

The Senate Regulated Industries and Utilities Committee offered the following substitute to SB 237:

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 4 of Title 43 of the Official Code of Georgia Annotated, relating to general provisions relative to architects, so as to change certain provisions relating to the adoption of rules, regulations, and standards of conduct by the Georgia State Board of Architects and Interior Designers; to change certain provisions relating to the qualifications of applicants for examination or a certificate of registration; to change certain provisions relating to cease and desist orders issued by the board and civil penalties and judicial review for such orders; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 4 of Title 43 of the Official Code of Georgia Annotated, relating to general provisions relative to architects, is amended by revising Code Section 43-4-9, relating to the adoption of rules, regulations, and standards of conduct, as follows:

"43-4-9.

(a) The board shall adopt all necessary rules, regulations, and standards of conduct, not inconsistent with this chapter and the Constitution and laws of this state and of the United States, to carry out this chapter and to safeguard life, health, and property.

(b) The board shall post all current laws, rules, regulations, and standards of conduct relating to the practice of architecture in this state on the board's official website. The board shall also provide on the website notification of recent changes in such laws, rules, regulations, or standards and information pertaining to disciplinary actions taken by the board. Individual notice of changes in such laws, rules, regulations, or standards shall be sent by the board at least once a year to each registered architect and building official. Individual notice may be sent by e-mail or regular mail."

SECTION 2.

Said article is further amended by revising subsection (c) of Code Section 43-4-11, relating to the qualifications of applicants for examination or a certificate of registration, as follows:

"(c) The applicant for a certificate of registration ~~who has met the educational and training requirements set forth in paragraph (1), (2), or (3) of subsection (b) of this Code section and who has been registered as an architect by another jurisdiction shall hold a National Council of Architectural Registration Boards' certificate and a certificate of registration in such other jurisdiction, both of which~~ and have either a National Council of Architectural Registration Boards' certificate or at least ten years of practical experience as the board, by regulations uniformly applied, shall deem appropriate. A certification shall be current and in good standing in order to meet the requirements of this subsection."

SECTION 3.

Said article is further amended by revising Code Section 43-4-18, relating to cease and desist orders, civil penalties, and judicial review, as follows:

"43-4-18.

(a) Notwithstanding any other provisions of the law to the contrary, upon the board determining that a person is violating the provisions of Code Section 43-4-14, 43-4-16, or 43-4-17, the board may issue a cease and desist order prohibiting ~~such the~~ the person from committing further violating such Code section violations and may impose a fine not to exceed \$10,000.00 for each violation. In determining the fine amount to be imposed, the board shall consider the severity of the violation.

(b) For purposes of this Code section, each day a person is in violation of the provisions of Code Section 43-4-14, 43-4-16, or 43-4-17 shall constitute a separate violation.

(c) A determination by the board may pursuant to subsection (a) of this Code section shall be made only after notice to such person is given and a hearing is held.

~~(b) The board shall be authorized to impose a civil fine not to exceed \$5,000.00 for each separate violation of a cease and desist order issued under subsection (a) of this Code section upon any person violating such order. For purposes of this subsection, each day a person is in violation of a cease and desist order issued under this Code section shall constitute a separate violation.~~

~~(c)~~(d) Initial judicial review of any decision of the board made pursuant to this Code section or any action for enforcement thereof shall be available solely in the superior court of the county of domicile of the board.

~~(d)~~(e) Nothing in this Code section shall be construed to prohibit the board from seeking remedies otherwise available by statute without first seeking a cease and desist order in accordance with the provisions of this Code section."

SECTION 4.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval, and Section 3 of this Act shall apply to violations committed on or after the effective date of this Act.

SECTION 5.

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