



ADMINISTRATIVE LAWS

NOTE ON LAW CHANGES

The most current Arkansas State Board of Architects, Landscape Architects, and Interior Designers (ASBALAID) Administrative Laws can be found on the ASBALAID website at www.asbalaid.arkansas.gov.



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Arkansas State Board of Architects, Landscape Architects, and Interior Designers

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Administrative Laws

The Arkansas Architectural Act, Arkansas Landscape Architectural Practice Act, and Arkansas Registered Interior Designers Title Registration Act and its regulations are being provided as a reference to licensees, candidates, and members of the public in this up-to-date format. All licensees and candidates for licensure should understand the board's statutes and regulations and should be familiar with their provisions. While every effort has been made to ensure the accuracy of this document, it does not have legal effect. Should any difference or error occur, the law will take precedence.

If you have a question regarding the interpretation of these statutes and regulations, please contact the Arkansas State Board of Architects, Landscape Architects, and Interior Designers at 101 East Capitol Avenue, Suite 110, Little Rock, AR, 72201-2822. The board can be reached by telephone at (501) 682-3171, by fax (501) 682-3172, or by email at asbalaid@arkansas.gov.

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ARKANSAS ARCHITECTURAL ACT

SUBCHAPTER 1 – GENERAL PROVISIONS

17-15-101. Title.

This chapter may be known and cited as the "Arkansas Architectural Act".

17-15-102. Definitions.

As used in this chapter, unless the context otherwise requires:

(1) "Architect" means a person who is technically and legally qualified to practice architecture;

(2) "Direct supervision" means that degree of supervision by a person overseeing the work of another whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his or her supervision;

(3) (A) "Good moral character" means character that will enable a person to discharge the fiduciary duties of an architect to his or her client and to the public for the protection of health, safety, and welfare.

(B) Evidence of inability to discharge such duties includes the commission of an offense justifying discipline under § 17-15-308;

(4) (A) (i) "Practice of architecture" means the provision of, or offering to provide, services in connection with the design and construction, enlargement, or alteration of a building or group of buildings, and the space within and surrounding such buildings, which is designed for human occupancy or habitation.

(ii) The services include:

(a) Planning;

(b) Providing preliminary studies, designs, drawings, specifications, and other technical submissions; and

(c) Administration of construction contracts.

(B) The "practice of architecture" does not include the practice of engineering as defined in the Arkansas Engineering Act, § 17-30-101 et seq., or the practice of contracting as defined in the Contractors Licensing Law, § 17-25-101 et seq., but a registered architect may perform such engineering work as is incidental to the practice of architecture, and an engineer may practice such architectural work as is incidental to the practice of engineering.

(C) The provisions of this chapter affirm the legal authority of an engineer licensed under the Arkansas Engineering Act, § 17-30-101 et seq., to provide consultation, investigation, evaluation, planning, and design of buildings intended for the accommodation of equipment, vehicles, goods, or processes or other utilitarian function, with human occupancy including office space as required for the support of these functions, provided the engineer is practicing within his or her area of competency as defined in the Arkansas Engineering Act, § 17-30-101 et seq.;

(5) "Registered architect" means an architect holding a current registration in the State of Arkansas;

(6) "Registration" means the certificate of registration issued by the Arkansas State Board of Architects, Landscape Architects, and Interior Designers; and

(7) "Technical submissions" means drawings, specifications, studies, and other technical reports prepared in the course of practicing architecture.

17-15-103. Penalties.

A person shall be guilty of a Class B misdemeanor each day of the unlawful practice to constitute a distinct and separate offense if that person:

(1) Practices or offers to practice the profession of architecture in this state without being registered or exempted therefrom in accordance with the provisions of this chapter;

(2) Gives any false or forged evidence of any kind to the Arkansas State Board of Architects, Landscape Architects, and Interior Designers or to any member thereof for the purpose of obtaining a certificate of registration;

(3) Falsely impersonates any other registrant of like or different name;

(4) Attempts to use an expired or revoked certificate of registration; or

(5) Violates, or aids or abets any violation of, any of the provisions of this chapter.

17-15-104. Enforcement.

(a) It shall be the duty of all duly constituted officers of the law in this state, and of all political subdivisions, to enforce the provisions of this chapter and to prosecute any persons violating its provisions.

(b) The Attorney General or his or her assistants shall act as legal advisors to the Arkansas State Board of Architects, Landscape Architects, and Interior Designers and shall render any legal assistance that may be necessary in carrying out the provisions of this chapter. The board, in its discretion, may employ other legal assistance that it may require.

17-15-105. Injunctions.

(a) The violation of any provision of this chapter, and the construction of any structure in violation of its provisions, or any of them, is declared to constitute a nuisance and a threat to the public health and welfare and may be enjoined by the Arkansas State Board of Architects, Landscape Architects, and Interior Designers in the circuit courts of this state, even though the violation may be punishable by fine, the intention of this section being to provide a speedy means of protecting the public.

(b) The board shall not be required to execute or give a bond for cost, indemnity, or stay, as a condition to the issuance of a restraining order or injunction, either temporary or permanent, in any court of this state.

SUBCHAPTER 2 – ARKANSAS STATE BOARD OF ARCHITECTS

17-15-201. Members.

A. (a) (1) The Arkansas State Board of Architects, Landscape Architects, and Interior Designers shall consist of nine (9) members, appointed by the Governor and confirmed by the Senate for terms of five (5) years, or until their successors are duly appointed and qualified.

(2) At least thirty (30) days prior to the expiration of the term of appointment of any board member, other than those of the members appointed from the general public, professional societies and associations representing the three (3) design professions may submit to the Governor the

names of three (3) persons of recognized ability who have the qualifications prescribed for board members for appointment from that profession for consideration.

(b) (1) Each member of the board shall be a citizen of the United States and a resident of this state.

(2) Five (5) members shall be architects of recognized standing who have been engaged in the independent practice of architecture for at least ten (10) years before appointment.

(3) (A) Two (2) members shall not be actively engaged in or retired from the profession of architecture, interior design, or landscape architecture.

(B) The two (2) members shall represent consumers, and both shall be appointed from the state at large subject to confirmation by the Senate.

(C) The two (2) positions may not be held by the same person. Both shall be full voting members but shall not participate in the grading of examinations.

(4) One (1) member shall be a landscape architect licensed by the board under § 17-36-301 et seq.

(5) One (1) member shall be a registered interior designer registered by the board under § 17-35-301 et seq.

(c) Each member of the board shall receive a certificate of his or her appointment from the Governor and before beginning his or her term of office shall file with the Secretary of State his or her written oath for the faithful discharge of his or her duties.

(d) (1) By due process of law, the Governor may remove any member of the board for misconduct, incompetency, neglect of duty, or for any malfeasance in office.

(2) Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the Governor as provided for in subsection (b) of this section.

(3) If the Governor does not name a successor for an unexpired term or fill a vacancy within three (3) months after the term of a member has expired or a

vacancy occurred, then the remaining members of the board shall be empowered to, and may, fill the vacancy by electing a member having the qualifications required by subsection (b) of this section to serve out the vacant term.

(e) Each member of the board may receive expense reimbursement under § 25-16-901 et seq.

17-15-202. Organization and proceedings.

(a) The Arkansas State Board of Architects, Landscape Architects, and Interior Designers shall hold at least two (2) meetings each year for the purpose of examining the candidates for registration and license. Special meetings shall be held at such times as the regularly adopted rules of the board provide.

(b) Five (5) members of the board shall constitute a quorum, but no action may be taken without at least three (3) votes in accord.

(c) The board shall adopt and have an official seal.

(d) (1) The board shall annually elect a president, a secretary, and a treasurer.

(2) The offices of secretary and treasurer may be held by the same person, and there may be included in the election, if deemed advisable by the board, a vice president.

(e) All expenses incurred by the board for the administration of this chapter, § 17-35-101 et seq., and § 17-36-101 et seq. are to be defrayed by revenues provided for in this chapter, § 17-35-101 et seq., and § 17-36-101 et seq.

17-15-203. Duties and powers.

(a) (1) The Arkansas State Board of Architects, Landscape Architects, and Interior Designers shall make such rules as may be desirable or necessary for the performance of its duties and for carrying out the purposes of this chapter, § 17-35-101 et seq., and § 17-36-101 et seq.

(2) The board may bring suit in its proper name to enforce, or restrain the violation of, any provision of this chapter, § 17-35-101 et seq., and § 17-36-101 et seq.

(b) (1) In carrying into effect the provisions of this chapter, § 17-35-101 et seq., and § 17-36-101 et seq., the board, under the hand of its president and the seal of the board, may:

(A) Subpoena witnesses and compel their attendance; and

(B) Require the production of books, papers, documents, etc., in a case involving revocation of registration.

(2) The president or the secretary may administer oaths or affirmations to witnesses appearing before the board.

(3) (A) If a person refuses to obey a subpoena issued by the board or refuses to testify or produce books, papers, or other documents, the board may present its petition to a court of record, setting forth the facts.

(B) The court shall, in a proper case, issue its subpoena to the person requiring his or her attendance before the court to testify or produce the books, papers, and documents as may be deemed necessary and pertinent.

(C) A person failing or refusing to obey the subpoena or order of the court may be proceeded against in the same manner as for refusal to obey any other subpoena.

(c) The board or a committee thereof is entitled to the services of the Attorney General and the services of the prosecuting attorneys for the county and district in which enforcement is required. The board may employ legal advice necessary for the proper conduct of its affairs.

(d) (1) Once a complaint has been received in the office of the board, the board shall send notice in accordance with § 25-15-208(a)(2) to the person or entity allegedly committing the violation informing the person or entity that if the person or entity fails to respond to the notice, the board will hold a hearing on the alleged violation. The board shall take appropriate action upon receiving the reply.

(2) (A) (i) After providing notice and a hearing, the board may levy civil penalties, in an amount not to exceed five thousand dollars (\$5,000) for each violation, against those individuals or entities found to be in violation of this chapter, § 17-35-101 et seq., § 17-36-101 et seq., or rules promulgated thereunder.

(ii) All revenue received under this section shall be deposited into one (1) or more financial institutions in the state and shall be used for the purposes of defraying the expenses of the board as required for carrying out the provisions of this chapter, § 17-35-101 et seq., and § 17-36-101 et seq.

(iii) These penalties shall be in addition to other penalties that may be imposed by the board under this chapter, § 17-35-101 et seq., or § 17-36-101 et seq.

(iv) Unless the penalty assessed under this section is paid within fifteen (15) days following the date for an appeal from the order, the board shall have the power to file suit in the Pulaski County Circuit Court to obtain a judgment for the amount of penalty not paid.

(B) All actions taken by the board shall comply with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

17-15-204. Records and reports.

(a) The Arkansas State Board of Architects, Landscape Architects, and Interior Designers shall keep a record of its proceedings and a register of all applications for registration that shall show:

- (1)** Name, age, and residence of the applicant;
- (2)** Date of application;
- (3)** Educational and other qualifications;
- (4)** Whether or not an examination was required;
- (5)** Whether the applicant was rejected;
- (6)** Whether a certificate of registration was granted;
- (7)** Date of the action of the board; and
- (8)** Any other information as may be deemed necessary by the board.

(b) A roster showing the names, addresses, and places of business of all registered architects, registered landscape architects, and registered interior designers shall be prepared by the secretary of the board at least once each year.

17-15-205. Continuing Education.

(a) The Arkansas State Board of Architects, Landscape Architects, and Interior Designers may adopt regulations setting minimum standards of continuing education to

ensure that all registered architects, registered landscape architects, and registered interior designers remain informed of those technical and professional subjects that the board deems appropriate.

(b) The board may by rules describe the methods by which such standards may be satisfied, and may provide that failure to satisfy the minimum standards shall be grounds for nonrenewal of the certificate of registration.

SUBCHAPTER 3 – REGISTRATION AND LICENSING

17-15-301. License required.

In order to safeguard life, health, and property, no person shall practice architecture in this state, or engage in preparing plans, specifications, or preliminary data for the erection or alteration of any building located within the boundaries of this state, or use the title "architect", or display or use any title, sign, card, advertisement, or other device to indicate that the person practices or offers to practice architecture, or is an architect, unless the person shall have secured from the Arkansas State Board of Architects, Landscape Architects, and Interior Designers a certificate of registration and license in the manner hereinafter provided and shall thereafter comply with the provisions of this chapter governing the registration and licensing of architects.

17-15-302. Exemption.

(a) The following shall be exempt from the provisions of this chapter:

(1) A professional engineer, as defined in § 17-30-101, but only for work incidental to engineering practice if the professional engineer does not use the designation "architect" or any related term;

(2) Employees of those lawfully practicing architecture who are acting under the instruction, control, or supervision of their employer;

(3) Officers and employees of the government of the United States while engaged within this state in the practice of architecture for the government;

(4) Residents of this state who do not use the title "architect" or any term derived therefrom who act as designers for:

(A) Buildings that are to be constructed for personal use, such as residences, if the buildings are not intended or adaptable for public employment, assembly, or any other use under which they will be open to the public;

(B) Single family detached, duplex, triplex, and quadruplex dwellings; or

(C) Buildings whose total cumulative and fair market value to complete, not including site, does not exceed one hundred thousand dollars (\$100,000); and

(5) Owners and employees of planing mills, woodworking establishments, sash and door manufacturers, and jobbers in the designing, planning, detailing, and preparation of data on millwork, woodwork, and cabinetwork, provided they do not use the designation "architect" or any term derived therefrom.

(b) (1) The terms of this chapter shall not apply to:

(A) Any public school district exempted from the provisions of this chapter; or

(B) Every public school district embracing a city with a population in excess of thirty thousand (30,000) which maintains a full-time superintendent of buildings with engineering and architectural experience.

(2) This exception shall only apply:

(A) If the total cumulative and fair market value to complete the repair and maintenance of buildings already constructed and alterations thereof does not exceed the sum of one hundred thousand dollars (\$100,000); and

(B) If the total cumulative and fair market value to complete the new structures will not exceed the sum of one hundred thousand dollars (\$100,000).

(c) The provisions of this chapter shall not apply to any public school district, place of assembly, daycare, church, or building not more than one (1) story high where:

(1) The total cumulative and fair market value to complete the building, alteration, or structure does not exceed the sum of one hundred thousand dollars (\$100,000); and

(2) The plans are approved by the State Fire Marshal.

17-15-303. Partnerships and corporations.

(a) A partnership or a corporation may be admitted to practice architecture in this state if:

(1) Two-thirds (2/3) of the partners, if a partnership, or two-thirds (2/3) of the directors, if a corporation, are registered under the laws of any state to practice architecture or engineering; and

(2) The person having the practice of architecture in his or her charge is himself or herself a partner, if a partnership, or a director, if a corporation, and registered to practice architecture in this state.

(b) The Arkansas State Board of Architects, Landscape Architects, and Interior Designers is authorized to require by regulation any partnership or corporation practicing architecture in this state to file information concerning its officers, directors, beneficial owners, and other aspects of its business organization upon such forms as the board prescribes.

17-15-304. Examinations.

(a) To be registered and licensed, an applicant must pass an examination for licensure.

(b) (1) To be qualified for admission to an examination to practice architecture in the State of Arkansas, an applicant must be at least twenty-one (21) years of age and of good moral character.

(2) In addition, the applicant shall have all the qualifications required for admission to either the written examination or the senior examination of the National Council of Architectural Registration Boards.

(c) The Arkansas State Board of Architects, Landscape Architects, and Interior Designers is empowered to make all necessary rules and regulations governing the content, grading, time, place, and method of conducting the examinations and may adopt the examinations and recommended grading procedures of the National Council of Architectural Registration Boards.

17-15-305. Certification generally.

(a) Upon payment of the proper fee under this chapter, the Arkansas State Board of Architects, Landscape Architects, and Interior Designers shall issue a certificate of registration and license to an applicant who:

(1) In the opinion of the board, has satisfactorily met all the requirements of this chapter; or

(2) (A) Has been previously issued certificates of registration and license by a

body created under legislative enactment of the State of Arkansas.

(B) Certificates shall show a license number and the full name of the registrant and shall bear the signatures of the president and secretary and the seal of the board.

(b) (1) Issuance of a certificate of registration by the board is evidence that the person named in the certificate of registration is entitled to all the rights and privileges of a registered architect while the certificate remains unexpired and unrevoked.

(2) Certification is synonymous with registration, with the full meaning and effect of a license to practice architecture.

(c) Certificates of registration shall expire on July 31 of each year and shall become invalid on that date unless renewed.

(d) Renewal may be effected at any time during the month of July by payment of the renewal fee under § 17-15-311.

(e) Upon issuing the initial certificate of registration, the board shall include a copy of the Arkansas Architectural Act, § 17-15-101 et seq. The licensee shall return a signed form to the board stating that he or she has read and understands the Arkansas Architectural Act, § 17-15-101 et seq.

17-15-306. [Repealed.]

17-15-307. Official seal.

(a) Upon registration, each registrant hereunder shall obtain a seal of such design as the Arkansas State Board of Architects, Landscape Architects, and Interior Designers shall authorize and direct. Plans and specifications prepared by, or under the direct supervision of, a registered architect shall be stamped with this seal during the life of the registrant's certificate. It shall be unlawful for anyone to stamp or seal any documents with the seal after the certificate of the registrant named thereon has expired or has been revoked unless the certificate shall have been renewed or reissued.

(b) No official of this state, or of any county, city, town, or village, now or hereafter charged with the enforcement of laws, ordinances, or regulations relating to the construction or alteration of buildings, shall accept or approve any plans or specifications which have not been prepared and submitted in full accord with all the provisions of this chapter. Nor shall any payment be approved by any public body for any work, the plans and specifications for which have not been so prepared and signed and sealed by the author.

17-15-308. Grounds for revocation.

The Arkansas State Board of Architects, Landscape Architects, and Interior Designers may revoke the certificate of registration and license of an architect upon proof that:

(1) The holder of the certificate of registration or license is practicing in violation of this chapter or of the proper rules of the board governing this chapter;

(2) The license or certificate of registration has been obtained by fraud or misrepresentation or the person named therein has obtained it by fraud or misrepresentation;

(3) Money other than the regular fees provided for has been paid for the license or certificate of registration;

(4) The holder of the license or certificate of registration is falsely impersonating a practitioner or former practitioner of a like or different name or is practicing under an assumed or fictitious name;

(5) The holder of the license or certificate of registration has been guilty of a felony;

(6) The holder of the license or certificate of registration has aided or abetted in the practice of architecture a person not duly authorized to practice architecture under this chapter;

(7) The holder of the license or certificate of registration has been guilty of fraud or deceit or of gross negligence or misconduct in the practice of architecture;

(8) The holder of the certificate of registration or license has been guilty of gross incompetency or recklessness in the construction or designing of buildings;

(9) The holder of the license or certificate of registration affixed or permitted to be affixed his or her seal or name to any plans, specifications, drawings, or related documents that were not prepared by him or her or under his or her responsible supervisory control; or

(10) The holder of the license or certificate of registration has been adjudged mentally incapable by a court of competent jurisdiction.

17-15-309. Revocation proceedings.

(a) (1) A person may prefer charges of fraud, deceit, gross negligence, incompetency, or misconduct against a registrant.

(2) The charges shall be:

(A) In writing;

(B) Sworn to by the person making them; and

(C) Filed with the Secretary of the Arkansas State Board of Architects, Landscape Architects, and Interior Designers.

(b) All charges deemed worthy of consideration by the board shall be heard by the board within three (3) months after the date upon which they are received by the secretary.

(c) (1) The time and place for the hearing shall be fixed by the board.

(2) A copy of the charges, together with a notice of the time and place of hearing, shall be personally served on the registrant accused or shall be mailed to the registrant at his or her last known address at least thirty (30) days before the date fixed for the hearing.

(3) At the hearing, the accused registrant shall have the right to:

(A) Appear personally and by counsel;

(B) Cross-examine witnesses appearing against him or her; and

(C) Produce evidence and witnesses in his or her own defense.

(d) If after the hearing four (4) or more members of the board vote in favor of finding the accused guilty, the board shall revoke the certificate of registration and license of the architect.

17-15-310. Reissuance of certificate of registration.

The Arkansas State Board of Architects, Landscape Architects, and Interior Designers may reissue a certificate of registration to a person whose certificate of registration has lapsed or has been suspended or revoked, if no charges of violation of this act are

pending in any court of record in this state and three (3) or more members of the board vote in favor of reissuance.

17-15-311. Fees.

(a) For the purpose of defraying the expenses of the Arkansas State Board of Architects, Landscape Architects, and Interior Designers and as required for carrying out the provisions of this chapter, the following fees and penalties shall be paid by an architect licensed under this chapter:

(1) For an application for examination and registration, an amount to be fixed by the board that shall at no time exceed the sum of three hundred fifty dollars (\$350);

(2) For a certificate of registration by exemption, or by transfer of registration from another state or country, an amount to be fixed by the board that shall at no time exceed the sum of three hundred fifty dollars (\$350);

(3) For annual renewal of the registration certificate, an amount to be fixed by the board that shall at no time exceed the sum of two hundred fifty dollars (\$250);

(4) For the restoration of a revoked certificate of registration or revoked corporate registration, an amount to be fixed by the board that shall at no time exceed the annual renewal fees in effect plus a penalty of fifty dollars (\$50.00) for each month for the first three (3) months during which time the certificate of registration or corporation registration has been revoked. Thereafter, an additional penalty of one hundred dollars (\$100) for the balance of one (1) year for a maximum penalty of two hundred fifty dollars (\$250) per year for a maximum of three (3) years;

(5) For a certificate of registration for a corporation, an amount to be fixed by the board that shall at no time exceed the sum of three hundred fifty dollars (\$350); and

(6) (A) For the issuing of an emeritus license, an amount to be fixed by the board that shall at no time exceed the sum of fifty dollars (\$50).

(B) An emeritus license may be issued by the board to an architect who:

(i) Is at least sixty-five (65) years of age;

(ii) Has retired; and

(iii) Does not practice architecture.

(b) (1) All fees must accompany applications.

(2) No part of these fees shall be refunded except such part as may be refunded when a certificate of registration is not issued, as may be provided under the rules of the board.

(c) It is unlawful for an unregistered person to collect a fee for architectural services, except as an employee collecting a fee as a representative of a registered architect who has performed architectural services.

(d) The fee for a duplicate license shall not exceed one hundred dollars (\$100).

17-15-312. Practice by architect not registered in Arkansas.

(a) This chapter does not prevent:

(1) A nonresident who holds the certification issued by the National Council of Architectural Registration Boards from offering to render the professional services involved in the practice of architecture, if for every project the person is involved in, he or she notifies the Arkansas State Board of Architects, Landscape Architects, and Interior Designers in writing that he or she:

(A) Holds a National Council of Architectural Registration Boards certificate and is not currently registered in Arkansas but will be present in Arkansas for the purposes of offering to render architectural services for a single project;

(B) Will deliver a copy of the notice referred to in subdivision (a)(1)(A) of this section to every potential client to whom the applicant offers to render architectural services; and

(C) Promises to apply to the Arkansas State Board of Architects, Landscape Architects, and Interior Designers within thirty (30) days for registration if selected as the architect for the project;

(2) A person who holds the certification issued by the National Council of Architectural Registration Boards but who is not currently registered in Arkansas from seeking an architectural commission by participating in a single architectural design competition for a project in Arkansas, if for every project the person is involved in, the person notifies the Arkansas State Board of Architects, Landscape Architects, and Interior Designers in writing that:

(A) The person holds a National Council of Architectural Registration Boards

certificate and is not currently registered in the jurisdiction but will be present in Arkansas for the purpose of participating in an architectural design competition;

(B) The person will deliver a copy of the notice referred to in subdivision (a)(2)(A) of this section to every person conducting an architectural design competition in which the applicant participates; and

(C) The person promises to apply to the Arkansas State Board of Architects, Landscape Architects, and Interior Designers within thirty (30) days after being selected as the architect for the project; and

(3) (A) A person who is not currently registered in this state but who is currently registered in another jurisdiction from providing uncompensated professional services at the scene of an emergency at the request of a public officer, public safety officer, or municipal or county building inspector acting in an official capacity.

(B) "Emergency" means earthquake, eruption, flood, storm, hurricane, or other catastrophe that has been designated as a major disaster or emergency by the President of the United States or the Governor of Arkansas.

(b) An individual who possesses a professional degree in architecture and is enrolled in the Intern Development Program of the National Council of Architectural Registration Boards or under the jurisdiction of the Arkansas State Board of Architects, Landscape Architects, and Interior Designers may use the title "Architectural Intern" or "Intern Architect" to identify himself or herself.

ARKANSAS LANDSCAPE ARCHITECTURAL PRACTICE ACT

SUBCHAPTER 1 – GENERAL PROVISIONS

17-36-101. Title.

This chapter shall be known and may be cited as the "Landscape Architectural Practice Act".

17-36-102. Definitions.

(a) As used in this chapter and in § 17-15-201 et seq.:

(1) (A) "Landscape architecture" means:

(i) Any service or other work, the adequate performance of which requires landscape architectural education, training, and experience;

(ii) The performance of professional services such as consultation, investigation, reconnaissance, research, associated planning, design, preparation of drawings, specifications, and contract documents, and responsible supervision or construction management in connection with the development of land areas or water features where, and to the extent that, the dominant purpose of such services is landscape development, preservation, and enhancement, or determination of land uses, natural land features, and functional and aesthetic values;

(iii) The determination, location, and construction of aesthetically pleasing and functional approaches and settings for features in the landscape, plantings, landscape irrigation, landscape lighting layout, landscape grading, and landscape drainage;

(iv) Environmental planning; and

(v) The design of tangible objects and features necessary to the purpose outlined herein.

(B) "Landscape architecture" does not include the design of buildings,

structures, or facilities ordinarily included in the practice of architecture or engineering;
and

(2) "Landscape designer" means a person who makes plans or drawings for the selection, placement, or use of plants when the execution of such plans or drawings does not affect the public health, safety, or welfare.

(b) The title "landscape architect" shall be used by and shall apply only to a person who is licensed under the authority of this chapter.

(c) This chapter shall not be construed to:

(1) Implicitly amend the definition of "practice of engineering" in § 17-30-101 or otherwise limit the scope of the practice of engineering by engineers registered with the State Board of Licensure for Professional Engineers and Professional Surveyors; or

(2) Implicitly amend the definition of "practice of architecture" in § 17-15-102 or otherwise limit the scope of the practice of architecture by architects registered and licensed by the Arkansas State Board of Architects, Landscape Architects, and Interior Designers.

17-36-103. Penalties.

(a) It is a misdemeanor for a person to:

(1) Use the title of landscape architect, unless licensed by the Arkansas State Board of Architects, Landscape Architects, and Interior Designers under this chapter and § 17-15-201 et seq.;

(2) Present as his or her own the license of another;

(3) Give false or forged evidence to the board or any member thereof in obtaining a license;

(4) Falsely impersonate any other practitioner of like or different name;

(5) Use or attempt to use a license that has been revoked;

(6) Otherwise violate any of the provisions of this chapter or § 17-15-201 et seq.;

or

(7) Practice landscape architecture, unless duly licensed under this chapter and § 17-15-201 et seq.

(b) Such a misdemeanor shall be punishable by a fine of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500) or imprisonment for not more than one (1) year, or both.

17-36-104. Enforcement.

It is the duty of all duly constituted officers of the law of this state and all political subdivisions thereof to enforce the provisions of this chapter and to prosecute a person violating the provisions thereof.

17-36-105. Injunctions.

(a) (1) The violation of any provision of this chapter and performing or offering to perform any work or service in violation of this chapter or any provision thereof is declared to constitute a nuisance and a threat to the public health, safety, and welfare and may be enjoined by the Arkansas State Board of Architects, Landscape Architects, and Interior Designers in the courts of this state, even though the violation may be punishable by fine.

(2) The intention of this section is to provide a speedy means of protecting the public.

(b) The board is not required to execute or give bond for cost, indemnity, or stay as a condition to the issuance of a restraining order or injunction, either temporary or permanent, in a court of this state.

SUBCHAPTER 2 – ARKANSAS STATE BOARD OF LANDSCAPE ARCHITECTS

17-36-201 – 17-36-207. [Repealed.]

SUBCHAPTER 3 – LICENSING

17-36-301. License or permit required.

(a) (1) A person shall not perform or offer to perform, either directly or indirectly, landscape architectural services or assume or use the title or designation of "landscape architect" unless the person has secured from the Arkansas State Board of Architects, Landscape Architects, and Interior Designers a license as a landscape architect under this subchapter and shall thereafter comply with the provisions of this chapter and § 17-15-201 et seq.

(2) It is the purpose of this chapter to safeguard the health, safety, and welfare of the public.

(b) Every holder shall display the license or permit in a conspicuous place.

17-36-302. Application.

Application for licensure shall be on forms prescribed and furnished by the Arkansas State Board of Architects, Landscape Architects, and Interior Designers and shall contain statements under oath giving a detailed summary of the applicant's education and technical experience.

17-36-303. Examination.

(a) An applicant for licensure shall:

(1) Be at least twenty-one (21) years of age;

(2) Be of good moral character; and

(3) Pass an examination covering the matters confronting landscape architects that is prepared by:

(A) The Arkansas State Board of Architects, Landscape Architects, and Interior Designers; or

(B) Another entity as selected by the Arkansas State Board of Architects, Landscape Architects, and Interior Designers.

(b) In order to qualify for examination, the applicant must:

(1) Hold a degree in landscape architecture from an institution accredited by an appropriate authority selected by the Arkansas State Board of Architects, Landscape Architects, and Interior Designers and have satisfactory experience in landscape architecture of a minimum of two (2) years;

(2) Hold a degree in a field related to landscape architecture as determined by the Arkansas State Board of Architects, Landscape Architects, and Interior Designers and have four (4) years of experience in landscape architecture satisfactory to the Arkansas State Board of Architects, Landscape Architects, and Interior Designers; or

(3) Have seven (7) years of experience in landscape architecture satisfactory to

the Arkansas State Board of Architects, Landscape Architects, and Interior Designers.

(c) The Arkansas State Board of Architects, Landscape Architects, and Interior Designers may require that an application be accompanied by a certificate from the Council of Landscape Architectural Registration Boards that documents that the applicant possessed the qualifications for examination under this section.

(d) Examinations for the license shall be administered by the Arkansas State Board of Architects, Landscape Architects, and Interior Designers or its appointed representative at least one (1) time each year if the Arkansas State Board of Architects, Landscape Architects, and Interior Designers has received applications during the period since the last examination was given.

(e) The Arkansas State Board of Architects, Landscape Architects, and Interior Designers shall publish appropriate announcements and shall conduct the examinations at the times designated.

17-36-304. Reciprocity.

The Arkansas State Board of Architects, Landscape Architects, and Interior Designers may provide for licensure of an applicant who is legally registered or licensed as a landscape architect in any other state whose qualifications for licensure are generally equivalent to those of Arkansas.

17-36-305. Fees – Penalty for nonpayment.

(a) (1) Every landscape architect shall pay an annual license fee in an amount determined by the Arkansas State Board of Architects, Landscape Architects, and Interior Designers not to exceed three hundred dollars (\$300). The fee shall be due and payable annually on a date designated by the board.

(2) (A) Each license shall expire annually on a date designated by the board, and each licensee whose license is not renewed by the board within thirty (30) days thereafter shall not perform or offer to perform any work or service as a landscape architect.

(B) The board shall issue a renewal to each licensee who submits:

(i) A renewal application on a form approved by and received by the board;

(ii) The annual license fee under subdivision (a)(1) of this section; and

(iii) Documentation acceptable to the board of the minimum number of continuing education units.

(C) A landscape architect who does not renew his or her license within thirty (30) calendar days after the expiration of the prior year's license shall pay a late fee not to exceed fifty dollars (\$50.00) each month or part thereof not to exceed ninety (90) calendar days after the expiration date.

(D) A license that is not renewed within ninety (90) calendar days after the expiration date is void and shall not be renewed.

(E) (i) A landscape architect who fails to renew his or her license within ninety (90) calendar days after the expiration date due to nonpayment of fees or failure to comply with continuing education requirements may apply for reinstatement of his or her license.

(ii) The application for reinstatement shall be accompanied by documentation of continuing education units, a reinstatement fee not to exceed five hundred dollars (\$500) per year for each year or portion thereof since the date of expiration of the license, both as determined by the board, and the annual license fee.

(iii) The board may reinstate the license if it determines that the applicant is able to practice as a landscape architect without danger to the public health, safety, and welfare.

(iv) However, after three (3) years following the expiration date of a license that has not been renewed or reinstated by the board, the applicant may be relicensed only upon successful completion of the examination for new applicants under this chapter and other proof of the applicant's qualifications to practice landscape architecture as required by the board.

(b) (1) The fees for examination and reexamination shall be the cost of the examination as determined by the board.

(2) The application fee shall not exceed two hundred fifty dollars (\$250).

(3) The examination administration fee shall not exceed two hundred fifty dollars (\$250).

(4) The fee for a duplicate certificate shall not exceed one hundred dollars (\$100).

(c) The board may provide for the issuing of emeritus licenses at an annual fee and

subject to conditions as determined by the board to landscape architects who:

- (1) Are at least sixty-five (65) years of age;
- (2) Have retired; and
- (3) Do not practice landscape architecture.

17-36-306. Grounds for revocation.

The Arkansas State Board of Architects, Landscape Architects, and Interior Designers may deny, suspend, or revoke the license of a landscape architect upon proof that:

- (1) The holder of the license is practicing in violation of this chapter or in violation of the proper rules of the board governing this chapter;
- (2) The license or certificate has been obtained by fraud or misrepresentation or the person named therein has obtained it by fraud or misrepresentation;
- (3) Money other than the regular fees provided for has been paid for the license or certificate;
- (4) The holder of the license or certificate is falsely impersonating a practitioner or former practitioner of a like or different name or is practicing under an assumed or fictitious name;
- (5) The holder of the license or certificate has been guilty of a felony;
- (6) The holder of the license or certificate has been guilty of fraud or deceit or of gross negligence or misconduct in the practice of landscape architecture;
- (7) The holder of the license or certificate affixed, or permitted to be affixed, his or her seal or name to plans, specifications, drawings, or related documents that were not prepared by the holder or under his or her responsible supervisory control;
- (8) The holder of the license or certificate has been adjudged mentally incapable by a court of competent jurisdiction;
- (9) The holder of the license has committed gross unprofessional conduct; or
- (10) The holder of the license has:

(A) Had a professional license suspended or revoked;

(B) Had imposed other disciplinary action by a regulatory body of another state for any cause other than failure to pay applicable fees; or

(C) Surrendered or did not renew a professional license after the initiation of any investigation or proceeding by such a body

17-36-307. Revocation proceedings.

(a) (1) A person may prefer charges of fraud, deceit, gross negligence, incompetency, or misconduct against a licensee. The charges shall be:

(A) In writing;

(B) Sworn to by the person making them; and

(C) Filed with the Arkansas State Board of Architects, Landscape Architects, and Interior Designers.

(2) On its own motion, the board may initiate a proceeding against a licensee.

(b) All charges deemed worthy of consideration by the board shall be investigated by the board.

(c) (1) When the board determines that there is sufficient evidence of a violation of this chapter or board regulations, the board may conduct a hearing.

(2) The board shall conduct the hearing under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(d) If after the hearing the board finds that the individual has violated applicable law, the board may impose any one (1) or more of the following sanctions:

(1) Suspension, revocation, or denial of the license or renewal thereof;

(2) A civil penalty as provided in § 17-15-203;

(3) Require completion of appropriate educational programs or courses;

(4) Require successful completion of the licensing examination;

(5) Place conditions or restrictions upon the licensee's license or practice; or

(6) Other requirements or penalties as may be appropriate to the circumstances of the case and that would achieve the desired disciplinary purposes.

17-36-308. Reissuance.

The Arkansas State Board of Architects, Landscape Architects, and Interior Designers may reissue a license to a person whose license has been suspended, revoked, or surrendered after receipt of a complaint or the initiation of an investigation if no charges of violation of this chapter are pending in a court of record in this state and three (3) or more members of the board vote in favor of reissuance.

17-36-309. Exemption from licensing.

(a) The following are exempt from licensing under this chapter:

(1) The practice of landscape architecture by any person who acts under the supervision of a licensed landscape architect or by an employee of a person lawfully engaged in the practice of landscape architecture and who, in either event, does not assume responsible charge of design or supervision;

(2) The practice of landscape architecture by employees of the United States Government while engaged in the practice of landscape architecture within this state on behalf of the United States Government;

(3) The practice of landscape architecture by employees of the state or a municipal government while providing services for the governmental employer's facilities;

(4) The practice of planning as customarily done by regional and urban planners;

(5) The practice of arborists, foresters, gardeners, nurserymen, landscape contractors, home builders, floriculturists, ornamental horticulturists, landscape designers, irrigation designers, and irrigation contractors performing their respective trades or professions; and

(6) The practice of architecture or engineering as defined by the laws of this state.

(b) None of the persons referred to in subsection (a) of this section shall use the title of landscape architect without complying with the provisions of this chapter.

17-36-310. Official seal.

(a) Upon licensure, each licensee under this chapter shall obtain a seal of such design as the Arkansas State Board of Architects, Landscape Architects, and Interior Designers shall authorize and direct.

(b) Plans and specifications prepared by, or under the supervision of, a licensed landscape architect shall be stamped with this seal during the life of the landscape architect's license.

(c) It is unlawful for anyone to stamp or seal any documents with the seal after the license of the landscape architect named thereon has expired or has been surrendered, suspended, or revoked.

ARKANSAS

INTERIOR DESIGNERS

TITLE REGISTRATION ACT

SUBCHAPTER 1 – INTERIOR DESIGNERS TITLE REGISTRATION

17-35-101. Short title.

This subchapter and §§ 17-35-301 -- 17-35-304 may be cited as the "Arkansas Interior Designers Title Registration Act".

17-35-102. Purpose.

The purpose of this subchapter and §§ 17-35-301 -- 17-35-304 is to register and regulate persons known as registered interior designers, in the public interest, and to prohibit the use of the title of "registered interior designer" by persons who are not registered.

17-35-103. Definitions.

(a) As used in this subchapter, § 17-15-201 et seq., and §§ 17-35-301 -- 17-35-304, "registered interior designer" means a person registered under this subchapter, § 17-15-201 et seq., and §§ 17-35-301 -- 17-35-304.

(b) (1) A registered interior designer is a design professional who is qualified by education, experience, and examination as authorized by an authority.

(2) In general, a registered interior designer performs services including preparation of working drawings and documents relative to non-load-bearing interior construction, materials, finishes, space planning, furnishings, fixtures, and equipment.

(c) Except as provided herein, interior design services do not include services that constitute the practice of architecture as defined in the Arkansas Architectural Act, § 17-15-101 et seq., or the practice of engineering as defined in the Arkansas Engineering Act, § 17-30-101 et seq.

17-35-104. Exemptions -- Use of the title.

(a) This subchapter, § 17-15-201 et seq., and §§ 17-35-301 -- 17-35-304 do not apply to persons holding themselves out as "interior decorators" or offering "interior decorating services", such as selection or assistance in selecting surface materials, window

treatments, wall coverings, paint, floor coverings, surface-mounted lighting, or loose furnishings not subject to regulation under applicable building codes.

(b) This subchapter and §§ 17-35-301 -- 17-35-304 do not apply to architects licensed by the Arkansas State Board of Architects, Landscape Architects, and Interior Designers provided that the architects do not refer to themselves as "registered interior designers" unless registered by this under subchapter and §§ 17-35-301 -- 17-35-304.

(c) This subchapter, § 17-15-201 et seq., and §§ 17-35-301 -- 17-35-304 do not prevent any person from rendering interior design services, provided such a person does not use the title of "registered interior designer" unless registered under this subchapter § 17-15-201 et seq., and §§ 17-35-301 -- 17-35-304.

17-35-105. Penalties.

It shall be a Class A misdemeanor for a person to:

(1) Use the title of "registered interior designer", unless registered under this subchapter, § 17-15-201 et seq., and §§ 17-35-301 -- 17-35-304;

(2) Present as his or her own the registration of another;

(3) Give false or forged evidence to the Arkansas State Board of Architects, Landscape Architects, and Interior Designers or any member thereof in obtaining a registration;

(4) Falsely impersonate any other practitioner of like or different name;

(5) Use or attempt to use a registration that has been revoked; or

(6) Otherwise violate any of the provisions of this subchapter, § 17-15-201 et seq., and §§ 17-35-301 -- 17-35-304.

17-35-106. [Repealed.]

SUBCHAPTER 2 – STATE BOARD OF REGISTERED INTERIOR DESIGNERS

17-35-201, 17-35-202. [Repealed.]

SUBCHAPTER 3 – REQUIREMENTS

17-35-301. Registration of interior designers.

(a) It is unlawful for a person who is not registered under this subchapter, § 17-15-201 et seq., and § 17-35-101 et seq., as an interior designer to advertise as a registered interior designer or to use the title of "registered interior designer" or any other words, letters, figures, or other devices for the purpose of implying, directly or indirectly, that the person is registered under this subchapter, § 17-15-201 et seq., and § 17-35-101 et seq.

(b) It is unlawful for a company, partnership, association, corporation, or other similar organization, after January 1, 1994, to advertise that it is in a position to provide the services of a registered interior designer unless the persons providing the services are in the responsible charge of a registered interior designer.

(c) An applicant for registration as a registered interior designer shall establish to the satisfaction of the Arkansas State Board of Architects, Landscape Architects, and Interior Designers that the applicant:

(1) Is at least twenty-one (21) years of age;

(2) Has not been convicted of an offense that bears directly on the fitness of the applicant to be registered;

(3) Has passed or supplied proof of passage of the examination required by this subchapter, § 17-15-201 et seq., and § 17-35-101 et seq.; and

(4) Meets any other requirements established by the board.

17-35-302. Requirements for registration.

(a) Each applicant for registration shall provide substantial evidence to the Arkansas State Board of Architects, Landscape Architects, and Interior Designers that the applicant:

(1) (A) Has passed the examination prepared and administered by the National Council for Interior Design Qualification or its successor in interest.

(B) The applicant shall provide a verification from the National Council for

Interior Design Qualification or its successor in interest as proof that he or she passed the examination; and

(2) Is a:

(A) Graduate of a five-year interior design program from an accredited institution and has completed at least one (1) year of diversified and appropriate interior design experience;

(B) Graduate of a four-year interior design program or a master's degree program in interior design from an accredited institution and has completed at least two (2) years of diversified and appropriate interior design experience; or

(C) Licensed architect certified by the board.

(b) Each interior design program must be accredited by the Council for Interior Design Accreditation or its successor in interest or be an interior design program of an institution accredited by the North Central Association of Colleges and Schools, or a program determined by the board to be substantially equivalent to such accredited programs.

(c) The board may accept satisfactory evidence of registration as an interior designer in another jurisdiction if the jurisdiction's requirements for registration are equal to or greater than those required for registration in this state at the date of application.

(d) Every registration shall expire annually on a day designated by the board.

17-35-303. Registration renewal.

(a) Every registered interior designer shall annually renew his or her registration, submit proof of completion of continuing education units as required by the Arkansas State Board of Architects, Landscape Architects, and Interior Designers, and pay the renewal fee established by the board.

(b) It is unlawful for an interior designer who fails to renew his or her registration to continue to use the title of "registered interior designer".

17-35-304. Seal of interior designer.

(a) (1) Each registered interior designer shall obtain a seal as prescribed by the Arkansas State Board of Architects, Landscape Architects, and Interior Designers.

(2) (A) A document issued by the registered interior designer and being filed for public record shall bear the signature and seal of the interior designer who prepared or

approved the document and the date on which it was sealed.

(B) The signature, date, and seal shall be evidence of the authenticity of the document.

(b) No registered interior designer shall affix, or permit to be affixed, his or her seal or signature to any plan, specification, drawing, or other document that depicts work that he or she is not competent or certified to perform.

(c) The registered interior designer's contract documents shall contain a statement that the document is not an architectural or engineering drawing, specification, or design and is not to be used for construction of any load-bearing columns, load-bearing framing, or load-bearing walls or structures or for the issuance of any building permit, except as otherwise provided by law.

(d) Documents as defined in this section are not to be construed as those that are required to be filed in state or local building departments or municipalities, except as otherwise provided by law.

(e) No registered interior designer shall affix his or her signature or seal to any plan, specifications, or other document that was not prepared by him or her or under his or her responsible supervising control or by another interior designer and reviewed, approved, or modified and adopted by him or her as his or her own work according to the rules adopted by the board.

(f) Studies, drawings, specifications, and other related documents prepared by a registered interior designer in providing interior design services shall be of a sufficiently high standard to clearly and accurately indicate all essential parts of the work to which they refer.

(g) The shape and design of the seal will be different from the seals of architects, engineers, or landscape architects.

(h) (1) When the registration of a registered interior designer has expired or been revoked or suspended by the board, the registered interior designer shall surrender his or her seal to the Chair of the Arkansas State Board of Architects, Landscape Architects, and Interior Designers within thirty (30) calendar days after the revocation or suspension has become effective.

(2) The seal shall be returned upon expiration of the suspension period.

17-35-305. Grounds for revocation.

The Arkansas State Board of Architects, Landscape Architects, and Interior Designers may deny, suspend, or revoke the registration of a registered interior designer upon proof that:

(1) The holder of the registration is practicing in violation of § 17-15-201 et seq., this chapter, or the proper rules of the board;

(2) The registration has been obtained by fraud or misrepresentation or the person named therein has obtained it by fraud or misrepresentation;

(3) Money other than the regular fees provided for has been paid for the registration;

(4) The holder of the registration is falsely impersonating a practitioner or former practitioner of a like or different name or is practicing under an assumed or fictitious name;

(5) The holder of the registration has been guilty of a felony;

(6) The holder of the registration has been guilty of fraud or deceit or of gross negligence or misconduct in the practice of interior design;

(7) The holder of the registration affixed, or permitted to be affixed, his or her seal or name to any plans, specifications, drawings, or related documents that were not prepared by the holder or under his or her responsible supervisory control;

(8) The holder of the registration has been adjudged mentally incapable by a court of competent jurisdiction;

(9) The holder of the registration has committed gross unprofessional conduct; or

(10) The holder of the registration has:

(A) Had a professional license or registration suspended or revoked;

(B) Had imposed other disciplinary action by a regulatory body of another state for any cause other than failure to pay applicable fees; or

(C) Surrendered or did not renew a professional license or registration after the initiation of any investigation or proceeding by such a body.