

1 IN THE HOUSE

BY SMITH AND URION

2 HOUSE BILL NO. 814

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the licensing of building de-
7 signers."

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

9 * Section 1. AS 08 is amended by adding a new chapter to read:

10 CHAPTER 49. BUILDING DESIGNERS.

11 Sec. 08.49.010. BOARD OF BUILDING DESIGNERS. (a) There is
12 created the state Board of Building Designers. The board consists of
13 seven members, one of whom shall be a registered architect, one a
14 registered engineer, three registered building designers, and two
15 members of the public.

16 (b) All persons appointed to the board shall have been residents
17 of Alaska for three years immediately before their appointment.

18 Sec. 08.49.020. APPOINTMENTS AND TERMS. The term of office for
19 board members is six years. Members of the first board shall be ap-
20 pointed by the governor, subject to confirmation by the legislature in
21 joint session, within 90 days after this chapter becomes effective, two
22 members to have two-year terms, three members to have four-year terms,
23 and two members to have six-year terms. A member of the board may be
24 appointed to succeed himself. Each member shall hold office until the
25 expiration of the term for which he is appointed or until his successor
26 has been appointed. If a vacancy occurs on the board due to resigna-
27 tion, death or other cause, the governor shall appoint a qualified
28 person to serve the unexpired term.

29 Sec. 08.49.030. REMOVAL OF MEMBERS. The governor may remove a

1 member of the board for misconduct, incompetency or neglect of duty.

2 Sec. 08.49.040. WRITTEN EXAMINATIONS AND EXAMINATION FEES.

3 Written examinations shall be held at least twice each year at places
4 determined by the board. A candidate failing an examination may apply
5 for reexamination. The examination fee for applicants shall be estab-
6 lished by the board in an amount not to exceed \$50 and shall accompany
7 the application.

8 Sec. 08.49.050. REGULATIONS; BYLAWS; CODE OF ETHICS. (a) The
9 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;
- 14 (4) establishing bylaws governing its meetings and activi-
15 ties;
- 16 (5) publishing a code of ethics or professional conduct for
17 those persons regulated by this chapter.

18 (b) The regulations, bylaws and code of ethics or professional
19 conduct promulgated by the board shall be published in an annual report
20 to the governor.

21 Sec. 08.49.060. DISCIPLINARY ACTION AND PROCEDURE. Any person may
22 file with the secretary of the board a charge of fraud, deceit, gross
23 negligence, incompetence, misconduct or violation of this chapter, a
24 regulation adopted under it, or the code of ethics of the board. Such
25 a charge, constituting an accusation under the Administrative Procedure
26 Act (AS 44.62), shall be in writing and sworn to by the person making
27 it. A charge may be dismissed by the board as unfounded or trivial.

28 Sec. 08.49.070. INJUNCTION. The board may bring an action in the
29 superior court to enforce compliance with this chapter or an order of

1 the board, or to enjoin a person from doing an act that violates this
2 chapter.

3 Sec. 08.49.080. LEGAL COUNSEL. The attorney general of the state
4 shall act as legal advisor to the board and render legal assistance upon
5 request of its president.

6 Sec. 08.49.090. GENERAL REQUIREMENTS AND QUALIFICATIONS FOR
7 REGISTRATION. An applicant for registration as a building designer must
8 be of good character and reputation and must submit evidence satis-
9 factory to the board of his education, training and experience.

10 Sec. 08.49.100. REQUIREMENTS FOR REGISTRATION. (a) Except as
11 provided in (b) of this section, an applicant may become registered if
12 he has fulfilled one or more of the following requirements:

13 (1) he has completed four or more years of study and has one
14 or more years of experience;

15 (2) he has completed three or more years of study and two or
16 more years of experience;

17 (3) he has completed two or more years of study and three or
18 more years of experience;

19 (4) he has six or more years of experience; or

20 (5) for a period of three or more years before the enactment
21 of this chapter, he regularly represented himself to the public to be a
22 building designer engaged in the practice or teaching of building
23 design.

24 (b) A person who qualifies for registration under (a)(5) of this
25 section is entitled to receive, without examination, a license to
26 practice building design if he files an application within one year of
27 enactment of this chapter. All other applicants are required to suc-
28 cessfully complete the examination required by the board.

29 Sec. 08.49.110. REGISTRATION BY COMITY OR ENDORSEMENT. A person

1 holding a certificate of registration authorizing him to practice as a
2 building designer in a state, territory or possession of the United
3 States, the District of Columbia, or a foreign country, may, upon ap-
4 plication, be registered in accordance with the regulations of the board
5 if his certificate was issued under requirements comparable to those in
6 this state.

7 Sec. 08.49.120. CERTIFICATE OF REGISTRATION. (a) An applicant
8 who fulfills the requirements set out by the board shall be awarded a
9 certificate of registration as a building designer, authorizing the
10 holder to offer or perform building design services or work for the
11 public. Certificates of registration issued under this section shall be
12 inscribed on their face in a manner determined by the board.

13 (b) The certificate of registration sealed by the board is prima
14 facie evidence that the person named in it is entitled to all rights and
15 privileges of a building designer while the certificate remains unre-
16 voked or unexpired.

17 Sec. 08.49.130. PROHIBITED PRACTICE. No person may practice or
18 offer to practice building design in Alaska, as defined in this chapter,
19 or use in connection with his name or otherwise assume or advertise a
20 title or description tending to convey the impression that he is a
21 registered building designer unless he has been registered under the
22 provisions of this chapter or is a person to whom these provisions do
23 not apply.

24 Sec. 08.49.140. REVOCATION. The board has the power to revoke the
25 certificate of registration of any registrant who

- 26 (1) violates a provision of this chapter;
27 (2) commits fraud or deceit in obtaining a certificate of
28 registration;
29 (3) is guilty of gross negligence, incompetency, or

1 misconduct in the practice of building design;

2 (4) holds himself out to the public as an engineer or making
3 use of the words "engineer", "engineered", "professional engineer",
4 "P.E.", or other terms tending to create the impression that the regis-
5 trant is authorized to practice engineering or any other profession
6 unless he is licensed under ch. 48 of this title;

7 (5) holds himself out to the public as an architect or making
8 use of the words "architect", "architectural", "registered architect",
9 or other terms tending to create the impression that the registrant is
10 authorized to call or represent himself as an architect or other pro-
11 fessional unless he is licensed under ch. 48 of this title;

12 (6) performs the services of a building designer for a
13 structure in excess of four stories in height without associating
14 himself with a licensed architect or engineer before performing those
15 services.

16 Sec. 08.49.150. VIOLATIONS AND PENALTIES. A person who represents
17 himself to be a building designer without being a registered building
18 designer or registered architect, or any person presenting or attempting
19 to use as his own, the certificate of registration or the seal of
20 another, or a person who gives false or forged evidence of any kind to
21 the board in obtaining or assisting in attaining for another a certi-
22 ficate of registration, or a person who violates a provision of this
23 chapter is guilty of a misdemeanor and upon conviction is punishable by
24 a fine of not more than \$5,000, or by imprisonment for not more than one
25 year, or by both.

26 Sec. 08.49.160. ASSOCIATION WITH ARCHITECTS OR ENGINEERS. Nothing
27 in this chapter prevents the association of a registered building
28 designer with an architect or engineer registered in this state, in a
29 partnership, corporation, or joint venture, so long as the building

1 designer does not represent himself to practice architecture or engi-
2 neering.

3 Sec. 08.49.170. DEFINITIONS. In this chapter, unless the context
4 requires otherwise,

5 (1) "associate with an engineer or architect" means to be in
6 the employ of, or under the supervision of, or requiring the approval
7 of, a registered engineer or architect;

8 (2) "board" means the Alaska Board of Building Designers;

9 (3) "building design" means the performance of professional
10 services of consultation, investigation, research, preparation of
11 general development and detailed design plans, working drawings, stu-
12 dies, specifications, and responsible inspections, in connection with
13 the construction, enlargement, alteration, or remodeling of buildings,
14 environs, or structures not exceeding four stories in height;

15 (4) "building designer" means a person who has met the
16 qualification and examination requirements of this chapter;

17 (5) "experience" means work in building design in the office
18 of a building designer, architect or engineer registered in Alaska;

19 (6) "study" means enrollment in classes in architecture,
20 architectural design or architectural engineering in an accredited
21 university, college or trade school.

22 Sec. 08.49.180. EXEMPTIONS. The provisions of this chapter do not
23 apply to nor affect laws relating to registered professional engineers,
24 architects and landscape architects. All persons, firms, or corpora-
25 tions that are exempt from laws relating to regulation and registration
26 of architects are also exempt from the provisions of this chapter.

27 * Sec. 2. AS 08.01.010 is amended by adding a new paragraph to read:

28 (21) Board of Building Designers
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