

**NEW SUBSECTION. 11.** "Emergency medical technician-ambulance" means an individual trained in patient assessment, the recognition of signs and symptoms regarding illness or injury, and the use of proper procedures when rendering basic emergency medical care, pursuant to rules established by the department, and who is currently certified as an emergency medical technician-ambulance by the department.

Sec. 7. Chapter 147, Code 1987, is amended by adding the following new section:

**NEW SECTION. 147.161 TRAINING AND CERTIFICATION OF FIRST RESPONDERS, EMERGENCY RESCUE TECHNICIANS, AND EMERGENCY MEDICAL TECHNICIANS-AMBULANCE.**

The department shall establish rules pursuant to this chapter for the training and certification of first responders, emergency rescue technicians, and emergency medical technicians-ambulance as defined under section 147.1.

Approved May 1, 1987

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## CHAPTER 92

### ARCHITECTS

*H.F. 587*

**AN ACT** relating to the licensing and regulation of architects, and providing penalties.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 118.1, Code 1987, is amended by adding the following new unnumbered paragraph 1:

**NEW UNNUMBERED PARAGRAPH.** The practice of architecture affects the public health, safety, and welfare and is subject to regulation and control in the public interest. Only persons qualified by the laws of the state are authorized to engage in the practice of architecture in the state.

Sec. 2. Section 118.2, Code 1987, is amended to read as follows:  
118.2 OFFICERS.

During the month of July of each year the board shall elect from its members a president, ~~and vice president, and a secretary.~~ The duties of the officers shall be such as are usually performed by such officers. ~~At least one meeting of the board, except as provided in section 118.13, shall be held at the seat of government.~~ The board division may employ ~~a~~ an executive secretary whose salary shall be established by the governor with the approval of the executive council pursuant to section 19A.9, subsection 2, under the pay plan for exempt positions in the executive branch of government.

Sec. 3. Section 118.8, Code 1987, is amended to read as follows:  
118.8 EXAMINATION QUALIFICATION FOR REGISTRATION.

Any person may apply for a certificate of registration or may apply to take an examination for ~~such~~ certification under this chapter. The board shall not require that the application contain a ~~recent~~ photograph of the applicant.

The board shall adopt rules governing practical training and education and may adopt as its rules criteria published by a national certification body recognized by the board. The board may accept the accreditation decisions of a national accreditation body recognized by the board.

Upon a person applying for registration by examination, upon complying with the above other requirements, the applicant shall satisfactorily pass an examination in such technical

and professional subjects as shall be prescribed by the board. The board may adopt the uniform standardized examination and grading procedures of a national certification body recognized by the board. The examination may be conducted by representatives of the board. All examinations in theory shall be in writing and the identity of the person taking the examination shall be concealed until after the examination papers have been graded. For examinations in practice, the identity of the person taking the examination shall also be concealed as far as possible. If the applicant fails to pass the examination once, the applicant may retake the examination at the next scheduled time. Thereafter the applicant may take the examination at the discretion of the board. The board shall adopt rules regarding reexamination. An applicant who has failed the examination may request in writing information from the board concerning the applicant's examination grade and subject areas or questions which the applicant failed to answer correctly, except that if the board administers a uniform, standardized examination, the board shall only be required to provide the examination grade and such the other information concerning the applicant's examination results which are is available to the board. In lieu of examination, the board may accept satisfactory evidence of the applicant's knowledge of architectural practice and of any one of the qualifications set forth under subsections 1, 2, and 3 of this section.

1. A diploma of graduation or satisfactory certificate from an architectural college or school that the applicant has completed a technical course approved by the board of architectural examiners, and subsequent thereto, of at least three years' experience under the direction of a registered architect.

2. Registration or certification during the current year as an architect in another state or country, where the qualifications prescribed at the time of such registration or certification were equal to those prescribed in this state at date of application.

3. An architect who has practiced architecture for a period of more than ten years outside of this state shall, except as otherwise provided in subsection 2, be required to take only a practical examination, the nature of which shall be prescribed by the board.

In lieu of examination, the board may grant registration by reciprocity. A person applying to the board for registration by reciprocity shall furnish satisfactory evidence that the person meets both of the following requirements:

1. Holds a valid and current certificate of registration issued by another registration authority recognized by the board, where the qualifications for registration were substantially equivalent to those prescribed in this state on the date of original registration with the other registration authority.

2. Holds a record or certificate issued by a national certification council recognized by the board.

Sec. 4. Section 118.10, Code 1987, is amended to read as follows:

#### 118.10 RENEWALS.

Certificates of registration shall expire in multiyear intervals as determined by the board. Registered architects shall renew their certificates of registration and pay a renewal fee in the manner prescribed by the board. A person who fails to renew a certificate of registration by the expiration date shall be allowed to do so within thirty days following its expiration, but the board may assess a reasonable penalty. The board shall prescribe the conditions and reasonable penalties for renewal after a certificate's expiration date.

Sec. 5. Section 118.11, Code 1987, is amended to read as follows:

#### 118.11 FEES.

The board shall set the fees for examination, for a certificate of registration as a registered architect, and for renewal of a certificate, for reinstatement of a certificate, and for other activities of the board pertaining to its duties. The fee for examination shall be based on the annual cost of administering the examinations. The fee for a certificate of registration and

for renewal of a certificate shall be based upon the administrative costs of sustaining the board which shall include, but shall are not be limited to, the costs for all of the following:

1. Per diem, expenses and travel for board members.
2. Office facilities, supplies and equipment.
3. Clerical assistance.

All fees shall be paid to the treasurer of state and deposited in the general fund of the state.

Sec. 6. Section 118.13, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Willful or repeated violations of one or more rules of conduct adopted by the board.

Sec. 7. Section 118.15, Code 1987, is amended to read as follows:

118.15 UNLAWFUL PRACTICE — VIOLATIONS — PENALTY — CONSENT AGREEMENT.

It shall be is unlawful for any a person to praetice engage in or to offer to engage in the practice of architecture in this state or use in connection with the person's name the title "architect", "registered architect", or "architectural designer", or to imply that the person provides or offers to provide professional architectural services, or to otherwise assume, use or advertise any title, word, figure, sign, card, advertisement, or other symbol or description tending to convey the impression that the person is an architect or is engaged in the practice of architecture unless such the person is qualified by registration as herein provided in this chapter.

A person who violates this section is guilty of a serious misdemeanor.

The board at its discretion and in lieu of prosecuting a first offense described in this section may enter into a consent agreement with a violator, or with a person guilty of aiding or abetting a violator, which acknowledges the violation and the violator's agreement to refrain from any further violations.

Sec. 8. Section 118.16, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

118.16 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Architect" means a person qualified to engage in the practice of architecture who holds a current valid registration under the laws of this state.

2. "Board" means the architectural examining board established in section 118.1.

3. "Construction" means physical alteration of a building or improvement of real estate, and includes new construction, enlargements, or additions to existing construction, and alterations, renovation, remodeling, restoration, preservation, or other material modification to and within existing construction.

4. "Construction documents" means the drawings, specifications, technical submissions, and other documents upon which construction is based.

5. "Direct supervision and responsible charge" means an architect's personal supervisory control of work as to which the architect has detailed professional knowledge. In respect to preparing technical submissions, "direct supervision and responsible charge" means that the architect has the exercising, directing, guiding, and restraining power over the design of the building or structure and the preparation of the documents, and exercises professional judgment in all architectural matters embodied in the documents. Merely reviewing the work prepared by another person does not constitute "direct supervision and responsible charge" unless the reviewer actually exercises supervision and control and is in responsible charge of the work.

6. "Good moral character" means a reputation for trustworthiness, honesty, and adherence to professional standards of conduct.

7. "Observation of construction site progress" means intermittent visitation to the construction site by an architect or the architect's employee for the purpose of general familiarity with the progress and quality of the construction and general conformance of the construction to

the construction documents and general compliance with the applicable building codes. For the purpose of this chapter, such observation does not imply exhaustive or continuous on-site inspections to check the quality or quantity of construction work.

8. "Practice of architecture" means performing, or offering to perform, professional architectural services in connection with the design, preparation of construction documents, or construction of one or more buildings, structures, or related projects, and the space within and surrounding the buildings or structures, or the addition to or alteration of one or more buildings or structures, which buildings or structures have as their principal purpose human occupancy or habitation, if the safeguarding of life, health, or property is concerned or involved, unless the buildings or structures are excepted from the requirements of this chapter by section 118.18.

9. "Professional architectural services" means consultation, investigation, evaluation, programming, planning, preliminary design and feasibility studies, designs, drawings, specifications and other technical submissions, administration of construction contracts, observation of construction site progress, or other services and instruments of service related to architecture. A person is performing or offering to perform professional architectural services within the meaning of this chapter, if the person, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents the person to be an architect or through the use of a title implies that the person is an architect.

10. "Professional consultant" means a person who is required by the laws of this state to hold a current and valid certificate of registration in the field of the person's professional practice, and who is employed by the architect to perform, or who offers to perform professional services as a consultant to the architect, in connection with the design, preparation of construction documents or other technical submissions, or construction of one or more buildings or structures, and the space within and surrounding the buildings or structures.

11. "Programming" means the identification, verification, and analysis of the architectural requirements precedent to the planning and design of a building or structure.

12. "Registration" means the certificate of registration issued to an architect by the board.

13. "Technical submissions" means the designs, drawings, sketches, specifications, details, studies, and other technical reports, including construction documents, prepared in the course of the practice of architecture.

Sec. 9. Section 118.19, Code 1987, is repealed.

Sec. 10. Section 118.21, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

#### 118.21 PRACTICE BY BUSINESS ENTITIES.

Corporations may be formed under the Iowa Business Corporation Act for the purpose of engaging in the practice of architecture. A corporation may be either a business corporation or a professional corporation. A corporation, partnership, sole proprietorship, or other business entity is not eligible for registration under this chapter. Only an individual natural person is eligible for registration. A domestic or foreign corporation, partnership, sole proprietorship, or other business entity may engage in the practice of architecture in this state, but only if all of the following requirements are met:

1. The entire practice of architecture by the corporation, partnership, sole proprietorship, or other business entity in this state and in connection with buildings, structures, and projects located in this state shall be performed by or under the direct supervision and responsible charge of one or more architects.

2. No less than two-thirds of the directors, if a corporation, or no less than two-thirds of the general partners, if a partnership, or the sole proprietor shall be qualified by registration to perform either professional architectural services or professional engineering services, by a registration authority recognized by the board, where the qualifications for registration are, in the opinion of the board, substantially equivalent to those prescribed by the laws of this state.

3. No less than one-third of the directors, if a corporation, or no less than one-third of the general partners, if a partnership, or the sole proprietor shall be qualified by registration to perform professional architectural services, by a registration authority recognized by the board, where the qualifications for registration are, in the opinion of the board, equivalent to those prescribed by this chapter.

4. A person engaging in the practice of architecture in the state of Iowa and in responsible charge on behalf of a business entity engaged in the practice of architecture, must be registered to practice architecture in this state, and shall be a director, if a corporation, a general partner, if a partnership, or a sole proprietor of the business entity.

5. Before engaging in the practice of architecture in this state, a corporation, partnership, or sole proprietorship shall acquire an "authorization to practice architecture as a business entity" from the board. The board shall adopt rules establishing the required information concerning officers, directors, beneficial owners, limitations on the name of the business entity, and other aspects of its business organization, which must be submitted to the board upon forms prescribed by the board in order to qualify for authorization.

The practice of architecture by or through a corporation, partnership, sole proprietorship, or other business entity does not relieve a person of liability for professional errors or omissions which liability would exist if the person were practicing as an individual, including, but not limited to, liability arising out of negligent supervision of the work of subordinates.

Sec. 11. Section 118.25, Code 1987, is amended to read as follows:

118.25 APPLICANT — CIVIL RIGHTS.

An applicant ~~shall~~ is not be ineligible for registration because of age, citizenship, sex, race, religion, marital status or national origin, although the application form may require citizenship information. ~~The board may consider the past felony record of an applicant only if the felony conviction relates directly to the practice of architecture.~~ Character references may be required ~~but shall not be obtained from registered architects.~~

The board may consider the following aspects when investigating an applicant's good moral character:

a. An applicant's conviction for commission of a felony, but only if the felony relates directly to the practice of architecture or to the applicant's honesty.

b. An applicant's misstatement, omission, or misrepresentation of a material fact in connection with the applicant's application for registration in this state or another jurisdiction.

c. An applicant's violation of a rule of conduct of a jurisdiction in which the applicant has previously engaged in the practice of architecture, provided that the rule of conduct violated is substantially equivalent to a then existing or current rule of conduct required of architects in this state.

d. An applicant's practice of architecture without being registered in violation of registration laws of the jurisdiction in which the practice took place.

If the applicant's background includes any of the foregoing, the board may register the applicant on the basis of suitable evidence of reform.

Sec. 12. NEW SECTION. 118.28 SEAL REQUIRED.

An architect shall procure a seal with which to identify all technical submissions issued by the architect for use in this state. The seal shall be of a design, content, and size designated by the board.

Technical submissions prepared by an architect, or under an architect's direct supervision and responsible charge, shall be stamped with the impression of the architect's seal. The board shall designate by rule the location, frequency, and other requirements for use of the seal. An architect shall not impress the architect's seal on technical submissions if the architect was not the author of the technical submissions or if they were not prepared under the architect's

direct supervision and responsible charge. An architect who merely reviews standardized construction documents for preengineered or prototype buildings, is not the author of the technical submissions and the technical submissions were not prepared under a reviewing architect's responsible charge.

An architect shall cause those portions of technical submissions prepared by a professional consultant to be stamped with the impression of the seal of the professional consultant, with a clear identification of the consultant's areas of responsibility, signature, and date of issuance.

A public official charged with the enforcement of the state building code, or a municipal or county building code, shall not accept or approve any technical submissions involving the practice of architecture unless the technical submissions have been stamped with the architect's seal as required by this section or unless the applicant has certified on the technical submission to the applicability of a specific exception under section 118.18 permitting the preparation of technical submissions by a person not registered under this chapter. A building permit issued with respect to technical submissions which do not conform to the requirements of this section is invalid.

Sec. 13. NEW SECTION. 118.29 RULES.

The board may adopt rules consistent with this chapter for the administration and enforcement of this chapter and may prescribe forms to be issued. The rules may include, but are not limited to, standards and criteria for licensure, license renewal, professional conduct, misconduct, and discipline. Violation of a rule of conduct is grounds for disciplinary action or reprimand or probation at the discretion of the board. The board may enter into a consent order with an architect which acknowledges an architect's violation and agreement to refrain from any further violation. A willful or repeated violation of a rule of conduct is grounds for disciplinary action as provided in section 118.13.

Approved May 1, 1987

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## CHAPTER 93

### MOTOR VEHICLE FUEL PUMPS, PUBLIC SCALES, AND METERS

*S.F. 70*

**AN ACT** relating to motor vehicle fuel pumps and public scales by revising provisions governing licensing, inspection, calibration, and sealing by the department of agriculture and land stewardship and providing a penalty.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 214.1, subsection 2, Code 1987, is amended to read as follows:

2. "Gasoline Motor vehicle fuel pump" ~~shall mean any means a~~ pump, meter, or similar measuring device used for measuring gasoline motor vehicle fuel.

Sec. 2. Section 214.1, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 3. "Motor vehicle fuel" means a substance or combination of substances which is intended to be or is capable of being used for the purpose of propelling or running by combustion any internal combustion engine and is kept for sale or sold for that purpose.

Sec. 3. Section 214.2, Code 1987, is amended to read as follows:

214.2 LICENSE.

Every person who ~~shall use~~ uses or ~~display~~ displays for use any public scale, pump, or meter used in measuring the quantity of gasoline motor vehicle fuel or fuel oil sold to consumer customers shall secure a license for ~~said~~ the scale, pump, or meter from the department.

Sec. 4. Section 214.3, Code 1987, is amended to read as follows: