural  
7 services are provided as follows:

8 (i) An architectural firm which has been authorized  
9 to practice architecture in this Commonwealth under  
10 section 13(a) through (i) shall independently contract  
11 with the entity and shall be responsible for all material  
12 aspects of the practice of architecture.

13 (ii) At the time the entity offers a written  
14 proposal for a specific project, the entity shall give a  
15 written disclosure to the client stating an architect  
16 will be engaged by and will be contractually responsible  
17 to the entity offering services and will not be  
18 responsible to the client.

19 (iii) The entity shall agree that the architect will  
20 have direct supervision of the architectural work and  
21 practice in compliance with this act and regulations of  
22 the board.

23 (iv) The contract between the entity and the client  
24 shall set forth the name of the architectural firm which  
25 will be contractually responsible to the entity for  
26 providing architectural services.

27 Section 9. Section 16 of the act is amended to read:

28 Section 16. Existing licenses and registrations.

29 Nothing in this act shall be construed to terminate any  
30 rights of [individual architects licensed and] licensed

1 architects or registered firms engaged in the practice of  
2 architecture at the time of the passage of this act. Any  
3 [architect so licensed] licensed architect or registered firm  
4 shall be allowed to continue [his licensure and] to practice  
5 architecture in a manner consistent with the provisions of this  
6 act.

7 Section 10. Section 18 of the act, amended February 18, 1998  
8 (P.L.186, No.31), is amended to read:

9 Section 18. Unauthorized practice prohibited.

10 (a) Except as provided in section 9(c) and (d), no  
11 individual shall engage in the practice, or offer to engage in  
12 the practice of architecture in this [State] Commonwealth, or  
13 use the title of architect or use any sign, card, seal or device  
14 implying that [such] the individual is an architect, or is  
15 competent to engage in the practice of architecture, unless  
16 [such] the individual holds a [currently valid certificate]  
17 current license, issued pursuant to this act.

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

1 electronic representation implying that the sole proprietorship,  
2 general partnership, limited partnership, professional  
3 association, professional corporation, business corporation,  
4 limited liability company or limited liability partnership is  
5 permitted to engage in the practice of architecture, unless the  
6 sole proprietorship, general partnership, limited partnership,  
7 professional association, professional corporation, business  
8 corporation, limited liability company or limited liability  
9 partnership complies with section 13 and holds a current firm  
10 registration issued under this act.

11 Section 11. Sections 19 and 20 of the act, amended December  
12 22, 1983 (P.L.343, No.86), are amended to read:

13 Section 19. Disciplinary proceedings.

14 (a) The board may refuse to issue a [certificate to an  
15 applicant or may refuse, revoke or suspend a certificate,  
16 censure an architect, issue a letter of reprimand, restrict a  
17 certificate holder and attach certain conditions to a  
18 certificate] license to an applicant or registration to a firm,  
19 may refuse, revoke or suspend a license or firm registration,  
20 censure an architect, issue a letter of reprimand, restrict a  
21 licensee or firm entity and attach certain conditions to a  
22 license or firm registration for any of the following acts:

23 (1) Bribery, fraud, misstatement or misrepresentation of  
24 fact by an applicant in connection with [this] an application  
25 for a [certificate] license or firm registration.

26 (2) Engaging in the practice of architecture in this  
27 Commonwealth in violation of any provisions of this act or  
28 the rules and regulations promulgated thereunder.

29 (3) Having a license or firm registration to practice  
30 architecture revoked or suspended or having other

1 disciplinary action taken by the proper licensing authority  
2 of another state, territory or country.

3 (4) Engaging in the practice of architecture in this  
4 Commonwealth in violation of the standards of professional  
5 conduct established by rules and regulations promulgated by  
6 the board.

7 (5) Aiding or abetting any individual[, partnership,  
8 association or corporation] or entity to engage in the  
9 practice of architecture in violation of any provisions of  
10 this act.

11 (6) Bribery, fraud, deceit, recklessness, gross  
12 negligence or incompetence in the practice of architecture.

13 (7) Use of an architect's seal in violation of section  
14 12.

15 (8) Conviction of a felony or a crime involving moral  
16 turpitude. Conviction shall include a finding or verdict of  
17 guilt, an admission of guilt or a plea of nolo contendere.

18 (9) Failing to provide reasonable information as  
19 requested by the board.

20 (b) A plea of nolo contendere shall be deemed to be a  
21 conviction for purposes of this section.

22 (c) Unless ordered to do so by a court, the board shall not  
23 reinstate the [certificate of a person to practice as an  
24 architect which has been revoked and such person shall be  
25 required to apply for a certificate after a period of five years  
26 in accordance with section 8 if he] license of an architect or  
27 the registration of a firm which has been revoked. The person or  
28 firm must apply for a license or registration after a period of  
29 five years in accordance with section 8 or 13 if the person or  
30 firm desires to practice [at any time after such] after the

1 revocation.

2 Section 20. Penalties.

3 (a) [Any person who engages or who offers to engage in the  
4 practice of architecture without holding a currently valid  
5 certificate as required by this act, or any person who violates  
6 any of the provisions of this act shall, for a first offense, be  
7 guilty of a summary offense and upon conviction thereof shall be  
8 sentenced to pay a fine not exceeding \$500 or suffer  
9 imprisonment not exceeding 90 days, or both, and for a second or  
10 subsequent offense shall be guilty of a misdemeanor and upon  
11 conviction thereof shall be sentenced to pay a fine of not less  
12 than \$2,000 but not more than \$5,000, or to suffer imprisonment  
13 of not less than one year, but not more than two years, or  
14 both.] A person or firm that engages in or offers to engage in  
15 the practice of architecture without ever having held a license  
16 or firm registration required under this act, whose license or  
17 firm registration has been suspended, revoked or surrendered or  
18 who violates any of the provisions of this act, other than an  
19 expired or lapsed license or firm registration, commits the  
20 following:

21 (1) For a first offense, a summary offense and upon  
22 conviction shall be sentenced to pay a fine of not more than  
23 \$1,000 or to imprisonment of not more than 90 days, or both.

24 (2) For a second or subsequent offense, a misdemeanor  
25 and upon conviction shall be sentenced to pay a fine of not  
26 less than \$2,000 and not more than \$5,000, or to imprisonment  
27 of not less than one year and not more than two years, or  
28 both.

29 (b) In addition to any other penalties imposed pursuant to  
30 this act, any person [who] or firm that engages in the practice



1 or offers to engage in the practice of architecture without  
2 [holding a currently valid certificate as required by this act]  
3 ever having held a license as required under this act, or whose  
4 license or firm registration has been suspended, revoked or  
5 surrendered or without complying with the requirements of  
6 section 13 shall return any fees collected in connection with  
7 the practice or offering to practice architecture to the party  
8 who paid for the services.

9 (c) The right of the board to [refuse to issue a certificate  
10 or to refuse, revoke or suspend a certificate or censure an  
11 architect or issue a letter of reprimand or restrict a  
12 certificate holder or attach conditions to a certificate under  
13 this act shall be in addition to the penalties set forth in this  
14 section.] do any of the following shall be in addition to any  
15 penalties under this section:

16 (1) Refuse to issue a license or firm registration.

17 (2) Refuse, revoke or suspend a license or firm  
18 registration.

19 (3) Censure an architect or issue a letter of reprimand.

20 (4) Restrict a licensee or registered firm.

21 (5) Attach conditions to a license or firm registration.

22 (d) In addition to any other civil remedy or criminal  
23 penalty provided for in this act, the board, by a vote of the  
24 majority of the maximum number of the authorized membership of  
25 the board as provided by law, or by a vote of the majority of  
26 the duly qualified and confirmed membership or a minimum of four  
27 members, whichever is greater, may levy a civil penalty of up to  
28 [\$1,000] \$10,000 on any [current licensee] person who violates  
29 any provision of this act [or on any person who practices the  
30 profession of an architect without being properly licensed to do

1 so under this act]. [The board shall levy this penalty only  
2 after affording the accused party the opportunity for a hearing,  
3 as provided in Title 2 of the Pennsylvania Consolidated Statutes  
4 (relating to administrative law and procedure)] This subsection  
5 is subject to 2 Pa.C.S. Chs. 5 Subch. A (relating to practice  
6 and procedure of Commonwealth agencies) and 7 Subch. A (relating  
7 to judicial review of Commonwealth agency action).

8 (d.1) The board may assess the cost of investigation against  
9 an individual or entity determined to be in violation of the  
10 disciplinary provisions administered by the board in a  
11 disciplinary proceeding pending before the board for final  
12 determination. The cost of investigation may not include any  
13 associated legal fees or costs of prosecution.

14 (e) All fines and civil penalties imposed in accordance with  
15 this section shall be paid into the Professional Licensure  
16 Augmentation Account.

17 Section 12. The act is amended by adding a section to read:  
18 Section 20.1. Injunction.

19 If, in the judgment of the board, a person has engaged in an  
20 act or practice which is regulated under this act and which  
21 constitutes or will constitute a violation of this act, the  
22 board or its agents may apply for a court order enjoining the  
23 act or practice. The remedy shall be in addition to any other  
24 civil or criminal prosecution and punishment permitted by  
25 statute.

26 Section 13. Section 21 of the act is amended to read:  
27 Section 21. Complaint procedure and hearings.

28 [(a) Any person may prefer charges against a person licensed  
29 under the provisions of this act by submitting a written  
30 statement of charges, sworn to by the complainant, to the board.

1 In addition, the board may, on its own motion, investigate the  
2 conduct of an applicant or a licensee, and shall, in appropriate  
3 cases, file a written statement of charges. The applicant or  
4 architect charged shall be entitled to be represented by  
5 counsel. Hearings shall be conducted in accordance with the  
6 provisions for hearings of contested cases as prescribed by the  
7 applicable laws and regulations relating to administrative  
8 hearings.

9 (b) The hearings may be held by the board or any member  
10 thereof, or by any of its duly authorized hearing examiners or  
11 by any other person duly authorized by the board for such  
12 purpose in any particular case. The time and place of such  
13 hearing shall be fixed by the board or its duly authorized  
14 hearing examiner. Any member of the board or hearing examiner  
15 authorized to conduct the hearing may administer oaths and  
16 conduct investigations.

17 (c) When a matter is referred to a hearing examiner for  
18 hearing, such person following the completion of the testimony  
19 in the hearing before him shall, with reasonable dispatch, file  
20 a report with the board setting forth his findings of fact and  
21 recommendation. Upon review of the record, the board by majority  
22 vote, may adopt the findings in the report or may, with or  
23 without additional testimony, either return the matter to the  
24 representative for such further consideration as the board deems  
25 necessary or make additional or other findings of fact on the  
26 basis of all the legally probative evidence in the record and  
27 enter its conclusions of law and order in accordance with the  
28 requirements for the issuance of an adjudication under Title 2  
29 of the Pennsylvania Consolidated Statutes (relating to  
30 administrative law and procedure).

1 (d) The board may, in its discretion, issue a certificate to  
2 any applicant denied licensure under section 19(a) upon  
3 presentation of suitable evidence of reform.] Action of the  
4 board shall be subject to 2 Pa.C.S. Chs. 5 Subch. A (relating to  
5 practice and procedure of Commonwealth agencies) and 7 Subch. A  
6 (relating to judicial review of Commonwealth agency action).

7 Section 14. This act shall take effect in 60 days.