

CHAPTER 48

S.B. No. 273

An Act relating to the regulation of architects; providing for fees and penalties; amending Chapter 478, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 249a, Vernon's Texas Civil Statutes), by adding Subsection (d), Section 6, and amending Subsection (c), Section 7, and Sections 11 and 13.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 6, Chapter 478, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 249a, Vernon's Texas Civil Statutes), is amended by adding Subsection (d) to read as follows:

“(d). An out-of-state applicant who applies for examination in this State shall pay an examination fee in an amount fixed by the Board, not to exceed \$100.”

SECTION 2. Subsection (c), Section 7, Chapter 478, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 249a, Vernon's Texas Civil Statutes), is amended to read as follows:

"(c). The Board shall accept for examination, an applicant, although not a graduate as above required, who possesses all of the other qualifications and furnishes evidence acceptable to the Board of his having completed not less than eight years' satisfactory experience in architecture in the office or offices of one or more legally practicing architects, or any combination of architectural schooling and experience totaling eight years [~~]; provided, however, in accordance with its rules and regulations, the Board may permit such applicant to take the qualifying test for the examination after five years of such experience.~~]"

SECTION 3. Section 11, Chapter 478, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 249a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 11. Registration certificates of architects issued in accordance with this Act shall remain in full force and effect until expiration date unless revoked or suspended for cause as herein provided. The registration certificate and right of any person to practice architecture in this State may be revoked and cancelled by the Texas Board of Architectural Examiners after due notice and hearing and upon the proof of the violation of the law in any respect in regard thereto, or for any cause for which the Texas Board of Architectural Examiners is authorized to refuse to grant registration certificates, or for proof of gross incompetency, or for recklessness in the construction of buildings on the part of the architect designing, planning, or supervising the construction or alteration of same, or for dishonest practice on the part of the holder of such registration certificate. The action of the Board in revoking and cancelling such registration certificate or in refusing to grant a certificate, may be appealed in the manner provided by the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes) [to a District Court in the County of residence of the aggrieved party, and such appeal shall be trial de novo as in cases from the justice court to the county court]."

SECTION 4. Section 13, Chapter 478, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 249a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 13. (a). If any person or firm shall, for a fee or other direct compensation, pursue the practice of the profession of architecture in this State as herein defined, or shall engage in this State in the profession or business of planning, designing, or supervising the construction of buildings to be erected or altered by or for other persons than himself, herself, or themselves, and shall advertise, or put out any sign, card, or drawings in this State designating himself, herself, or themselves as an architect, architectural designer, or other title of profession or business using some form of the word 'Architect' without first having complied with the provisions of this Act; such person, or the members of such firm, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-five Dollars (\$25.00) and not more than Two Hundred Dollars (\$200.00) for each offense; and each and every day of violation of this Act as above set forth shall constitute a separate offense.

"(b). The penalty provided by this Section is in addition to any other penalty provided by law. The Board may be represented by a district attorney, a county attorney, or by other counsel as necessary."

SECTION 5. This Act takes effect September 1, 1985.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on February 12, 1985, by a viva-voce vote; passed the House on April 10, 1985, by a non-record vote.

Approved: April 25, 1985

Effective: September 1, 1985