

February 25, 1965.
Judiciary. "do pass" 3/17

House File 358
By JACKSON of Clinton,
MILLEN and REDFERN.

Passed House, Date 3/31 Passed Senate, Date 5/19

Vote: Ayes 70 Nays 32 Vote: Ayes 50 Nays 1

Approved May 27, 1965

passed house as amended 5/21 (94-8)

passed on file 3/31

A BILL FOR

substituted for SF 375-5/17
judiciary 4/17
deferred 5/17

An Act to regulate the practice of architecture and to amend chapter one hundred eighteen (118), Code 1962.

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

1 Section 1. Chapter one hundred eighteen (118), Code 1962,

2 is hereby amended by adding the following new sections as

3 follows:

4 1. "It shall be unlawful for any person to practice or to
5 offer to practice architecture in this state or use in connec-
6 tion with his name, or to otherwise assume, use or advertise
7 any title or description tending to convey the impression that
8 he is an architect unless such person is qualified by regis-
9 tration as herein provided."

10 2. "The practice of architecture includes any professional
11 service, such as consultation, investigation, evaluation,
12 planning, and design, or responsible supervision of construc-
13 tion, in connection with the construction of buildings, or
14 related structures and projects, or the addition to or
15 alteration thereof, wherein the safeguarding of life, health,
16 or property is concerned or involved."

17 3. "The provisions of this chapter shall not apply to:

18 a. Professional engineers registered under chapter one
19 hundred fourteen (114) of the Code;

20 b. Persons acting under the instruction, control or

21 supervision of, and those executing the plans of, a registered
22 architect;

23 c. Superintendents, inspectors, foremen and building
24 trades craftsmen while performing their customary duties.”

25 4. “Nothing contained in this chapter shall prevent persons
26 from performing those services enumerated herein in connection
27 with any of the following:

28 a. Residential buildings not more than three (3) stories
29 and outbuildings in connection therewith;

30 b. Buildings used primarily for agricultural purposes;

31 c. Nonstructural alterations to existing buildings not
32 otherwise excluded;

33 d. Warehouses, light industrial and commercial buildings
34 not more than two (2) stories in height.”

35 5. “Any person who practices or offers to practice archi-
36 tecture or who uses the word architect or any word or any
37 letters or figures indicating or tending to imply that the
38 person using the same is an architect, without first having
39 complied with the provisions of this chapter, shall be deemed
40 guilty of a misdemeanor and shall be punished with a fine of
41 not more than two hundred dollars (\$200.00) or imprisonment
42 for not more than one (1) year, or both such fine and impri-
43 sonment.”

44 6. “In addition to any other remedies, and on the petition
45 of the board or any person, any violators of this chapter may
46 be restrained and permanently enjoined.”

47 7. “Corporations may be formed under the provisions of
48 the Iowa Business Corporation Act for the purpose of practic-

49 ing architecture as herein defined. Such corporations shall
50 not be qualified by registration as herein provided, but all
51 of their directors and officers shall be so qualified as
52 provided herein or as in chapter one hundred fourteen (114),
53 Code 1962.”

1 Sec. 2. Section one hundred eighteen point eight (118.8),
2 Code 1962, is hereby amended as follows:

3 1. By striking from lines one (1), two (2), and three
4 (3) thereof the words “Any citizen of the United States, or
5 any person who has declared his intention of becoming such
6 citizen” and inserting in lieu thereof the words “Any person”.

7 2. By striking lines six (6) and seven (7) of subsection
8 one (1) and inserting in lieu thereof the following: “three
9 (3) years experience under the direction of a registered
10 architect.”.

1 Sec. 3. Section one hundred eighteen point eleven (118.11),
2 Code 1962, is hereby amended as follows:

3 1. By striking from lines eight (8) thereof the word “ten”
4 and inserting in lieu thereof the word “fifteen (15)”.

5 2. By striking from lines thirteen (13) and fourteen (14)
6 thereof the following: “, which shall be continued from
7 year to year,”.

8 3. By adding thereto the following: “Any balance remain-
9 ing in such fund at the end of each fiscal year in excess of
10 fifteen thousand dollars (\$15,000.00) or the expenses of the
11 board of such fiscal year, whichever sum is the larger, shall
12 be paid into the general fund of the state.”

1 Sec. 4. Section one hundred eighteen point thirteen (118.13),

2 Code 1962, is hereby amended as follows:

3 1. By striking the word "gross" from line two (2) of
4 subsection three (3) thereof.

5 2. By inserting after the word "of" in line three (3) of
6 subsection three (3) thereof the word "gross".

1 Sec. 5. Section one hundred eighteen point six (118.6),
2 Code 1962, is hereby repealed.

1 Sec. 6. Section one hundred eighteen point seven (118.7),
2 Code 1962, is hereby repealed.

1 Sec. 7. Section one hundred eighteen point fourteen
2 (118.14), Code 1962, is hereby repealed.

1 Sec. 8. If any provisions of this Act, or the application
2 of such provisions to any persons or circumstances, shall be
3 held invalid, the remainder of this Act, or the application
4 of such provisions to persons or circumstances other than
5 those to which it is invalid, shall not be thereby affected.

EXPLANATION OF HOUSE FILE 358

Chapter 118 of the Code purports to protect the public from untrained persons assuming the title of architect. This protection was avoided by a recent Supreme Court decision. This bill would restore this protection and would also make it unlawful for unregistered persons to practice architecture as well as assume the title.

HOUSE FILE 358

1 Amend House File 358 as follows:

withdrew
2 1. Amend section one (1), subsection four (4), line
3 twenty-eight (28), by striking the words "not more than
4 three (3) stories" and inserting in lieu thereof the
5 words " , apartment buildings".

6 2. Amend section six (6) by striking all of said
7 section.

Filed *lost 3/30*
March 25, 1965.

WINKELMAN of Calhoun.
BARINGER of Fayette.
TIEDEN of Clayton.

HOUSE FILE 358

1 Amend House File 358, section one (1), subsection four
2 (4), line thirty-three (33), by inserting after the word
3 "Warehouses," the word "churches,".

Filed *lost 3/30*
March 29, 1965.

GRAHAM of Ida-Sac.

HOUSE FILE 358

- 1 Amend House File 358, section 1, line 12, by inserting after
- 2 the word "and" the word "aesthetic".

Filed
April 2, 1965. *best 5/17*

By RIGLER.

HOUSE FILE 358

- 1 Amend House File 358 as follows:
- 2 Amend Section 1 by adding the following new paragraph
- 3 to subsection 4:
- 4 "e. Churches or Church properties."

Filed
April 12, 1965. *adopted 5/17 house concurred 5/21*

By COLEMAN.

HOUSE FILE 358

- 1 Amend House File 358, section 1, by striking
- 2 the semi-colon in line 22 and adding the following
- 3 "or a professional engineer;".

Filed
April 30, 1965. *withdrewn 5/17*

By STEPHENS.

HOUSE FILE 358

- 1 Amend House File 358 by inserting the following after
- 2 the word "architect" in line 22 of section 1:
- 3 "or a professional engineer registered under chapter
- 4 one hundred fourteen (114) of the Code, provided that such
- 5 unregistered persons shall not be placed in responsible charge
- 6 of architectural or professional engineering work".

Filed and adopted
May 17, 1965. *house concurred 5/21*

By STEPHENS and STANLEY.

HOUSE FILE 358

- 1 Amend House File 358, section 1, by striking lines 47 through
- 2 53, inclusive, and inserting in lieu thereof the following:
- 3 "7. Corporations may be formed under the provisions of
- 4 the Iowa Business Corporation Act for the purpose of practicing
- 5 architecture as herein defined. No corporation shall be
- 6 eligible for registration under this chapter. A domestic
- 7 or foreign corporation may practice architecture in this
- 8 state, but only if all of the following requirements are met:
- 9 1. The entire practice of architecture by the corporation
- 10 in this state and in connection with buildings, structures, and
- 11 projects located in this state shall be done by or under the
- 12 responsible supervision of an architect or architects qualified
- 13 by registration as provided in this chapter.
- 14 2. All directors of the corporation and the president and
- 15 all vice-presidents of the corporation shall be qualified by
- 16 registration as provided in this chapter or chapter one
- 17 hundred fourteen (114), Code 1962, or qualified by registration
- 18 under similar laws of another state of the United States.
- 19 The practice of architecture by or through a corporation
- 20 shall not relieve any person of any liability for professional
- 21 errors or omissions which exist if he were practicing
- 22 as an individual, including but not limited to any liability
- 23 arising out of negligent supervision of the work of subordinates."

Filed and adopted
May 17, 1965. *house concurred 5/21*

By STANLEY and DENMAN.

HOUSE FILE 358

- 1 Amend House File 358, section 1, subsection 4,
- 2 paragraph b as follows: In line 30 after the word
- 3 "purposes" add the following "including grain
- 4 elevators and feed mills".

Filed
May 18, 1965. *adopted 5/19 house concurred 5/21*

By MURRAY.