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HOUSE FILE **587**
BY COMMITTEE ON STATE GOVERN-
MENT

Place On Calendar

(Formerly House Study Bill 202)

Passed House, Date 3-31-87 (p. 980) Passed Senate, Date _____

Vote: Ayes 95 Nays 0 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the licensing and regulation of architects,
2 and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 587

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

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

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

10 118.2 OFFICERS.

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

21 Sec. 3. Section 118.8, Code 1987, is amended to read as
22 follows:

23 118.8 EXAMINATION QUALIFICATION FOR REGISTRATION.

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

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

33 Upon A person applying for registration by examination,
34 upon complying with the above other requirements, the
35 applicant shall satisfactorily pass an examination in such

1 technical and professional subjects ~~as shall be~~ prescribed by
2 the board. The board may adopt the uniform standardized
3 examination and grading procedures of a national certification
4 body recognized by the board. The examination may be
5 conducted by representatives of the board. ~~All~~ examinations
6 ~~in theory shall be in writing and the~~ The identity of the
7 person taking the examination shall be concealed until after
8 the examination papers ~~have~~ has been graded. ~~For~~ examinations
9 ~~in practice, the identity of the person taking the examination~~
10 ~~shall also be concealed as far as possible. If the applicant~~
11 ~~fails to pass the examination once, the applicant may retake~~
12 ~~the examination at the next scheduled time. Thereafter the~~
13 ~~applicant may take the examination at the discretion of the~~
14 board. The board shall adopt rules regarding reexamination.
15 An applicant who has failed the examination may request in
16 writing information from the board concerning the applicant's
17 examination grade and subject areas or questions which the
18 applicant failed to answer correctly, except that if the board
19 administers a uniform, standardized examination, the board
20 shall only be required to provide the examination grade and
21 such the other information concerning the applicant's
22 examination results which are is available to the board. ~~in~~
23 ~~lieu of examination, the board may accept satisfactory~~
24 ~~evidence of the applicant's knowledge of architectural~~
25 ~~practice and of any one of the qualifications set forth under~~
26 ~~subsections 1, 2, and 3 of this section.~~
27 1. ~~A diploma of graduation or satisfactory certificate~~
28 ~~from an architectural college or school that the applicant has~~
29 ~~completed a technical course approved by the board of~~
30 ~~architectural examiners, and subsequent thereto, of at least~~
31 ~~three years' experience under the direction of a registered~~
32 ~~architect.~~
33 2. ~~Registration or certification during the current year~~
34 ~~as an architect in another state or country, where the~~
35 ~~qualifications prescribed at the time of such registration or~~

1 certification were equal to those prescribed in this state at
2 date of application:

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

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

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

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

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

22 118.10 RENEWALS.

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

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

35 118.11 FEES.

1 The board shall set the fees for examination, for a
 2 certificate of registration as a ~~registered~~ an architect, and
 3 for renewal of a certificate, for reinstatement of a
 4 certificate, and for other activities of the board pertaining
 5 to its duties. The fee for examination shall be based on the
 6 annual cost of administering the examinations. The fee for a
 7 certificate of registration and for renewal of a certificate
 8 shall be based upon the administrative costs of sustaining the
 9 board which shall include, but ~~shall~~ are not be limited to,
 10 the costs for all of the following:

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

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

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

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

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

22 118.15 UNLAWFUL PRACTICE -- VIOLATIONS -- PENALTY --
 23 CONSENT AGREEMENT.

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

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

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

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

11 118.16 DEFINITIONS.

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

14 1. "Architect" means a person qualified to engage in the
15 practice of architecture who holds a current valid registra-
16 tion under the laws of this state.

17 2. "Board" means the architectural examining board estab-
18 lished in section 118.1.

19 3. "Construction" means physical alteration of a building
20 or improvement of real estate, and includes new construction,
21 enlargements, or additions to existing construction, and
22 alterations, renovation, remodeling, restoration, preser-
23 vation, or other material modification to and within existing
24 construction.

25 4. "Construction documents" means the drawings, specifica-
26 tions, technical submissions, and other documents upon which
27 construction is based.

28 5. "Direct supervision and responsible charge" means an
29 architect's personal supervisory control of work as to which
30 the architect has detailed professional knowledge. In respect
31 to preparing technical submissions, "direct supervision and
32 responsible charge" means that the architect has the
33 exercising, directing, guiding, and restraining power over the
34 design of the building or structure and the preparation of the
35 documents, and exercises professional judgment in all

1 architectural matters embodied in the documents. Merely
2 reviewing the work prepared by another person does not
3 constitute "direct supervision and responsible charge" unless
4 the reviewer actually exercises supervision and control and is
5 in responsible charge of the work.

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

9 7. "Observation of construction site progress" means
10 intermittent visitation to the construction site by an
11 architect or the architect's employee for the purpose of
12 general familiarity with the progress and quality of the
13 construction and general conformance of the construction to
14 the construction documents and general compliance with the
15 applicable building codes. For the purpose of this chapter,
16 such observation does not imply exhaustive or continuous on-
17 site inspections to check the quality or quantity of
18 construction work.

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

31 9. "Professional architectural services" means
32 consultation, investigation, evaluation, programming,
33 planning, preliminary design and feasibility studies, designs,
34 drawings, specifications and other technical submissions,
35 administration of construction contracts, observation of

1 construction site progress, or other services and instruments
2 of service related to architecture. A person is performing or
3 offering to perform professional architectural services within
4 the meaning of this chapter, if the person, by verbal claim,
5 sign, advertisement, letterhead, card, or in any other way
6 represents the person to be an architect or through the use of
7 a title implies that the person is an architect.

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

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

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

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

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

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

30 118.21 PRACTICE BY BUSINESS ENTITIES.

31 Corporations may be formed under the Iowa Business
32 Corporation Act for the purpose of engaging in the practice of
33 architecture. A corporation may be either a business
34 corporation or a professional corporation. A corporation,
35 partnership, sole proprietorship, or other business entity is

1 not eligible for registration under this chapter. Only an
2 individual natural person is eligible for registration. A
3 domestic or foreign corporation, partnership, sole
4 proprietorship, or other business entity may engage in the
5 practice of architecture in this state, but only if all of the
6 following requirements are met:

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

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

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

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

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

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

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

19 118.25 APPLICANT -- CIVIL RIGHTS.

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

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

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

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

1 another jurisdiction.

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

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

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

14 Sec. 12. NEW SECTION. 118.28 SEAL REQUIRED.

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

19 Technical submissions prepared by an architect, or under an
20 architect's direct supervision and responsible charge, shall
21 be stamped with the impression of the architect's seal. The
22 board shall designate by rule the location, frequency, and
23 other requirements for use of the seal. An architect shall
24 not impress the architect's seal on technical submissions if
25 the architect was not the author of the technical submissions
26 or if they were not prepared under the architect's direct
27 supervision and responsible charge. An architect who merely
28 reviews standardized construction documents for pre-engineered
29 or prototype buildings, is not the author of the technical
30 submissions and the technical submissions were not prepared
31 under a reviewing architect's responsible charge.

32 An architect shall cause those portions of technical
33 submissions prepared by a professional consultant to be
34 stamped with the impression of the seal of the professional
35 consultant, with a clear identification of the consultant's

1 areas of responsibility, signature, and date of issuance.

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

14 Sec. 13. NEW SECTION. 118.29 RULES.

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

27 EXPLANATION

28 This bill contains revisions to chapter 118, regarding
29 registered architects, proposed by the architectural examining
30 board to conform with standards recommended by the national
31 council of architectural registration boards (NCARB).

32 Section 1 adds a statement that the practice of
33 architecture affects the public health, safety, and welfare
34 and is subject to regulation and control in the public
35 interest.

1 Section 2 authorizes the board to elect a secretary.

2 Section 3 amends section 118.8 to conform with reciprocity
3 practices recommended by the national council of architectural
4 registration boards (NCARB). The bill authorizes the board of
5 architectural examiners to recognize the actions of NCARB, and
6 the national architectural accrediting board (NAAB), or any
7 successors or other recognized national architectural advisory
8 body, including the discretionary adoption of a uniform
9 national exam and grading procedure as provided by NCARB, or
10 any other recognized national standards organization. The
11 bill also creates two methods for registration: registration
12 by examination, and registration by reciprocity.

13 Section 4 authorizes the board to prescribe the conditions
14 and penalties for late renewal of an architect's registration
15 certificate.

16 Section 5 authorizes the board to collect additional fees
17 for reinstatement of a certificate, and for other activities
18 of the board pertaining to its duties.

19 Section 6 amends section 118.13 regarding disciplinary ac-
20 tions against registered architects to include willful or re-
21 peated violations of rules of conduct as a basis for
22 disciplinary action.

23 Section 7 prohibits the use of the title "architect",
24 "registered architect", "architectural designer", or other
25 words, figures, or methods implying that a person provides or
26 offers to provide architectural services. The bill provides
27 that a violator commits a serious misdemeanor. It also
28 permits the board to enter into a consent agreement in lieu of
29 prosecuting a first-time offender.

30 Section 8 expands the definitions for the chapter and
31 modifies the previous definition of "practice of
32 architecture".

33 Section 9 repeals section 118.19.

34 Section 10 permits certain business entities to practice
35 architecture in the state if they meet statutory standards.

1 Registration is still limited to individuals, and the profes-
2 sional architectural services rendered in the state must be
3 performed under a registered architect. Practice as a
4 business entity would not relieve an individual practitioner
5 from liability.

6 Section 11 permits the board to consider evidence of an
7 applicant's lack of good moral character as part of the
8 application process.

9 Sections 12 and 13 add two new sections. The first, tenta-
10 tively numbered 118.28, establishes a seal requirement similar
11 to that currently existing for registered engineers in the
12 state. New section 118.29 empowers the board to adopt rules,
13 consistent with chapter 118, to regulate the conduct of
14 architects, and permits the board to enter into a consent
15 order with an architect.

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HOUSE FILE 587

BY COMMITTEE ON STATE GOVERN-
MENT

(As Amended and Passed by the House March 31, 1987)

Passed House, Date 3/31/87 (p. 970) Passed Senate, Date 4-14-87 (p. 1289)

Vote: Ayes 95 Nays 0 Vote: Ayes 49 Nays 0

Approved May 1, 1987 (p. 1802)

A BILL FOR

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House Amendments _____

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

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29 ~~completed a technical course approved by the board of~~
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31 ~~three years' experience under the direction of a registered~~
32 ~~architect.~~

33 ~~2. Registration or certification during the current year~~
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35 ~~qualifications prescribed at the time of such registration or~~

1 certification-were-equal-to-those-prescribed-in-this-state-at
2 date-of-application.

3 3--An-architect-who-has-practiced-architecture-for-a
4 period-of-more-than-ten-years-outside-of-this-state-shall,
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27 who-fails-to-renew-a-certificate-of-registration-by-the
28 expiration-date-shall-be-allowed-to-do-so-within-thirty-days
29 following-its-expiration,7-but-the-board-may-assess-a
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23 CONSENT AGREEMENT.

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26 this state or use in connection with the person's name the
27 title "architect", "registered architect", or "architectural
28 designer", or to imply that the person provides or offers to
29 provide professional architectural services, or to otherwise
30 assume, use or advertise any title, word, figure, sign, card,
31 advertisement, or other symbol or description tending to
32 convey the impression that the person is an architect or is
33 engaged in the practice of architecture unless such the person
34 is qualified by registration as herein provided in this
35 chapter.

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

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

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

11 118.16 DEFINITIONS.

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

14 1. "Architect" means a person qualified to engage in the
15 practice of architecture who holds a current valid registra-
16 tion under the laws of this state.

17 2. "Board" means the architectural examining board estab-
18 lished in section 118.1.

19 3. "Construction" means physical alteration of a building
20 or improvement of real estate, and includes new construction,
21 enlargements, or additions to existing construction, and
22 alterations, renovation, remodeling, restoration, preser-
23 vation, or other material modification to and within existing
24 construction.

25 4. "Construction documents" means the drawings, specifica-
26 tions, technical submissions, and other documents upon which
27 construction is based.

28 5. "Direct supervision and responsible charge" means an
29 architect's personal supervisory control of work as to which
30 the architect has detailed professional knowledge. In respect
31 to preparing technical submissions, "direct supervision and
32 responsible charge" means that the architect has the
33 exercising, directing, guiding, and restraining power over the
34 design of the building or structure and the preparation of the
35 documents, and exercises professional judgment in all

1 architectural matters embodied in the documents. Merely
2 reviewing the work prepared by another person does not
3 constitute "direct supervision and responsible charge" unless
4 the reviewer actually exercises supervision and control and is
5 in responsible charge of the work.

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

9 7. "Observation of construction site progress" means
10 intermittent visitation to the construction site by an
11 architect or the architect's employee for the purpose of
12 general familiarity with the progress and quality of the
13 construction and general conformance of the construction to
14 the construction documents and general compliance with the
15 applicable building codes. For the purpose of this chapter,
16 such observation does not imply exhaustive or continuous on-
17 site inspections to check the quality or quantity of
18 construction work.

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

31 9. "Professional architectural services" means
32 consultation, investigation, evaluation, programming,
33 planning, preliminary design and feasibility studies, designs,
34 drawings, specifications and other technical submissions,
35 administration of construction contracts, observation of

1 construction site progress, or other services and instruments
2 of service related to architecture. A person is performing or
3 offering to perform professional architectural services within
4 the meaning of this chapter, if the person, by verbal claim,
5 sign, advertisement, letterhead, card, or in any other way
6 represents the person to be an architect or through the use of
7 a title implies that the person is an architect.

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

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

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

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

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

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

30 118.21 PRACTICE BY BUSINESS ENTITIES.

31 Corporations may be formed under the Iowa Business
32 Corporation Act for the purpose of engaging in the practice of
33 architecture. A corporation may be either a business
34 corporation or a professional corporation. A corporation,
35 partnership, sole proprietorship, or other business entity is

1 not eligible for registration under this chapter. Only an
2 individual natural person is eligible for registration. A
3 domestic or foreign corporation, partnership, sole
4 proprietorship, or other business entity may engage in the
5 practice of architecture in this state, but only if all of the
6 following requirements are met:

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

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

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

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

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

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

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

19 118.25 APPLICANT -- CIVIL RIGHTS.

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

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

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

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

1 another jurisdiction.

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

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

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

14 Sec. 12. NEW SECTION. 118.28 SEAL REQUIRED.

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

19 Technical submissions prepared by an architect, or under an
20 architect's direct supervision and responsible charge, shall
21 be stamped with the impression of the architect's seal. The
22 board shall designate by rule the location, frequency, and
23 other requirements for use of the seal. An architect shall
24 not impress the architect's seal on technical submissions if
25 the architect was not the author of the technical submissions
26 or if they were not prepared under the architect's direct
27 supervision and responsible charge. An architect who merely
28 reviews standardized construction documents for pre-engineered
29 or prototype buildings, is not the author of the technical
30 submissions and the technical submissions were not prepared
31 under a reviewing architect's responsible charge.

32 An architect shall cause those portions of technical
33 submissions prepared by a professional consultant to be
34 stamped with the impression of the seal of the professional
35 consultant, with a clear identification of the consultant's

1 areas of responsibility, signature, and date of issuance.

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

14 Sec. 13. NEW SECTION. 118.29 RULES.

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

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HOUSE FILE 587

H-3283

- 1 Amend House File 587 as follows:
- 2 1. Page 1, line 14, by inserting after the word
- 3 "meeting" the following: "each year".

H-3283 FILED MARCH 23, 1987 BY SPEAR of Lee
Adopted 3/31/87 (p. 979)

HOUSE FILE 587

H-3284

- 1 Amend House File 587 as follows:
- 2 1. Page 1, line 27, by striking the word "recent"
- 3 and inserting the word "recent".

H-3284 FILED MARCH 23, 1987 BY SPEAR of Lee
Adopted 3/31/87 (p. 980)

HOUSE FILE 587

H-3325

- 1 Amend House File 587 as follows:
- 2 1. Page 1, lines 14 through 16, by striking the
- 3 words "At least one meeting of the board, except as
- 4 provided in section 118.13, shall be held at the seat
- 5 of government." and inserting the following: "At
- 6 ~~least-one-meeting-of-the-board,-except-as-provided-in~~
- 7 ~~section-118.13,-shall-be-held-at-the-seat-of~~
- 8 ~~government:-~~".

H-3325 FILED MARCH 24, 1987 BY SPEAR of Lee
Adopted 3/31/87 (p. 979)

HOUSE FILE 587

H-3326

- 1 Amend House File 587 as follows:
- 2 1. Page 1, line 16, by striking the word "board"
- 3 and inserting the following: "board division".
- 4 2. Page 1, lines 19 through 20 by striking the
- 5 words and figure "subsection 2, under the pay plan for
- 6 exempt positions in the executive branch of
- 7 government" and inserting the following: "subsection
- 8 ~~2,-under-the-pay-plan-for-exempt-positions-in-the~~
- 9 ~~executive-branch-of-government~~".

H-3326 FILED MARCH 24, 1987 BY RENAUD of Polk
BEATTY of Warren
Adopted 3/31/87 (p. 979)

NSB 202

STATE GOVERNMENT

Handwritten notes:
 11-1-87

SENATE/HOUSE FILE _____
BY (PREFILED ARCHITECTURAL
EXAMINERS BOARD BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the licensing and regulation of architects,
2 and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SUB COMMITTEE ASSIGNMENTS

CHAIR: *Beatty*
COMMITTEE: *State Government*
313187

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

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

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

10 118.2 OFFICERS.

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

21 Sec. 3. Section 118.8, Code 1987, is amended to read as
22 follows:

23 118.8 EXAMINATION QUALIFICATION FOR REGISTRATION.

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

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

33 Upon A person applying for registration by examination,
34 upon complying with the above other requirements, the
35 applicant shall satisfactorily pass an examination in such

1 technical and professional subjects ~~as shall be~~ prescribed by
2 the board. The board may adopt the uniform standardized
3 examination and grading procedures of a national certification
4 body recognized by the board. The examination may be
5 conducted by representatives of the board. ~~All examinations~~
6 ~~in-theory shall be in writing and the~~ The identity of the
7 person taking the examination shall be concealed until after
8 the examination ~~papers have~~ has been graded. ~~For examinations~~
9 ~~in practice, the identity of the person taking the examination~~
10 ~~shall also be concealed as far as possible. If the applicant~~
11 ~~fails to pass the examination once, the applicant may retake~~
12 ~~the examination at the next scheduled time. Thereafter the~~
13 ~~applicant may take the examination at the discretion of the~~
14 ~~board.~~ The board shall adopt rules regarding reexamination.

15 An applicant who has failed the examination may request in
16 writing information from the board concerning the applicant's
17 examination grade and subject areas or questions which the
18 applicant failed to answer correctly, except that if the board
19 administers a uniform, standardized examination, the board
20 shall only be required to provide the examination grade and
21 such the other information concerning the applicant's
22 examination results which are is available to the board. ~~In~~
23 ~~lieu of examination, the board may accept satisfactory~~
24 ~~evidence of the applicant's knowledge of architectural~~
25 ~~practice and of any one of the qualifications set forth under~~
26 ~~subsections 1, 2, and 3 of this section:~~

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

33 ~~2. Registration or certification during the current year~~
34 ~~as an architect in another state or country, where the~~
35 ~~qualifications prescribed at the time of such registration or~~

1 certification-were-equal-to-those-prescribed-in-this-state-at
2 date-of-application.

3 3.--An-architect-who-has-practiced-architecture-for-a
4 period-of-more-than-ten-years-outside-of-this-state-shall,
5 except-as-otherwise-provided-in-subsection-27-be-required-to
6 take-only-a-practical-examination,-the-nature-of-which-shall
7 be-prescribed-by-the-board.

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

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

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

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

22 118.10 RENEWALS.

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

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

35 118.11 FEES.

1 The board shall set the fees for examination, for a
2 certificate of registration as a ~~registered~~ an architect, and
3 for renewal of a certificate, for reinstatement of a
4 certificate, and for other activities of the board pertaining
5 to its duties. The fee for examination shall be based on the
6 annual cost of administering the examinations. The fee for a
7 certificate of registration and for renewal of a certificate
8 shall be based upon the administrative costs of sustaining the
9 board which shall include, but ~~shall~~ are not be limited to,
10 the costs for all of the following:

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

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

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

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

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

22 118.15 UNLAWFUL PRACTICE -- VIOLATIONS -- PENALTY --
23 CONSENT AGREEMENT.

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

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

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

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

11 118.16 DEFINITIONS.

12 As used in this chapter, unless the context otherwise
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15 practice of architecture who holds a current valid registra-
16 tion under the laws of this state.

17 2. "Board" means the architectural examining board estab-
18 lished in section 118.1.

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20 or improvement of real estate, and includes new construction,
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25 4. "Construction documents" means the drawings, specifica-
26 tions, technical submissions, and other documents upon which
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29 architect's personal supervisory control of work as to which
30 the architect has detailed professional knowledge. In respect
31 to preparing technical submissions, "direct supervision and
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33 exercising, directing, guiding, and restraining power over the
34 design of the building or structure and the preparation of the
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1 architectural matters embodied in the documents. Merely
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3 constitute "direct supervision and responsible charge" unless
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6 6. "Good moral character" means a reputation for
7 trustworthiness, honesty, and adherence to professional
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11 architect or the architect's employee for the purpose of
12 general familiarity with the progress and quality of the
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15 applicable building codes. For the purpose of this chapter,
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17 site inspections to check the quality or quantity of
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22 documents, or construction of one or more buildings,
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24 surrounding the buildings or structures, or the addition to or
25 alteration of one or more buildings or structures, which
26 buildings or structures have as their principal purpose human
27 occupancy or habitation, if the safeguarding of life, health,
28 or property is concerned or involved, unless the buildings or
29 structures are excepted from the requirements of this chapter
30 by section 118.18.

31 9. "Professional architectural services" means
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33 planning, preliminary design and feasibility studies, designs,
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35 administration of construction contracts, observation of

1 construction site progress, or other services and instruments
2 of service related to architecture. A person is performing or
3 offering to perform professional architectural services within
4 the meaning of this chapter, if the person, by verbal claim,
5 sign, advertisement, letterhead, card, or in any other way
6 represents the person to be an architect or through the use of
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8 10. "Professional consultant" means a person who is
9 required by the laws of this state to hold a current and valid
10 certificate of registration in the field of the person's
11 professional practice, and who is employed by the architect to
12 perform, or who offers to perform professional services as a
13 consultant to the architect, in connection with the design,
14 preparation of construction documents or other technical
15 submissions, or construction of one or more buildings or
16 structures, and the space within and surrounding the buildings
17 or structures.

18 11. "Programming" means the identification, verification,
19 and analysis of the architectural requirements precedent to
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2 individual natural person is eligible for registration. A
3 domestic or foreign corporation, partnership, sole
4 proprietorship, or other business entity may engage in the
5 practice of architecture in this state, but only if all of the
6 following requirements are met:

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

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

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

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

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

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

17 Sec. 11. Section 118.25, Code 1987, is amended to read as
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24 ~~past-felony-record-of-an-applicant-only-if-the-felony~~
25 ~~conviction-relates-directly-to-the-practice-of-architecture-~~
26 Character references may be required ~~but shall not be obtained~~
27 ~~from-registered-architects.~~

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

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

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

1 another jurisdiction.

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

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

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

14 Sec. 12. NEW SECTION. 118.28 SEAL REQUIRED.

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

19 Technical submissions prepared by an architect, or under an
20 architect's direct supervision and responsible charge, shall
21 be stamped with the impression of the architect's seal. The
22 board shall designate by rule the location, frequency, and
23 other requirements for use of the seal. An architect shall
24 not impress the architect's seal on technical submissions if
25 the architect was not the author of the technical submissions
26 or if they were not prepared under the architect's direct
27 supervision and responsible charge. An architect who merely
28 reviews standardized construction documents for pre-engineered
29 or prototype buildings, is not the author of the technical
30 submissions and the technical submissions were not prepared
31 under a reviewing architect's responsible charge.

32 An architect shall cause those portions of technical
33 submissions prepared by a professional consultant to be
34 stamped with the impression of the seal of the professional
35 consultant, with a clear identification of the consultant's

1 areas of responsibility, signature, and date of issuance.

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

14 Sec. 13. NEW SECTION. 118.29 RULES.

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

27 EXPLANATION

28 This bill contains revisions to chapter 118, regarding
29 registered architects, proposed by the architectural examining
30 board to conform with standards recommended by the national
31 council of architectural registration boards (NCARB).

32 Section 1 adds a statement that the practice of
33 architecture affects the public health, safety, and welfare
34 and is subject to regulation and control in the public
35 interest.

1 Section 2 authorizes the board to elect a secretary.

2 Section 3 amends section 118.8 to conform with reciprocity
3 practices recommended by the national council of architectural
4 registration boards (NCARB). The bill authorizes the board of
5 architectural examiners to recognize the actions of NCARB, and
6 the national architectural accrediting board (NAAB), or any
7 successors or other recognized national architectural advisory
8 body, including the discretionary adoption of a uniform
9 national exam and grading procedure as provided by NCARB, or
10 any other recognized national standards organization. The
11 bill also creates two methods for registration: registration
12 by examination, and registration by reciprocity.

13 Section 4 authorizes the board to prescribe the conditions
14 and penalties for late renewal of an architect's registration
15 certificate.

16 Section 5 authorizes the board to collect additional fees
17 for reinstatement of a certificate, and for other activities
18 of the board pertaining to its duties.

19 Section 6 amends section 118.13 regarding disciplinary ac-
20 tions against registered architects to include willful or re-
21 peated violations of rules of conduct as a basis for
22 disciplinary action.

23 Section 7 prohibits the use of the title "architect",
24 "registered architect", "architectural designer", or other
25 words, figures, or methods implying that a person provides or
26 offers to provide architectural services. The bill provides
27 that a violator commits a serious misdemeanor. It also
28 permits the board to enter into a consent agreement in lieu of
29 prosecuting a first-time offender.

30 Section 8 expands the definitions for the chapter and
31 modifies the previous definition of "practice of
32 architecture".

33 Section 9 repeals section 118.19.

34 Section 10 permits certain business entities to practice
35 architecture in the state if they meet statutory standards.

1 Registration is still limited to individuals, and the profes-
2 sional architectural services rendered in the state must be
3 performed under a registered architect. Practice as a
4 business entity would not relieve an individual practitioner
5 from liability.

6 Section 11 permits the board to consider evidence of an
7 applicant's lack of good moral character as part of the
8 application process.

9 Sections 12 and 13 add two new sections. The first, tenta-
10 tively numbered 118.28, establishes a seal requirement similar
11 to that currently existing for registered engineers in the
12 state. New section 118.29 empowers the board to adopt rules,
13 consistent with chapter 118, to regulate the conduct of
14 architects, and permits the board to enter into a consent
15 order with an architect.

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HOUSE FILE 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 27 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~~ The identity of the person taking the examination shall be concealed until after the examination papers have has 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 an 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 practice 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 118.13.

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.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 587, Seventy-second General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved  1987

TERRY E. BRANSTAD
Governor