

Senate Study Bill 3105

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
COMMERCE/BANKING DIVISION
BILL)

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 5292DP 82
6 rn/nh/5

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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 242C.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.

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