

House Bill 297 (COMMITTEE SUBSTITUTE)

By: Representatives Powell of the 23<sup>rd</sup>, Westmoreland of the 104<sup>th</sup>, Byrd of the 170<sup>th</sup> and Snow of the 2<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 4 of Title 43 of the Official Code of Georgia Annotated,  
2 relating to general provisions applicable to architects, so as to change certain provisions  
3 relating to which structures do not require the seal of a registered architect; to provide that  
4 nothing in this article shall be construed to mean that construction contract administration  
5 services are required to be performed exclusively by architects; to change the provisions  
6 relating to architect seals and documents required to be sealed; to repeal conflicting laws; and  
7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 1 of Chapter 4 of Title 43 of the Official Code of Georgia Annotated, relating to  
11 general provisions applicable to architects, is amended by striking in its entirety Code  
12 Section 43-4-14, relating to the practice of architecture, and inserting in lieu thereof a new  
13 Code Section 43-4-14 to read as follows:

14 "43-4-14.

15 (a) In order to safeguard health, safety, and welfare, no person shall be allowed to practice  
16 architecture unless he or she has the qualifications and competency required by this article.

17 Any person who is practicing architecture as defined in paragraph (6) of Code Section  
18 43-4-1 shall be required to register under this article and to secure all renewals of such  
19 registration before beginning or continuing to practice architecture.

20 (b) The following structures do not require the seal of a registered architect:

21 (1) One and two-family residences and domestic outbuildings regardless of cost;

22 (2) Any building classified as an agricultural occupancy upon any farm for the use of any  
23 farmer; any state owned farmer's market;

24 (3) Any building ~~or structure~~ which is a single story building, not exceeding more than  
25 ~~50~~ 5,000 square feet in ~~depth, with clear visibility of all exits~~ area, except new or existing  
26 assembly occupancies, educational occupancies, health care occupancies, correctional or

1 detention facilities, hotels, dormitories or lodging facilities, multifamily housing or  
2 apartment complexes, and care facilities;

3 ~~(4) Preengineered metal buildings and structures classified, with respect to ordinary  
4 hazard use, as storage use and not for human habitation and are one story in height~~

5 Preengineered buildings that are one story in height, except new or existing assembly  
6 occupancies, educational occupancies, health care occupancies, correctional or detention  
7 facilities, hotels, dormitories or lodging facilities, multifamily housing or apartment  
8 complexes, care facilities, and facilities classified as high hazard; provided, however, that  
9 the services of a duly registered architect shall be required for the design of any business  
10 or mercantile occupancies that exceed 5,000 square feet in area that are incidental to the  
11 operation in such building; and

12 (5) Nonload-bearing interior construction in existing or planned office structures which  
13 were designed by a registered architect, where drawings and specifications are prepared  
14 by a Georgia registered interior designer who also submits to the responsible building  
15 official a notarized and signed statement on letterhead from a person in a position of  
16 authority within the interior design firm certifying that the plans and specifications as  
17 submitted are in full compliance with the current building codes and regulations in effect.

18 (c) The following persons are exempt from registration as an architect in this state:

19 (1) A nonresident who holds a license to practice architecture in the state or country in  
20 which he or she resides and holds an NCARB certificate, but who is not registered in this  
21 state, may offer architectural services in a response to a request for qualifications, an  
22 interview, or a design competition only. Any offering or practice beyond this exception  
23 shall require registration as an architect in Georgia;

24 (2) An employee of a registered architect or firm under subsection (b) of Code Section  
25 43-4-10 who is not in charge of design or supervision and who works under the  
26 supervision of a registered architect;

27 (3) An employee of the United States government while working in the scope of his or  
28 her employment for the United States government; and

29 (4) A registered professional engineer or his or her employee or subordinate under his  
30 or her responsible supervising control may perform architectural services which are  
31 incidental to such engineering practice; provided, however, that no professional engineer  
32 shall practice architecture or use the designation 'architect' or any term derived therefrom  
33 unless registered under this article.

34 (d) Nothing in this article shall be construed to prohibit interior designers from performing  
35 services authorized by Article 2 of this chapter.

36 (e) Nothing in this article shall be construed to prohibit a general contractor for  
37 construction from offering to perform a design-build contract; provided, however, that such

1 offer shall clearly indicate at the time of such offer that all design services shall be  
 2 performed by a duly licensed and registered architect or engineer in compliance with all  
 3 other provisions of this chapter.

4 (f) Nothing in this article shall be construed to mean that predesign services, as defined in  
 5 Code Section 50-22-7, are required to be performed exclusively by architects.

6 (g) Nothing in this article shall be construed to mean that construction contract  
 7 administration services are required to be performed exclusively by architects."

## 8 SECTION 2.

9 Said article is further amended by striking in its entirety subsection (c) of Code Section  
 10 43-4-16, relating to architect seals and documents required to be sealed, and inserting in lieu  
 11 thereof a new subsection (c) to read as follows:

12 "~~(c)(1)~~ No plans, specifications, drawings, reports, or other documents shall be sealed and  
 13 signed by an architect unless:

14 ~~(A)(1)~~ (1) The architect has a current registration to practice in this state and is competent  
 15 in the subject matter of the documents by virtue of education or experience or both; ~~and~~

16 ~~(B)(2)~~ (2) The architect personally prepared the plans, specifications, drawings, reports, or  
 17 other documents, or the plans, specifications, drawings, reports, or other documents were  
 18 prepared under the architect's responsible control as provided in subsection (b) of Code  
 19 Section 43-4-10; ~~and~~

20 ~~(2)(3)~~ (3) The architect has been given full authority in writing by the original architect to  
 21 make document revisions and has made a substantive review and inspection of the  
 22 documents with regard to the laws and regulations of this state, and the documents are  
 23 prototypical drawings. For purposes of this paragraph, prototypical drawings are  
 24 drawings that may be prepared by an architect licensed in any country or United States  
 25 jurisdiction, that have been prepared in connection with the design of a commercial chain  
 26 establishment, and that have been successfully constructed in other states or countries."

## 27 SECTION 3.

28 All laws and parts of laws in conflict with this Act are repealed.