



# LAWS OF ALASKA

## 2000

**Source**  
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**Chapter No.**  
38

### AN ACT

Adding limited liability companies and limited liability partnerships to the organizations that can be authorized to practice architecture, engineering, land surveying, and landscape architecture; relating to the review of drawings and specifications for compliance with building codes; and relating to state and municipal contracts for architectural, engineering, land surveying, and landscape architectural services.

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**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

THE ACT FOLLOWS ON PAGE 1

**Approved by the Governor:** May 11, 2000  
**Actual Effective Date:** August 9, 2000

AN ACT

1 Adding limited liability companies and limited liability partnerships to the organizations that can  
2 be authorized to practice architecture, engineering, land surveying, and landscape architecture;  
3 relating to the review of drawings and specifications for compliance with building codes; and  
4 relating to state and municipal contracts for architectural, engineering, land surveying, and  
5 landscape architectural services.

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8 \* Section 1. AS 08.48.101(a) is amended to read:

9 (a) The board may adopt regulations to carry out the purpose of this chapter,  
10 including [, BUT NOT LIMITED TO]

11

(1) describing the contents of an examination;

12

(2) establishing the conduct of an examination;

13

(3) establishing a minimum score for passing an examination;

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1 (4) establishing bylaws governing its meetings and activities;

2 (5) publishing a code of ethics or professional conduct for those  
3 persons regulated by this chapter, including corporations, limited liability companies,  
4 and limited liability partnerships under AS 08.48.241.

5 \* Sec. 2. AS 08.48.111 is amended to read:

6 **Sec. 08.48.111. Power to revoke, suspend, or reissue certificate.** The board  
7 may suspend, refuse to renew, or revoke the certificate of or reprimand a registrant,  
8 [OR] corporation, limited liability company, or limited liability partnership who is  
9 found guilty of (1) fraud or deceit in obtaining a certificate; (2) gross negligence,  
10 incompetence, or misconduct in the practice of architecture, engineering, land  
11 surveying, or landscape architecture; or (3) a violation of this chapter, a regulation  
12 adopted under this chapter, or the code of ethics or professional conduct as adopted  
13 by the board. The code of ethics or professional conduct shall be distributed in writing  
14 to every registrant and applicant for registration under this chapter. This publication  
15 and distribution of the code of ethics or professional conduct constitutes due notice to  
16 all registrants. The board may revise and amend its code and, upon doing so, shall  
17 immediately notify each registrant in writing of the revisions or amendments. The  
18 board may, upon petition of the registrant, [OR] corporation, limited liability  
19 company, or limited liability partnership, reissue a certificate if a majority of the  
20 members of the board vote in favor of the reissuance.

21 \* Sec. 3. AS 08.48.231(a) is amended to read:

22 (a) To remain valid, certificates shall be renewed in accordance with  
23 AS 08.01.100. Notice of renewal dates, given under AS 08.01.050(a)(11), shall be  
24 mailed to the registrant, [OR] corporation, limited liability company, or limited  
25 liability partnership at the registrant's, [OR] corporation's, limited liability  
26 company's, or limited liability partnership's last known address at least one month  
27 in advance of the date of the expiration of the certificate. If the certificate has been  
28 suspended or revoked, the board may take action independent of this section.

29 \* Sec. 4. AS 08.48.241 is amended to read:

30 **Sec. 08.48.241. Corporations, limited liability companies, and limited**  
31 **liability partnerships.** (a) This chapter does not prevent a corporation, limited

1 liability company, or limited liability partnership from offering architectural,  
2 engineering, land surveying, or landscape architectural services; however, the  
3 corporation, limited liability company, or limited liability partnership shall file with  
4 the board

5 (1) an application for a certificate of authorization upon a form to be  
6 prescribed by the board and containing information required to enable the board to  
7 determine whether the corporation, limited liability company, or limited liability  
8 partnership is qualified in accordance with the provisions of this chapter to offer to  
9 practice architecture, engineering, land surveying, or landscape architecture in this  
10 state;

11 (2) a certified copy of a resolution of the board of directors of the  
12 corporation, the managing members or manager of the limited liability company,  
13 or the general partners of a limited liability partnership designating persons  
14 holding certificates of registration under this chapter as responsible for the practice of  
15 architecture, engineering, land surveying, or landscape architecture by the corporation,  
16 limited liability company, or limited liability partnership in this state and providing  
17 that full authority to make all final architectural, engineering, land surveying, or  
18 landscape architectural decisions on behalf of the corporation, limited liability  
19 company, or limited liability partnership with respect to work performed by the  
20 corporation, limited liability company, or limited liability partnership in this state  
21 is granted by the board of directors of the corporation, the managing members or  
22 manager of the limited liability company, or the general partners of the limited  
23 liability partnership to the persons designated in the resolution; however, the filing  
24 of this resolution does not relieve the corporation, limited liability company, or  
25 limited liability partnership of any responsibility or liability imposed upon it by law  
26 or by contract;

27 (3) a designation in writing setting out the name of one or more  
28 persons holding certificates of registration under this chapter who are in responsible  
29 charge of each major branch of the architectural, engineering, land surveying, or  
30 landscape architectural activities in which the corporation, limited liability company,  
31 or limited liability partnership specializes in this state; if a change is made in the

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1 person in responsible charge of a major branch of the architectural, engineering, land  
2 surveying, or landscape architectural activities, the change shall be designated in  
3 writing and filed with the board within 30 days after the effective date of the change.

4 (b) Upon filing with the board the application for certificate of authorization,  
5 certified copy of resolution, affidavit, and designation of persons specified in this  
6 section, the board shall, subject to (c) of this section, issue to the corporation, limited  
7 liability company, or limited liability partnership a certificate of authorization to  
8 practice architecture, engineering, land surveying, or landscape architecture in this state  
9 upon a determination by the board that

10 (1) the bylaws of the corporation, the articles of organization or  
11 operating agreement of the limited liability company, or the partnership  
12 agreement of the limited liability partnership contain provisions that all  
13 architectural, engineering, land surveying, or landscape architectural decisions  
14 pertaining to architectural, engineering, land surveying, or landscape architectural  
15 activities in this state will be made by the specified architect, engineer, land surveyor,  
16 or landscape architect in responsible charge, or other registered architects, engineers,  
17 land surveyors, or landscape architects under the direction or supervision of the  
18 architect, engineer, land surveyor, or landscape architect in responsible charge;

19 (2) the application for certificate of authorization states the type of  
20 architecture, engineering, land surveying, or landscape architecture practiced or to be  
21 practiced by the corporation, limited liability company, or limited liability  
22 partnership;

23 (3) the applicant corporation, limited liability company, or limited  
24 liability partnership has the ability to provide architectural, engineering, land  
25 surveying, or landscape architectural services;

26 (4) the application for certificate of authorization states the professional  
27 records of the designated person who is in responsible charge of each major branch of  
28 architectural, engineering, land surveying, or landscape architectural activities in which  
29 the corporation, limited liability company, or limited liability partnership  
30 specializes;

31 (5) the application for certificate of authorization states the experience,

1 if any, of the corporation, limited liability company, or limited liability partnership  
2 [, IF ANY,] in furnishing architectural, engineering, land surveying, or landscape  
3 architectural services during the preceding five-year period;

4 (6) the applicant corporation, limited liability company, or limited  
5 liability partnership meets other requirements related to professional competence in  
6 the furnishing of architectural, engineering, land surveying, or landscape architectural  
7 services as may be adopted by the board in furtherance of the objectives and  
8 provisions of this chapter.

9 (c) The board may, in the exercise of its discretion, refuse to issue, or may  
10 suspend or revoke a certificate of authorization to a corporation, limited liability  
11 company, or limited liability partnership if the board finds that any of the  
12 corporation's officers, directors, or incorporators, any of [OR] the stockholders  
13 holding a majority of the stock of the corporation, any of the limited liability  
14 company's organizers, managers, or managing members, or any of the limited  
15 liability partnership's general partners has committed misconduct or malpractice,  
16 or has been found personally responsible for misconduct or malpractice under the  
17 provisions of this chapter.

18 (d) The certificate of authorization must [SHALL] specify the major branches  
19 of architecture, engineering, land surveying, or landscape architecture of which the  
20 corporation, limited liability company, or limited liability partnership has  
21 designated a person in responsible charge as provided in this section. The certificate  
22 of authorization shall be conspicuously displayed in the place of business of the  
23 corporation, limited liability company, or limited liability partnership, together with  
24 the names of persons designated as being in responsible charge of the professional  
25 activities.

26 (e) If a corporation, limited liability company, or limited liability  
27 partnership that is organized solely by either a group of architects, a group of  
28 engineers, a group of land surveyors, or a group of landscape architects, each holding  
29 a certificate of registration under this chapter, applies for a certificate of authorization,  
30 the board may, in its discretion, grant a certificate of authorization to the corporation,  
31 limited liability company, or limited liability partnership based on a review of the

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1 professional records of the incorporators of the corporation, organizers of the limited  
2 liability company, or partners who formed the limited liability partnership [,] in  
3 place of the required qualifications set out in this section. If the ownership of the  
4 corporation is altered, the membership of the limited liability company is altered,  
5 or the partners of the limited liability partnership change, the corporation, limited  
6 liability company, or limited liability partnership shall apply for a revised certificate  
7 of authorization, based upon the professional records of the owners of the  
8 corporation, the members of the limited liability company, or the partners of the  
9 limited liability partnership, if exclusively architects, engineers, land surveyors, or  
10 landscape architects, or otherwise under the qualifications required by (b)(1) - (4) of  
11 this section.

12 (f) A corporation, limited liability company, or a limited liability  
13 partnership authorized to offer architectural, engineering, land surveying, or landscape  
14 architectural services under this chapter, together with its directors, [AND] officers,  
15 managing members, manager, and partners for their own individual acts, is  
16 responsible to the same degree as the designated individual registered architect,  
17 engineer, land surveyor, or landscape architect, and shall conduct its business without  
18 misconduct or malpractice in the practice of architecture, engineering, land surveying,  
19 or landscape architecture as defined in this chapter.

20 (g) If the board, after a proper hearing, finds that a corporation, limited  
21 liability company, or limited liability partnership holding a certificate of  
22 authorization has committed misconduct or malpractice, the board shall suspend or  
23 revoke the certificate of authorization. The board shall also suspend or revoke the  
24 certificate of registration of any registered individual architect, engineer, land surveyor,  
25 or landscape architect who, after a proper hearing, is found by the board to have  
26 participated in committing the misconduct or malpractice.

27 (h) Drawings, specifications, designs, and reports, when issued in connection  
28 with work performed by a corporation, limited liability company, or limited liability  
29 partnership under its certificate of authorization, shall be prepared by or under the  
30 responsible charge of and shall be signed by and [SHALL BE] stamped with the  
31 official seal of a person holding a certificate of registration under this chapter.

1 (i) [Repealed].

2 \* Sec. 5. AS 08.48.241 is amended by adding a new subsection to read:

3 (j) In this section,

4 (1) "manager" has the meaning given in AS 10.50.990;

5 (2) "managing member" has the meaning given in AS 10.50.990.

6 \* Sec. 6. AS 08.48.251 is amended to read:

7 **Sec. 08.48.251. Certain partnerships [PARTNERSHIPS].** This chapter does  
8 not prevent the practice of architecture, engineering, land surveying, or landscape  
9 architecture by a partnership if all of the members of the partnership are architects,  
10 engineers, land surveyors, or landscape architects legally registered under this chapter.

11 **In this section, "partnership" does not include a limited liability partnership.**

12 \* Sec. 7. AS 08.48.281(a) is amended to read:

13 (a) A person may not practice or offer to practice the profession of  
14 architecture, engineering, land surveying, or landscape architecture in the state, or use  
15 in connection with the person's name or otherwise assume or advertise a title or  
16 description tending to convey the impression that the person is an architect, an  
17 engineer, a land surveyor, or a landscape architect, unless the person has been  
18 registered under the provisions of this chapter or is a person to whom these provisions  
19 do not apply, or, in the case of a corporation, **limited liability company, or limited**  
20 **liability partnership**, unless it has been authorized under this chapter.

21 \* Sec. 8. AS 08.48.331(a) is amended to read:

22 (a) This chapter does not apply to

23 (1) a contractor performing work designed by a professional architect,  
24 engineer, or landscape architect or the supervision of the construction of the work as  
25 a supervisor or superintendent for a contractor;

26 (2) workers in building trades crafts, earthwork, grounds keeping, or  
27 nursery operations, and superintendents, supervisors, or inspectors in the performance  
28 of their customary duties;

29 (3) an officer or employee of the United States government practicing  
30 architecture, engineering, land surveying, or landscape architecture as required by the  
31 person's official capacity;

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1 (4) an employee or a subordinate of a person registered under this  
2 chapter if the work or service is done under the direct supervision of a person  
3 registered under this chapter;

4 (5) associates, consultants, or specialists retained by a registered  
5 individual, a partnership of registered individuals, [OR] a corporation, **a limited**  
6 **liability company, or a limited liability partnership** authorized to practice  
7 architecture, engineering, land surveying, or landscape architecture under this chapter,  
8 in the performance of professional services if responsible charge of the work remains  
9 with the individual, the partnership, or a designated representative of the corporation,  
10 **limited liability company, or limited liability partnership**;

11 (6) a person preparing drawings or specifications for

12 (A) a building for the person's own use and occupancy as a  
13 single family residence and related site work for that building;

14 (B) farm or ranch buildings and their grounds [,] unless the  
15 public health, safety, or welfare is involved;

16 (C) a building that is intended to be used only as a residence  
17 by not more than four families and that is not more than two stories high and  
18 the grounds of the building;

19 (D) a garage, workshop, or similar building that contains less  
20 than 2,000 square feet of floor space to be used for a private noncommercial  
21 purpose and the grounds of the building;

22 (7) a specialty contractor licensed under AS 08.18 while engaged in the  
23 business of construction contracting or designing systems for work within the specialty  
24 to be performed or supervised by the specialty contractor, or a contractor preparing  
25 shop or field drawings for work that the specialty contractor has contracted to perform;

26 (8) a person furnishing drawings, specifications, instruments of service,  
27 or other data for alterations or repairs to a building or its grounds that do not change  
28 or affect the structural system or the safety of the building, or that do not affect the  
29 public health, safety, or welfare;

30 (9) a person who is employed by a postsecondary educational  
31 institution to teach engineering, architectural, or landscape architectural courses; in this

1 paragraph, "postsecondary educational institution" has the meaning given in  
2 AS 14.48.210;

3 (10) an officer or employee of an individual, firm, partnership,  
4 association, utility, [OR] corporation, **limited liability company, or limited liability**  
5 **partnership**, who practices engineering involved in the operation of the employer's  
6 business only, and further provided that neither the employee nor the employer offers  
7 engineering services to the public; exclusions under this paragraph do not apply to  
8 buildings or structures whose primary use is public occupancy;

9 (11) a person while involved in revegetation, restoration, reclamation,  
10 rehabilitation, or erosion control for disturbed land;

11 (12) a person while maintaining or directing the placement of plant  
12 material;

13 **(13) an employee, officer, or agent of a regulatory agency of the**  
14 **state or a municipality when reviewing drawings and specifications for compliance**  
15 **with the building codes of the state or a municipality if the drawings and**  
16 **specifications have been signed and sealed by a professional architect or**  
17 **professional engineer or the preparation of the drawings and specifications is**  
18 **exempt under this section from the requirements of this chapter; in this**  
19 **paragraph, "building codes" includes codes relating to building, mechanical,**  
20 **plumbing, electrical, and fire standards.**

21 \* Sec. 9. AS 08.48.341(4) is amended to read:

22 (4) "certificate of authorization" means a certificate issued by the board  
23 authorizing a corporation, **a limited liability company, or a limited liability**  
24 **partnership** to provide professional services in architecture, engineering, land  
25 surveying, or landscape architecture through individuals legally registered by the board;

26 \* Sec. 10. AS 08.48.341 is amended by adding new paragraphs to read:

27 (19) "limited liability company" means an organization organized under  
28 AS 10.50 or a foreign limited liability company; in this paragraph, "foreign limited  
29 liability company" has the meaning given in AS 10.50.990;

30 (20) "limited liability partnership" means an organization registered  
31 under AS 32.05.415 or a foreign limited liability partnership; in this paragraph,

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1 "foreign limited liability partnership" has the meaning given in AS 32.05.990.

2 \* Sec. 11. AS 36.90.100 is amended to read:

3 **Sec. 36.90.100. Contracts for architectural, engineering, [OR] land**  
4 **surveying, or landscape architectural services.** The state or a municipality may not  
5 award a contract for architectural, engineering, [OR] land surveying, **or landscape**  
6 **architectural** services to

7 (1) an individual who is not registered under AS 08.48 to perform the  
8 architectural, engineering, [OR] land surveying, **or landscape architectural** services  
9 required by the contract;

10 (2) a partnership, **except as provided by (3) of this section,** that is not  
11 qualified under AS 08.48.251 to provide the architectural, engineering, [OR] land  
12 surveying, **or landscape architectural** services required by the contract; or

13 (3) a corporation, **limited liability company, or limited liability**  
14 **partnership** that is not authorized under AS 08.48.241 to offer the architectural,  
15 engineering, [OR] land surveying, **or landscape architectural** services required by the  
16 contract.