

# Arkansas Architectural Act



Issued by

**Arkansas State Board of Architects**

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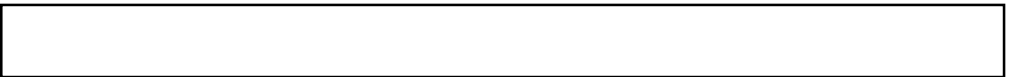
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# Arkansas Architectural Act

(Original Act 270, approved 1941)  
(Amended by Act 219, approved 1957)  
(Amended by Act 157, approved 1959)  
(Amended by Act 334, approved 1969)  
(Amended by Act 582, approved 1971)  
(Amended by Act 417 of 1973)  
(Amended by Act 18 of 1981)  
(Amended by Act 646 of 1981)  
(Amended by 167 of 1991)  
(Amended by Act 578 of 1993)  
(Amended by Act 1219 of 1993)  
(Amended by Act 784 of 1995)  
(Amended by Act 860 of 1995)  
(Amended by Act 1108 of 1995)  
(Amended by Act 1338 of 1999)

AN ACT to Regulate the Practice of Architecture; to Create Arkansas State Board of Architects; to Provide Examination for Qualification; to Provide for the Issuance of Certificates of Registration and Licenses; and for Other Purposes.

Where, in order to safeguard life, health, and property, it is important that the practice of architecture in this state should be regulated. Now, Therefore,

Be it Enacted by the General Assembly of the State of Arkansas:

## **17-15-101. Title.**

This chapter may be known and cited as the "Arkansas Architectural Act."

## **17-15-102. Definitions.**

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

- (1) "Architect" means a person who is technically and legally qualified to practice architecture;
- (2) "Examining body" means the Arkansas State Board of Architects as established by this chapter;
- (3) "Direct Supervision" means that degree of supervision by a person overseeing the work of another whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his or her supervision;
- (4) (A) "Good Moral Character" means character which will enable a person to discharge the fiduciary duties of an architect to his or her client and to the public for the protection of health, safety, and welfare.  
(B) Evidence of inability to discharge such duties shall include the commission of an offense justifying discipline under Arkansas Code Annotated §17-15-308.

- (5) (A) (i) The “practice of architecture” means the provision of or offering to provide, those services hereinafter described in connection with the design and construction, enlargement, or alteration of a building or group of buildings, and the space within and surrounding such buildings, which are designed for human occupancy or habitation. The services referred to include planning, providing preliminary studies, designs, drawings, specifications, and other technical submissions, and administration of construction contracts.
- (ii) Provided, that the practice of architecture shall not include the practice of engineering as defined in the Arkansas Engineering Act, §17-30-101 et seq, or the practice of contracting as defined in the Contractors Licensing Law, § 17-25-101 et seq; but a registered architect may perform such engineering work as is incidental to the practice of architecture, and an engineer may practice such architectural work as is incidental to the practice of engineering.
- (B) The provisions of this chapter affirm the legal authority of an engineer licensed under the Arkansas Engineering Act, § 17-30-101 et seq, to provide consultation, investigation, evaluation, planning, and design of buildings intended for accommodation of equipment, vehicles, goods, and/or processes or other utilitarian function, with human occupancy including office space as required for the support of these functions, provided the engineer is practicing within his or her area of competency as defined in the Arkansas Engineering Act, §17-30-101 et seq.”
- (6) “Registered Architect” means an architect holding a current registration in the State of Arkansas;
- (7) “Registration” means the certificate of registration issued by the examining body; and
- (8) “Technical submissions” means drawings, specifications, studies and other technical reports prepared in the course of practicing architecture.

### **17-15-103. Penalties.**

A person shall be guilty of a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500) or suffer imprisonment for a period not exceeding three (3) months, or be both so fined and imprisoned, each day of the unlawful practice to constitute a distinct and separate offense, if that person shall:

- (1) Practice or offer to practice the profession of architecture in this state without being registered or exempted therefrom in accordance with the provisions of this chapter;
- (2) Give any false or forged evidence of any kind to the examining body or to any member thereof for the purpose of obtaining a certificate of registration;
- (3) Falsely impersonate any other registrant of like or different name;
- (4) Attempt to use an expired or revoked certificate of registration; or
- (5) Violate, or aid or abet any violation of, any of the provisions of this chapter.

**17-15-104. Enforcement.**

(a) It shall be the duty of all duly constituted officers of the law in this state, and of all political subdivisions, to enforce the provisions of this chapter and to prosecute any persons violating its provisions.

(b) The Attorney General or his assistants shall act as legal advisor to the examining body and shall render any legal assistance that may be necessary in carrying out the provisions of this chapter. The examining body, in its discretion, may employ other legal assistance that it may require.

**17-15-105. Injunctions.**

(a) The violation of any provision of this chapter, and the construction of any structure in violation of its provisions, or any of them, is declared to constitute a nuisance and a threat to the public health and welfare and may be enjoined by the examining body in the chancery courts of this state, even though the violation may be punishable by fine, the intention of this section being to provide a speedy means of protecting the public.

(b) The examining body shall not be required to execute or give a bond for cost, indemnity, or stay, as a condition to the issuance of a restraining order or injunction, either temporary or permanent, in any court of this state.

**SUBCHAPTER 2 - ARKANSAS STATE  
BOARD OF ARCHITECTS**

**17-15-201. Members.**

(a) The Arkansas State Board of Architects shall consist of:

(1) The Dean of the University of Arkansas School of Architecture. The dean shall be a nonvoting member; and

(2) Seven (7) members, appointed by the Governor and confirmed by the Senate for terms of five (5) years, or until their successors are duly appointed and qualified. The American Institute of Architects-Arkansas Chapter shall recommend three (3) members of the Arkansas Chapter who are in good standing for appointment on the board. The Governor is strongly encouraged to appoint the members nominated by the American Institute of Architects-Arkansas Chapter.

(A) Of the seven (7) members appointed by the Governor, five (5) shall be citizens of the United States, residents of this state, and architects of recognized standing who have been engaged in the independent practice of architecture for at least ten (10) years prior to appointment.

(B) Of the seven (7) members appointed by the Governor, two (2) shall be citizens of the United States and residents of this state and shall not be actively engaged in or retired from the architecture profession. One (1) shall represent consumers, and one (1) shall be sixty (60) years of age or older, and shall represent the elderly. Both shall be appointed from the state at large subject to confirmation by the Senate. The two (2) positions may not be held

by the same person. Both shall be full voting members but shall not participate in the grading of examinations.

(b) Each member of the examining body shall receive a certificate of his appointment from the Governor and before beginning his term of office shall file with the Secretary of State his written oath for the faithful discharge of his duties.

(c)(1) By due process of law, the Governor may remove any member of the examining body for misconduct, incompetency, neglect of duty, or for any malfeasance in office.

(2) Vacancies in the membership of the examining body shall be filled for the unexpired term by appointment by the Governor as provided for in subsection (a) of this section.

(3) If the Governor does not name a successor for an unexpired term or fill a vacancy within three (3) months after the term of a member has expired or a vacancy occurred, then the remaining members of the examining body shall be empowered to, and may, fill the vacancy by electing a member having the qualifications required by subsection (a) of this section to serve out the vacant term.

(d) Each member of the examining body may receive expense reimbursement in accordance with §25-16-901, et seq.

#### **17-15-202. Organization and proceedings.**

(a) The examining body shall hold at least two (2) meetings each year for the purpose of examining the candidates for registration and license. Special meetings shall be held at such times as the regularly adopted rules and regulations of the examining body shall provide.

(b) Three (3) members of the examining body shall constitute a quorum, but no action may be taken without at least three (3) votes in accord.

(c) The examining body shall adopt and have an official seal.

(d) The examining body shall annually elect a president, a secretary, and a treasurer. The offices of secretary and treasurer may be held by the same person, and there may be included in the election, if deemed advisable by the examining body, a vice president.

(e) All expenses incurred by the examining body for the administration of this chapter are to be defrayed by revenues provided for in this chapter.

#### **17-15-203. Duties and Powers.**

(a) In accordance with the spirit and intent of the law, The Arkansas State Board of Architects shall make such rules and regulations as may be desirable or necessary for the performance of its duties and for carrying out the purposes of this chapter and may bring suit in its proper name to enforce, or restrain the violation of, any provision of this chapter.

(b)(1) In carrying into effect the provisions of this chapter, the board, under the hand of its president and the seal of the examining body, may subpoena witnesses and compel their attendance and may require the production of books, papers, documents, etc., in any case involving revocation of registration.

(2) The president or the secretary may administer oaths or affirmations to witnesses appearing before the Board.



(3) If any person shall refuse to obey any subpoena so issued or shall refuse to testify or produce any books, papers, or other documents, the Board may present its petition to any court of record, setting forth the facts. Thereupon, the court shall, in a proper case, issue its subpoena to the person, requiring his attendance before the court and there to testify or produce such books, papers, and documents as may be deemed necessary and pertinent. Any person failing or refusing to obey the subpoena or order of the court may be proceeded against in the same manner as for refusal to obey any other subpoena.

(c) The Board or any committee thereof shall be entitled to the services of the Attorney General and the services of the prosecuting attorneys for the county and district in which enforcement is required. The board shall have the power to employ legal advice deemed necessary for the proper conduct of its affairs.

(d)(1) Once a complaint has been received in the board office, the board shall first send an advisory notice to the person or entity allegedly committing the violation, informing the person or entity of the violation; a copy of the law or regulation being violated; and a statement notifying the person or entity that they must reply to the board. The advisory notice shall be sent by certified mail with restricted delivery. The board shall take appropriate action upon receiving the reply.

(2) If the person or entity fails to respond to the advisory notice, the board shall send a second notice advising the person or entity that if they do not respond within five (5) days, the board, in accordance with (d) (3) of this section, will hold a hearing on the alleged violation. The notice shall be sent by certified mail with restricted delivery. The board shall take appropriate action upon receiving the reply.

(3) If the person or entity fails to respond to the second notice or if the board determines there is a violation of this chapter or the rules and regulations promulgated thereunder, or both, after the advisory or second notice is sent, the board shall prepare an order and notice of hearing advising the person or entity of the date for the hearing to be held by the board. The order and notice of hearing shall be sent by certified mail with restricted delivery.

(4)(A)(i) After providing notice and a hearing, the board may levy civil penalties, in an amount not to exceed five thousand dollars (\$5,000) for each violation, against those individuals or entities found to be in violation of this chapter or rules and regulations promulgated thereunder.

(ii) All revenue received under this section shall be deposited in one (1) or more financial institutions in the state and shall be used for the purposes of defraying the expenses of the board as required for carrying out the provisions of this chapter.

(iii) These penalties shall be in addition to other penalties which may be imposed by the board pursuant to this chapter.

(iv) Unless the penalty assessed under this section is paid within fifteen (15) days following the date for an appeal from the order, the board shall have the power to file suit in the Circuit Court of Pulaski County to obtain a judgment for the amount of penalty not paid.

(B) All actions taken by the State Board of Architects shall comply with the Administrative Procedures Act §25-15-201, et seq.

**17-15-204. Records and reports.**

(a) The examining body shall keep a record of its proceedings and a register of all applications for registration, which shall show:

- (1) Name, age, and residence of the applicant;
- (2) Date of application;
- (3) Educational and other qualifications;
- (4) Whether or not an examination was required;
- (5) Whether the applicant was rejected;
- (6) Whether a certificate of registration was granted;
- (7) Date of the action of the examining body; and
- (8) Any other information as may be deemed necessary by the examining body.

(b) A roster showing the names, residences, and places of business of all registered architects shall be prepared by the secretary of the examining body at least once each year. Copies of this roster shall be mailed to each person so registered and placed on file with the Secretary of State. Copies shall also be furnished to any public officials of this state upon request.

(c) Annually, as of November 1 of each year, the examining body shall submit to the Governor a summarized report of its transactions of the preceding year and shall also transmit to him a complete statement of the receipts and expenditures of the examining body, attested by affidavits of the president and treasurer.

**17-15-205. Continuing education.**

(a) The Arkansas State Board of Architects may adopt regulations setting minimum standards of continuing education to ensure that all registered architects remain informed of those technical and professional subjects which the board deems appropriate to professional architectural practice.

(b) The board may by rules and regulations describe the methods by which such standards may be satisfied, and may provide that failure to satisfy such minimum standards shall be grounds for nonrenewal of an architect's certificate of registration.

**SUBCHAPTER 3 - REGISTRATION AND LICENSING**

**17-15-301. License required.**

In order to safeguard life, health, and property, no person shall practice architecture in this state, or engage in preparing plans, specifications, or preliminary data for the erection or alteration of any building located within the boundaries of this state, or use the title "architect," or display or use any title, sign, card, advertisement, or other device to indicate that the person practices or offers to practice architecture, or is an architect, unless the person shall have secured from the examining body a certificate of registration and license in the manner hereinafter provided and shall thereafter comply with the provisions of this chapter governing the registration and licensing of architects.

**17-15-302 Exemptions.**

(a) The following shall be exempt from the provisions of this chapter:

- (1) Professional engineers duly licensed or registered, but only insofar as concerns work incidental to engineering practice, provided such persons do not use the designation "architect" or any term derived therefrom;
  - (2) Employees of those lawfully practicing architecture, who are acting under the instruction, control, or supervision of their employer;
  - (3) Officers and employees of the government of the United States while engaged within this state in the practice of architecture for said government;
  - (4) Residents of this state who do not use the title "architect" or any term derived therefrom, who act as designers for:
    - (A) Buildings that are to be constructed for personal use, such as residences, if such buildings are not intended or adaptable for public employment, assembly, or any other use under which they will be open to the public;
    - (B) Single family detached, duplex, triplex, and quadruplex dwellings; or
    - (C) Buildings whose total cumulative and fair market value to complete, not including site, does not exceed one hundred thousand dollars (\$100,000); and
  - (5) Owners and employees of planing mills, woodworking establishments, sash and door manufacturers, and jobbers in the designing, planning, detailing, and preparation of data on millwork, woodwork, and cabinetwork, provided they do not use the designation "architect" or any term derived therefrom.
- (b)(1) The terms of this chapter shall not apply to:
- (A) Any public school district exempted from the provisions of this chapter; or
  - (B) Every public school district embracing a city with a population in excess of thirty thousand (30,000), which maintains a full-time superintendent of buildings with engineering and architectural experience.
- (2) This exception shall only apply:
- (A) If the total cumulative and fair market value to complete the repair and maintenance of buildings already constructed, and alterations thereof does not exceed the sum of one hundred thousand dollars (\$100,000); and
  - (B) If the total cumulative and fair market value to complete the new structures will not exceed the sum of one hundred thousand dollars (\$100,000); and
- (c) The provisions of this chapter shall not apply to any public school district, place of assembly, daycare, church, or building not more than one (1) story high where:
- (1) The total cumulative and fair market value to complete the building, alteration, or structure does not exceed the sum of one hundred thousand dollars (\$100,000); and
  - (2) The plans are approved by the State Fire Marshal.

**17-15-303. Partnerships and corporations.**

(a) A partnership or a corporation may be admitted to practice architecture in this state if:

- (1) Two-thirds (2/3) of the partners, if a partnership, or two-thirds (2/3) of the directors, if a corporation, are registered under the laws of any state to practice architecture or engineering; and
- (2) The person having the practice of architecture in his charge is himself a partner, if a partnership, or a director, if a corporation, and registered to practice architecture in this state.

(b) The board is authorized to require by regulation any partnership or corporation practicing architecture in this state to file information concerning its officers, directors, beneficial owners, and other aspects of its business organization upon such forms as the board prescribes.

**17-15-304. Examinations.**

(a) To be registered and licensed, an applicant must pass an examination for licensure.

(b)(1) To be qualified for admission to an examination to practice architecture in the State of Arkansas, an applicant must be at least twenty-one (21) years of age, and of good moral character.

(2) In addition, the applicant shall have all the qualifications required for admission to either the written examination or the senior examination of the National Council of Architectural Registration Boards.

(c) The examining body is empowered to make all necessary rules and regulations governing the content, grading, time, place and method of conducting the examinations and may adopt the examinations and recommended grading procedures of the National Council of Architectural Registration Boards.

**17-15-305. Certification generally.**

(a) Upon payment of the proper fee as provided for in this Chapter, the Arkansas State Board of Architects shall issue a certificate of registration and license to any applicant who:

- (1) In the opinion of the examining body, has satisfactorily met all the requirements of this chapter; or
- (2) Has been previously issued certificates of registration and license by an examining body created pursuant to legislative enactment of the State of Arkansas. Certificates shall show a serial number and the full name of the registrant and shall bear the signatures of the president and secretary and the seal of the Board.

(b) Issuance of a certificate of registration by the Board shall be evidence that the person named therein is entitled to all the rights and privileges of a registered architect while the certificate remains unexpired and unrevoked. Certification shall be synonymous with registration, with the full meaning and effect of a license to practice architecture.

(c) Certificates of registration shall expire on July 31 of each year and shall become invalid on that date unless renewed.

(d) Renewal may be effected at any time during the month of July by payment

of the renewal fee as provided in § 17-15-311.

(e) Upon issuing the initial certificate of registration, the board shall include a copy of Arkansas Architectural Act, §17-15-101 et seq. The licensee shall return a signed form to the Board stating that he has read and understands the Arkansas Architectural Act.

**17-15-306. Associate architects - Temporary license.  
Repealed.**

**17-15-307. Official seal.**

(a) Upon registration, each registrant hereunder shall obtain a seal of such design as the examining body shall authorize and direct. Plans and specifications prepared by, or under the direct supervision of, a registered architect shall be stamped with this seal during the life of the registrant's certificate. It shall be unlawful for anyone to stamp or seal any documents with the seal after the certificate of the registrant named thereon has expired or has been revoked unless the certificate shall have been renewed or reissued.

(b) No official of this state, or of any county, city, town, or village, now or hereafter charged with the enforcement of laws, ordinances, or regulations relating to the construction or alteration of buildings, shall accept or approve any plans or specifications which have not been prepared and submitted in full accord with all the provisions of this chapter. Nor shall any payment be approved by any public body for any work, the plans and specifications for which have not been so prepared and signed and sealed by the author.

**17-15-308. Grounds for revocation.**

The examining body shall have the power to revoke the registration and license of any architect upon proof:

(1) That the holder of the registration or certificate of license is practicing in violation of this chapter or of the proper rules and regulations of the examining body governing this chapter;

(2) That the license or certificate has been obtained by fraud or misrepresentation or the person named therein has obtained it by fraud or misrepresentation;

(3) That any money, except the regular fees provided for, has been paid for the license or certificate;

(4) That the holder of the license or certificate is falsely impersonating a practitioner or former practitioner of a like or different name or is practicing under an assumed or fictitious name;

(5) That the folder of the license or certificate has been guilty of a felony;

(6) That the holder of the license or certificate has aided or abetted, in the practice of architecture, any person not duly authorized to practice architecture under the provisions of this chapter;

(7) That the folder of the license or certificate has been guilty of fraud or deceit or of gross negligence or misconduct in the practice of architecture;

(8) That the holder of the certificate has been guilty of gross incompetency or recklessness in the construction or designing of buildings;

(9) That the holder of the license or certificate affixed, or permitted to be af-

fixed, his seal or name to any plans, specifications, drawings, or related documents which were not prepared by him or under this responsible supervisory control; or

(10) That the holder of the license or certificate has been adjudged mentally incapable by a court of competent jurisdiction.

**17-15-309. Revocation proceedings.**

(a) Any person may prefer charges of fraud, deceit, gross negligence, incompetence, or misconduct against any registrant. The charges shall be in writing, shall be sworn to by the person making them, and shall be filed with the secretary of the examining body.

(b) All charges deemed worthy of consideration by the examining body shall be heard by the examining body within three (3) months after the date upon which they are received by the secretary.

(c) The time and place for the hearing shall be fixed by the examining body. A copy of the charges, together with a notice of the time and place of hearing, shall be personally served on the registrant accused or shall be mailed to the registrant at his last known address at least thirty (30) days before the date fixed for the hearing. At any hearing, the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense.

(d) If, after the hearing, four (4) or more members of the examining body vote in favor of finding the accused guilty, the examining body shall revoke the certificate of registration and license of the architect.

**17-15-310. Reissuance of certificate.**

The examining body, for reasons it may deem sufficient, may reissue a certificate of registration to any person whose certificate has lapsed or has been suspended or revoked, provided that no charges of violation of this act are pending in any court of record in this state and that three (3) or more members of the examining body vote in favor of reissuance.

**17-15-311. Fees.**

(a) For the purpose of defraying the expenses of the examining body, and as required for carrying out the provisions of this chapter, the following fees and penalties shall be paid:

- (1) For an application for examination and registration, an amount to be fixed by the examining body which shall at no time exceed the sum of two hundred fifty dollars (\$250);
- (2) For a certificate of registration by exemption, or by transfer of registration from another state or country, an amount to be fixed by the examining body which shall at no time exceed the sum of two hundred fifty dollars (\$250);
- (3) For annual renewal of the registration certificate, an amount to be fixed by the examining body which shall at no time exceed the sum of one hundred dollars (\$100);
- (4) For the restoration of a revoked certificate or revoked corporate registra-

tion, an amount to be fixed by the examining body which shall at no time exceed the annual renewal fees in effect plus a penalty of fifty dollars (\$50) for each month for the first three (3) months during which time the certificate has been revoked; thereafter, an additional penalty of one hundred dollars (\$100) for the balance of one (1) year for a maximum penalty of two hundred fifty dollars (\$250);

(5) For a certificate of registration for a corporation, an amount to be fixed by the examining body which shall at no time exceed the sum of two hundred fifty dollars (\$250).

(b)(1) All fees must accompany applications.

(2) No part of these fees shall be refunded except such part as may be refunded when no certificate is issued, as may be provided under the rules of the examining body.

(c) It shall be unlawful for any unregistered person to collect a fee for architectural services, except as an employee collecting a fee as a representative of a registered architect who has performed architectural services.

#### **17-15-312 Practice by Architect Not Registered in Arkansas.**

Nothing in this chapter shall be construed to prevent:

(1) A nonresident, who holds the certification issued by the National Council of the Architectural Registration Boards from offering to render the professional services involved in the practice of architecture provided that for every project the person is involved in, he or she notifies the Arkansas State Board of Architects in writing that:

(A) He or she holds an National Council of the Architectural Registration Boards certificate and is not currently registered in Arkansas, but will be present in Arkansas for the purposes of offering to render architectural services for a single project;

(B) He or she will deliver a copy of the notice referred to in subdivision (1) (A) of this Section to every potential client to whom the applicant offers to render architectural services; and

(C) He or she promises to apply to the board within thirty (30) days to the board for registration if selected as the architect for the project;

(2) A person, who holds the certification issued by the National Council of the Architectural Registration Boards but who is not currently registered in Arkansas, from seeking an architectural commission by participating in a single architectural design competition for a project in Arkansas, provided that for every project the person is involved, in, the person notifies the board in writing that:

(A) The person holds a National Council of the Architectural Registration Boards certificate and is not currently registered in the jurisdiction, but will be present in Arkansas for the purpose of participating in an architectural design competition;

(B) The person will deliver a copy of notice referred in subdivision (2) (A) of this Section to every person conducting an architectural design competition in which the applicant participates; and

(C) The person promises to apply to the board within thirty (30) days after being selected as the architect for the project;

(3) A person who is not currently registered in this state, but who is currently registered in another jurisdiction, from providing uncompensated professional services at the scene of an emergency at the request of a public officer, public safety officer, or municipal or county building inspector acting in an official capacity. Emergency shall mean earthquake, eruption, flood, storm, hurricane, or other catastrophe which has been designated as a major disaster or emergency by the President of the United States or the Governor of Arkansas; and

(4) Individuals who possess a professional degree in architecture and are enrolled in the Intern Development Program of the National Council of Architectural Boards or under the jurisdiction of the Arkansas State Board of Architects may use the title 'Architectural Intern' or "Intern Architect" to identify themselves.