

CHAPTER 217

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 98-1016

BY REPRESENTATIVES T. Williams, Spradley, Tate, Taylor, and S. Williams;
also SENATORS Schroeder and Chlouber.

AN ACT

CONCERNING REGULATION OF ARCHITECTS BY THE STATE BOARD OF EXAMINERS OF ARCHITECTS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 12-4-102 (5) and (6), Colorado Revised Statutes, are amended, and the said 12-4-102 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-4-102. Definitions. As used in this article, unless the context otherwise requires:

(3.5) "DRAWINGS" MEANS THE ORIGINAL DOCUMENTS PRODUCED TO DESCRIBE A PROJECT. SUCH ORIGINAL DOCUMENTS MAY BE PRODUCED BY COMPUTER ASSISTED DESIGN AND DRAFTING SOFTWARE, COMMONLY KNOWN AS "CADD", OR OTHER MEANS.

(5) (a) The "practice of architecture" means the performance of the professional services of planning and design of buildings, preparation of construction contract documents including working drawings and specifications for the construction of buildings, AND THE observation of construction pursuant to an agreement between an architect and any other person, ~~and administration of construction contracts for the construction of buildings;~~ but DOES NOT INCLUDE the performance of the construction of buildings.

(b) AN ARCHITECT'S PROFESSIONAL SERVICES, UNLESS PERFORMED PURSUANT TO THE EXEMPTIONS SET FORTH IN SECTION 12-4-112 BY A PERSON WHO IS NOT AN ARCHITECT, MAY INCLUDE ANY OR ALL OF THE FOLLOWING:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(I) INVESTIGATIONS, EVALUATIONS, SCHEMATIC AND PRELIMINARY STUDIES, DESIGNS, WORKING DRAWINGS, AND SPECIFICATIONS FOR CONSTRUCTION, OR FOR ONE OR MORE BUILDINGS, AND FOR THE SPACE WITHIN AND SURROUNDING THE BUILDINGS OR STRUCTURES;

(II) COORDINATION OF THE WORK OF TECHNICAL AND SPECIAL CONSULTANTS;

(III) COMPLIANCE WITH GENERALLY APPLICABLE CODES AND REGULATIONS, AND ASSISTANCE IN THE GOVERNMENTAL REVIEW PROCESS;

(IV) TECHNICAL ASSISTANCE IN THE PREPARATION OF BID DOCUMENTS AND AGREEMENTS BETWEEN CLIENTS AND CONTRACTORS;

(V) CONTRACT ADMINISTRATION; AND

(VI) CONSTRUCTION OBSERVATION.

(6) "Responsible charge CONTROL" means THAT AMOUNT OF control OVER and ~~direction of architectural work within an architect's scope of competence~~ DETAILED KNOWLEDGE OF THE CONTENT OF TECHNICAL SUBMISSIONS AS DEFINED IN SECTION 12-4-110 (2) (c) DURING THEIR PREPARATION AS IS ORDINARILY EXERCISED BY A LICENSED ARCHITECT APPLYING THE REQUIRED STANDARD OF CARE.

SECTION 2. 12-4-103 (1), Colorado Revised Statutes, is amended to read:

12-4-103. State board of examiners of architects - subject to termination - repeal of article. (1) There is created in the division of registrations in the department of regulatory agencies a Colorado state board of examiners of architects, consisting of seven members, four of whom are licensed architects in the state of Colorado, are residents of the state of Colorado, and have been engaged in the practice of architecture for at least three years prior to their appointment, two of whom are residents but are not and have not been licensed architects in the state of Colorado or any other state or engaged in the practice of architecture in the state of Colorado, and one who is a licensed general building contractor in the state of Colorado and is a resident of the state of Colorado. Board members shall be appointed by the governor to serve for not more than two four-year terms of office, expiring February 15. Each board member shall hold office until the expiration of the appointed term or until a successor is duly appointed. ~~Persons holding office on June 15, 1987, are subject to the provisions of section 24-1-137, C.R.S.~~ Any vacancy occurring in the membership of the board shall be filled by the governor by appointment for the remainder of an unexpired term. The governor may remove any member of the board for misconduct, incompetency, or neglect of duty.

SECTION 3. 12-4-104 (5) and (6), Colorado Revised Statutes, are amended to read:

12-4-104. Board - powers. (5) ~~The board shall publish a complete roster annually. The roster shall contain:~~

~~(a) Statutes administered by the board;~~

~~(b) The name, last-known address, and place of business of each architect;~~

~~(c) The location of all technical publications purchased by the board which are made available to the public;~~

~~(d) Rules and regulations of the board;~~

~~(e) Such other pertinent information as the board deems necessary.~~ THE BOARD SHALL COMMUNICATE ANNUALLY IN WRITING TO ALL ARCHITECTS LICENSED PURSUANT TO THIS ARTICLE STATING ANY CHANGES IN BOARD RULES OR THIS TITLE, MAKING SPECIFIC REFERENCE TO ANY CHANGES TO LICENSING REQUIREMENTS ENACTED OVER THE COURSE OF THE PREVIOUS YEAR.

~~(6) A roster shall be filed with the executive director of the department of regulatory agencies and each county clerk and recorder and county building official. The roster shall be mailed to each architect who has remitted the renewal fee for that year and whose name appears in the roster and shall be made available to the public on request and upon payment of the fee established by the board.~~

SECTION 4. 12-4-108 (2), Colorado Revised Statutes, is amended to read:

12-4-108. License renewal - expiration - reinstatement. (2) The license of any architect who fails to pay the license renewal fee shall expire. An expired license may be renewed within ~~two years~~ SIX MONTHS after expiration, upon payment of all fees in arrears; thereafter, the board shall require payment of a reinstatement fee established pursuant to section 24-34-105, C.R.S., and may require reexamination, unless the architect has maintained an active architectural practice in another jurisdiction or otherwise satisfies the board of ~~his~~ THE ARCHITECT'S continued competence.

SECTION 5. 12-4-110 (2) (c), Colorado Revised Statutes, is amended to read:

12-4-110. Partnerships - professional corporations - limited liability companies - requirements. (2) An entity listed in subsection (1.5) of this section may practice architecture, but only if:

(c) All architectural plans, designs, drawings, specifications, or reports ~~which~~ THAT are involved in such practice, issued by or for such entity, bear the seal and signature of an architect in responsible ~~charge~~ CONTROL of, and directly responsible for, such architectural work when issued; and

SECTION 6. 12-4-111 (2) (e), (2) (n), and (5) (a), Colorado Revised Statutes, are amended to read:

12-4-111. Discipline. (2) Grounds for disciplinary action include:

(e) Affixing a seal or allowing a seal to be affixed to any document of which the architect was neither the author nor in responsible ~~charge~~ CONTROL of preparation; or

(n) Failure to render adequate professional control of persons practicing

architecture under the responsible ~~charge~~ CONTROL of a licensed architect; or

(5) **Fines.** (a) In addition to the penalties provided for in subsection (3) of this section, any person violating any provision of this article or any standards or rules or regulations promulgated pursuant to this article may be punished upon a finding of misconduct by the board, made pursuant to article 4 of title 24, C.R.S. ~~as follows:~~

~~(F) In the first administrative proceeding against a licensee, a fine of not less than five hundred dollars nor more than one thousand dollars;~~

~~(H) In any subsequent AN administrative proceeding against a licensee, for transactions occurring after a final agency action determining that a violation of this article has occurred; THE BOARD MAY IMPOSE a fine of not less than one thousand dollars nor more than two NOT MORE THAN FIVE thousand dollars.~~

SECTION 7. 12-4-112 (3), Colorado Revised Statutes, is amended to read:

12-4-112. Exemptions. (3) Nothing in this article shall be construed as curtailing or extending the rights of any other ~~legally recognized~~ profession or craft.

SECTION 8. 12-4-113 (1) (c) (III), Colorado Revised Statutes, is amended, and the said 12-4-113 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

12-4-113. Violations - penalties - injunctions. (1) It is a class 3 misdemeanor for any person, including any corporation, association, or partnership, to:

(c) Without having a license issued under this article:

~~(III) Use in connection with his name or business or otherwise assume, use, or advertise any title or description which will or reasonably might be expected to mislead the public into believing that he is an architect, unless practicing pursuant to section 12-4-112(4) and, if a corporation or partnership or group of persons, meeting the requirements of section 12-4-110;~~

(1.5) NOTHING IN THIS SECTION SHALL PROHIBIT A PERSON WHO IS LICENSED TO PRACTICE ARCHITECTURE IN ANOTHER JURISDICTION OF THE UNITED STATES FROM SOLICITING WORK IN COLORADO. SUCH PERSON SHALL NOT PERFORM THE PRACTICE OF ARCHITECTURE IN THIS STATE WITHOUT FIRST HAVING OBTAINED A LICENSE FROM THE BOARD OR HAVING ASSOCIATED WITH AN ARCHITECT LICENSED IN THIS STATE WHO IS ASSOCIATED WITH THE PROJECT AT ALL STAGES OF THE PROJECT.

(2.5) IF THE BOARD HAS REASONABLE CAUSE TO BELIEVE THAT ANY PERSON IS VIOLATING ANY PROVISION OF THIS SECTION OR ANY LAWFUL RULE OR REGULATION ISSUED UNDER THIS SECTION, IN ADDITION TO ALL OTHER ACTIONS PROVIDED FOR IN THIS ARTICLE AND WITHOUT PREJUDICE THERETO, THE BOARD OR ITS DESIGNEE MAY ENTER AN ORDER REQUIRING SUCH PERSON TO CEASE AND DESIST FROM VIOLATING THIS SECTION OR SUCH RULE OR REGULATION AND, IN ADDITION, MAY REQUEST THAT AN ACTION BE BROUGHT ON RELATION OF THE PEOPLE OF THE STATE OF COLORADO BY THE ATTORNEY GENERAL OR BY THE DISTRICT ATTORNEY OF THE DISTRICT IN WHICH THE VIOLATION IS ALLEGED TO HAVE OCCURRED, TO ENJOIN SUCH PERSON

FROM ENGAGING IN OR CONTINUING SUCH VIOLATION OR FROM DOING ANY ACT IN FURTHERANCE THEREOF. IN ANY SUCH ACTION, AN ORDER OR JUDGMENT MAY BE ENTERED AWARDING SUCH PRELIMINARY OR FINAL INJUNCTION AS MAY BE DEEMED PROPER.

SECTION 9. 12-4-115, Colorado Revised Statutes, is amended to read:

12-4-115. Use of title. (1) No person preparing plans and specifications for or construction contracts for the administration of any alteration, remodeling, or repair of any building shall use the title "architect" ~~nor any derivative thereof, in connection therewith~~ unless he SUCH PERSON has been licensed as an architect pursuant to this article.

(2) ~~The word "architect" or any derivative of the word "architect" shall not be used alone, or in a phrase, in any offer or response to an offer to provide services defined as practice of architecture by section 12-4-102 (5) unless such person is an architect licensed under this article.~~

(3) ANY LISTING OR ADVERTISEMENT BY AN ARCHITECT IN ANY COLORADO PUBLICATION SHALL INCLUDE THE COLORADO LICENSE NUMBER OF THE ARCHITECT.

SECTION 10. 12-4-116 (1) (a), (1) (b), and (1) (c), Colorado Revised Statutes, are amended, and the said 12-4-116 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

12-4-116. Architect's stamp. (1) The use of an architect's stamp shall be subject to the following:

(a) The stamp, ~~and the~~ signature of the architect whose name appears on the stamp, AND DATE OF THE SIGNATURE OF SUCH ARCHITECT shall be placed on reproductions of drawings to establish a record set of contract documents. The record set shall be prominently identified and shall be for the permanent record of the architect, the project owner, and the regulatory authorities who have jurisdiction over the project.

(b) The stamp AND THE DATE THE DOCUMENT IS STAMPED shall be placed on each reproduction of drawings ~~which is~~ prepared under the direct supervision of the architect and on the cover, title page, and table of contents of specifications. Subsequent issues of addenda, revisions, clarifications, or other modifications shall be properly identified AND DATED for the record set. Where consultant drawings and specifications are incorporated into the record set, they shall be clearly identified by consultant stamps or other means AND DATED in accordance with law to distinguish proper reference to origination.

(c) EXCEPT AS REQUIRED FOR COMPLIANCE WITH A FEDERAL CONTRACT, the stamp shall not be placed on reproducible drawings which are used for multiple copies or on reproducible drawings which are transferred away from the architect's possession and supervision.

(e) ONE ORIGINAL DOCUMENT MAY BE STAMPED, SIGNED, AND DATED PURSUANT TO THE REQUIREMENTS OF FEDERAL GOVERNMENT CONTRACTS.

SECTION 11. 12-4-117, Colorado Revised Statutes, is amended to read:

12-4-117. Notification to board. Each architect shall notify the board of any action or arbitration in which claims regarding the life safety of the occupants of the building are made. Such notification shall be made within ninety days of notice to the architect of such action or arbitration. ~~Any action or arbitration in such claims pending on July 1, 1986, shall be reported to the board within ninety days of the issuance of the roster provided for in section 12-4-104(5).~~

SECTION 12. Effective date - applicability. This act shall take effect July 1, 1998, and shall apply to acts occurring on or after said date.

SECTION 13. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 22, 1998