

**HOUSE BILL NO. 172**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE ANDERSON**

**Introduced: 2/24/05**

**Referred: Labor and Commerce, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to stop orders on building construction using unregistered and**  
2 **nonexempt architects, engineers, land surveyors, or landscape architects."**

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

4 **\* Section 1.** AS 08.48 is amended by adding a new section to read:

5 **Sec. 08.48.298. Building construction stop orders.** (a) If the department  
6 has a reasonable basis to believe that an unqualified person has engaged in the practice  
7 of architecture, engineering, land surveying, or landscape architecture for a building  
8 that is being constructed, the department may stop the construction of the building by  
9 issuing a stop order and serving a copy of the stop order on the owner of the real  
10 property where the building construction is located.

11 (b) The department shall cancel a stop order issued under (a) of this section if

12 (1) a final decision is made in a hearing requested under (c) of this  
13 section that there was not a basis for the stop order;

14 (2) the unqualified person becomes registered under this chapter to

1 engage in the practice of architecture, engineering, land surveying, or landscape  
2 architecture that the person was engaging in for the construction of the building;

3 (3) the owner contracts with a person registered under this chapter to  
4 provide the services that the unqualified person was providing to the building  
5 construction; or

6 (4) a court orders the department to remove the stop order.

7 (c) Within five days after the department serves a stop order under (a) of this  
8 section, the owner may request a hearing on the question of whether an unqualified  
9 person has engaged in the practice of architecture, engineering, land surveying, or  
10 landscape architecture for the building that is being constructed. The request must be  
11 in writing. The department shall hold the hearing within 10 days after the written  
12 request for the hearing has been received by the department unless the person  
13 requesting the hearing requests that the hearing take place at a later date and the  
14 department agrees to the later hearing date.

15 (d) If an owner knowingly fails to comply with a stop order issued under (a) of  
16 this section, the owner is liable to the department for a civil penalty of \$1000 a day. In  
17 this subsection, "knowingly" has the meaning given in AS 11.81.900.

18 (e) In this section,

19 (1) "department" means the Department of Commerce, Community,  
20 and Economic Development;

21 (2) "owner" means the person who is indicated in the documents  
22 recorded under AS 40.17 as being the owner of the real property where the building  
23 being constructed is located; "owner" does not include a person who holds a deed of  
24 trust or other lien securing the purchase price of the real property;

25 (3) "unqualified person" means a person who is not

26 (A) registered under this chapter to engage in the practice of

27 (i) architecture if the person engaged in the practice of  
28 architecture for the construction of the building;

29 (ii) engineering if the person engaged in the practice of  
30 engineering for the construction of the building;

31 (iii) land surveying if the person engaged in the practice

1 of land surveying for the construction of the building; or  
2 (iv) landscape architecture if the person engaged in the  
3 practice of landscape architecture for the construction of the building;  
4 (B) otherwise authorized under the scope of practice of a  
5 certificate of registration issued under this chapter to provide the services the  
6 person provided for the construction of the building; or  
7 (C) exempt under AS 08.48.331 with regard to the construction  
8 of the building.