

# Senate File 2179 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 3105)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act making specified changes relating to professional  
2 licensing and regulation under the purview of the banking  
3 division of the department of commerce.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 5292SV 82  
6 rn/nh/5

PAG LIN

1 1 Section 1. Section 103A.10, subsection 3, Code Supplement  
1 2 2007, is amended to read as follows:  
1 3 3. Provisions of the state building code relating to the  
1 4 manufacture and installation of factory-built structures shall  
1 5 apply throughout the state. A factory-built structure  
1 6 approved by the commissioner shall be deemed to comply with  
1 7 all building regulations applicable to its manufacture and  
1 8 installation and shall be exempt from any other state or local  
1 9 building regulations. Except with respect to manufactured  
1 10 homes, as defined in section 103A.51, subsection 4, a  
1 11 provision of this chapter relating to the manufacture or  
1 12 installation of factory-built structures shall not alter or  
1 13 supersede any provision of chapter 542B concerning the  
1 14 practice of professional engineering or chapter 544A  
1 15 concerning the practice of architecture.

1 16 Sec. 2. Section 542.4, subsection 5, Code 2007, is amended  
1 17 to read as follows:

1 18 5. a. A member of the The board shall maintain the  
1 19 confidentiality of information relating to the following:  
1 20 a. Criminal history or prior misconduct of the applicant.  
1 21 b. (1) Information relating to the The contents of the  
1 22 examination.  
1 23 c. (2) Information relating to the The examination  
1 24 results other than final score except for information about  
1 25 the results of the examination given to the person examined.  
1 26 b. A member of the board who willfully communicates or  
1 27 seeks to communicate such information in a manner which  
1 28 violates confidentiality requirements, and any person who  
1 29 willfully requests, obtains, or seeks to obtain such  
1 30 information, is guilty of a simple misdemeanor.

1 31 Sec. 3. Section 542B.32, Code 2007, is amended to read as  
1 32 follows:

1 33 542B.32 DISCLOSURE OF CONFIDENTIAL INFORMATION.  
1 34 1. A member of the The board shall not disclose  
1 35 information relating to the following:  
2 1 1. Criminal history or prior misconduct of the applicant.  
2 2 2. a. Information relating to the The contents of the  
2 3 examination.  
2 4 3. b. Information relating to the The examination results  
2 5 other than final score except for information about the  
2 6 results of an examination which is given to the person who  
2 7 took the examination.  
2 8 2. A member of the board who willfully communicates or  
2 9 seeks to communicate such information, and any person who  
2 10 willfully requests, obtains, or seeks to obtain such  
2 11 information, is guilty of a simple misdemeanor.

2 12 Sec. 4. Section 543B.52, Code 2007, is amended to read as  
2 13 follows:

2 14 543B.52 DISCLOSURE OF CONFIDENTIAL INFORMATION.  
2 15 1. A member of the The commission shall not disclose  
2 16 information relating to the following:  
2 17 1. Criminal history or prior misconduct of the applicant.

2 18 2. a. Information relating to the The contents of the  
2 19 examination.  
2 20 ~~3. b. Information relating to the The examination results~~  
2 21 other than final score except for information about the  
2 22 results of an examination which is given to the person who  
2 23 took the examination.

2 24 2. A member of the commission who willfully communicates  
2 25 or seeks to communicate such information, and any person who  
2 26 willfully requests, obtains, or seeks to obtain such  
2 27 information, is guilty of a simple misdemeanor.

2 28 Sec. 5. Section 543D.4, Code 2007, is amended by adding  
2 29 the following new subsection:

2 30 NEW SUBSECTION. 10. The provisions of section 272C.2,  
2 31 subsection 4, shall only apply to a certified real estate  
2 32 appraiser or an associate real estate appraiser to the extent  
2 33 consistent with the policies adopted by the appraisal  
2 34 qualifications board of the appraisal foundation.

2 35 Sec. 6. Section 544A.8, unnumbered paragraph 4, Code 2007,  
3 1 is amended to read as follows:

3 2 In lieu of examination, the board may grant registration by  
3 3 reciprocity. A person applying to the board for registration  
3 4 by reciprocity shall furnish satisfactory evidence that the  
3 5 person ~~meets both of the following requirements:~~ holds  
3 6 qualifications determined by the board to be substantially  
3 7 equivalent to the requirements for initial registration in  
3 8 accordance with section 546.10, subsection 8.

3 9 Sec. 7. Section 544A.8, subsections 1 and 2, Code 2007,  
3 10 are amended by striking the subsections.

3 11 Sec. 8. Section 544A.9, Code 2007, is amended to read as  
3 12 follows:

3 13 544A.9 REGISTRATION.

3 14 When the applicant has complied with the requirements as  
3 15 set forth in section 544A.8, ~~to the satisfaction of at least~~  
~~3 16 four members of the board,~~ and has paid the fees prescribed by  
3 17 the board, the ~~secretary executive officer~~ shall enroll the  
3 18 applicant's name and address in the roster of registered  
3 19 architects and issue to the applicant a certificate of  
3 20 registration, signed by the officers of the board, which  
3 21 certificate shall entitle the applicant to practice as an  
3 22 architect in the state of Iowa.

3 23 Sec. 9. Section 544A.13, unnumbered paragraph 3, Code  
3 24 2007, is amended to read as follows:

3 25 Proceedings for the revocation of a certificate shall be  
3 26 initiated by filing written charges against the accused with  
3 27 the board. ~~Upon the filing of charges the board may request~~  
~~3 28 the department of inspections and appeals to conduct an~~  
~~3 29 investigation into the charges. The department of inspections~~  
~~3 30 and appeals shall report its findings to the board, and a A~~  
3 31 time and place for the hearing of the charges shall be fixed  
3 32 by the board if the board determines that a hearing is  
3 33 warranted. If personal service or service through counsel  
3 34 cannot be effected, service may be by publication. At the  
3 35 hearing, the accused has the right to be represented by  
4 1 counsel, to introduce evidence, and to examine and  
4 2 cross-examine witnesses. The board may subpoena witnesses,  
4 3 administer oaths to witnesses, and employ counsel. ~~The board~~  
~~4 4 shall make a written report of its findings, which shall be~~  
~~4 5 filed with the secretary of state, and which is conclusive.~~

4 6 Sec. 10. Section 544A.15, subsection 1, Code 2007, is  
4 7 amended to read as follows:

4 8 1. It is unlawful for a person to engage in or to offer to  
4 9 engage in the practice of architecture in this state or use in  
4 10 connection with the person's name the title "architect",  
4 11 "registered architect", or "architectural designer", or to  
4 12 imply that the person provides or offers to provide  
4 13 professional architectural services, or to otherwise assume,  
4 14 use, or advertise any title, word, figure, sign, card,  
4 15 advertisement, or other symbol or description tending to  
4 16 convey the impression that the person is an architect or is  
4 17 engaged in the practice of architecture unless the person is  
4 18 qualified by registration as provided in this chapter.  
4 19 However, the board may by rule authorize a person to offer to  
4 20 perform architectural services in this state prior to  
4 21 registration in this state if the person is registered in good  
4 22 standing to practice architecture in at least one other state  
4 23 or jurisdiction, the person holds a certificate from a  
4 24 national certification council recognized by the board, the  
4 25 person makes such disclosures as the board may require by  
4 26 rule, and the person becomes duly registered in this state  
4 27 prior to otherwise practicing architecture in this state as  
4 28 defined in section 544A.16, subsection 8.

4 29 Sec. 11. Section 544A.27, Code 2007, is amended to read as  
4 30 follows:

4 31 544A.27 DISCLOSURE OF CONFIDENTIAL INFORMATION.

4 32 ~~1. A member of the~~ The board shall not disclose  
4 33 information relating to the following:

4 34 ~~1. Criminal history or prior misconduct of the applicant.~~

4 35 ~~2. a. Information relating to the~~ The contents of the  
5 1 examination.

5 2 ~~3. b. Information relating to the~~ The examination results  
5 3 other than final score except for information about the  
5 4 results of an examination which is given to the person who  
5 5 took the examination.

5 6 ~~2.~~ A member of the board who willfully communicates or  
5 7 seeks to communicate such information, and any person who  
5 8 willfully requests, obtains, or seeks to obtain such  
5 9 information, is guilty of a simple misdemeanor.

5 10 Sec. 12. Section 544A.21, Code 2007, is repealed.

5 11 EXPLANATION

5 12 This bill makes several modifications, additions, and  
5 13 deletions to provisions relating to the regulation of  
5 14 professions registered or licensed under the purview of the  
5 15 professional licensing and regulation bureau of the banking  
5 16 division of the department of commerce.

5 17 The bill clarifies that an exemption from state or local  
5 18 building code regulations for factory-built structures other  
5 19 than manufactured homes does not extend to services rendered  
5 20 by engineers licensed pursuant to Code chapter 542B or  
5 21 architects registered pursuant to Code chapter 544A.

5 22 The bill removes a requirement currently applicable to  
5 23 several professional licensing boards that information  
5 24 regarding an applicant's criminal history or prior misconduct  
5 25 be regarded as confidential in nature and subject to criminal  
5 26 penalty for disclosure. This requirement is removed with  
5 27 respect to the professional licensing boards regulating public  
5 28 accountants, professional engineers and land surveyors, real  
5 29 estate brokers and salespersons, and registered architects.

5 30 The bill provides that continuing education provisions  
5 31 generally applicable to professions subject to state  
5 32 regulation contained in Code section 272C.2, subsection 4,  
5 33 shall apply to certified real estate appraisers or associate  
5 34 real estate appraisers only to the extent consistent with  
5 35 specified national standards, and modifies provisions relating  
6 1 to granting registration by reciprocity for architects to  
6 2 conform to existing authority to establish such requirements  
6 3 by the board by rule.

6 4 The bill additionally removes outdated language and makes  
6 5 purely technical changes relating to regulation of the  
6 6 practice of architecture, provides that the architectural  
6 7 examining board may by rule authorize a registered architect  
6 8 in another state or jurisdiction to offer to perform services  
6 9 prior to registration in this state provided registration is  
6 10 obtained prior to the performance of such services, and  
6 11 removes provisions requiring registration by architecture  
6 12 business entities and governing the practice of architecture  
6 13 by such business entities.

6 14 LSB 5292SV 82

6 15 rn/nh/5