

SENATE SUBSTITUTE TO HB 231

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4 of Title 43 of the Official Code of Georgia Annotated, relating to
2 architects, so as to clarify the scope of practice of registered interior designers; to provide
3 certain definitions; to change certain provisions relating to documents requiring the seal of
4 a registered architect or a registered interior designer; to amend Code Section 50-22-2 of the
5 Official Code of Georgia Annotated, relating to definitions relative to managerial control
6 over acquisition of professional services, so as to correct a cross-reference; to provide an
7 effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 4 of Title 43 of the Official Code of Georgia Annotated, relating to architects, is
11 amended by revising Code Section 43-4-1, relating to definitions relative to architects, as
12 follows:

13 "43-4-1.

14 As used in this chapter, the term:

15 (1) 'Architect' means an individual technically and legally qualified to engage in the
16 practice of architecture.

17 (2) 'Architectural construction contract administration services' shall include at a
18 minimum the following services:

19 (A) Visiting the construction site on a regular basis to determine that the work is
20 proceeding in accordance with the technical submissions submitted to the building
21 official at the time the building permit was issued; and

22 (B) Processing shop drawings, samples, and other submissions required of the
23 contractor by the terms of construction contract documents.

24 (3) 'Board' means the Georgia State Board of Architects and Interior Designers.

25 (4) 'Building' means any structure consisting of foundation, floors, walls, columns,
 26 girders, beams, and roof or a combination of any of these parts, with or without other
 27 parts or appurtenances.

28 (5) 'Building official' ~~shall mean~~ means the person appointed by the county,
 29 municipality, or other political subdivision of the state having responsibility for the
 30 issuance of building permits and the administration and enforcement of the Georgia State
 31 Minimum Construction Codes, or a state fire marshal where there is not such local
 32 official.

33 (6) 'Building shell' means a building framework, perimeter and exterior walls, the
 34 building core and columns, and other structural, mechanical, and load-bearing elements
 35 of the building.

36 (7) 'Building shell system' means a mechanical, plumbing, fire protection, electrical,
 37 structural, or motorized vertical transportation system designed for or located within a
 38 building shell.

39 (8) 'Interior construction document' means detailed drawings and specifications sealed
 40 and signed by a registered interior designer certifying compliance with applicable current
 41 building codes, ordinances, laws, and regulations that define the work to be constructed
 42 in such form as is required for approval of a construction permit by a building official or
 43 fire marshal. Such document may be combined with documents prepared under the
 44 responsible control, seal, and signature of other registered or licensed professionals.

45 (9)(A) 'Interior design' means the rendering of or the offering to render designs,
 46 consultations, studies, planning, drawings, specifications, contract documents, or other
 47 technical submissions and the administration of interior construction and contracts
 48 relating to nonstructural interior construction of a building by a registered interior
 49 designer. Such term includes:

50 (i) Space planning, finishes, furnishings, and the design for fabrication of
 51 nonstructural interior construction within interior spaces of buildings;

52 (ii) Responsibility for life safety design of proposed or modification of existing
 53 nonstructural and nonengineered elements of construction such as partitions, doors,
 54 stairways, and paths of egress connecting to exits or exit ways; and

55 (iii) Modification of existing building construction so as to alter the number of
 56 persons for which the egress systems of the building are designed.

57 (B) Registered interior designers shall collaborate and coordinate their work with
 58 registered architects or engineers for work that is excluded by this definition, including
 59 without limitation:

60 (i) The design of or responsibility for the building shell or any building shell systems;
 61 or

62 (ii) Construction which materially affects building life safety systems pertaining to
 63 fire safety protection such as fire-rated vertical shafts in multistory structures and
 64 fire-rated protection of structural elements with the exception of incidental restoration
 65 of fire protection to elements impacted by nonstructural elements of construction,
 66 smoke evacuation, emergency sprinkler systems, and emergency alarm systems.

67 (10) 'Nonstructural interior construction' means the construction of elements which do
 68 not include a load-bearing wall, a load-bearing column, or other load-bearing elements
 69 of a building essential to the structural integrity of the building.

70 (11) 'Practice of architecture' means the rendering of or offer to render the following
 71 services in connection with the design, construction, enlargement, or alteration of a
 72 building or group of buildings and the space within and surrounding such buildings,
 73 which may have human occupancy or habitation: planning; providing preliminary
 74 studies, designs, drawings, specifications, and other technical submissions; the
 75 architectural administering of construction contracts; and coordinating elements of
 76 technical submissions prepared by others including, as appropriate and without limitation,
 77 consulting engineers, registered interior designers, and landscape architects. As part of
 78 the practice of architecture, a registered architect may perform such engineering work as
 79 is incidental to his or her work. Nothing in this paragraph shall be construed to prohibit
 80 a licensed engineer from coordinating technical submittals related to the practice of
 81 engineering. Nothing in this paragraph shall be construed to prohibit a registered interior
 82 designer from coordinating submittals related to the practice of interior design.

83 ~~(9)~~(12) 'Registration' means the certificate of registration issued by the board.

84 ~~(7)~~(13) 'Registered architect' means a person who is technically and legally qualified and
 85 currently registered with the board to practice architecture in the State of Georgia.

86 ~~(8)~~(14) 'Registered interior designer' means a person who is registered under Article 2
 87 of this chapter as being qualified by education, experience, and examination to use the
 88 title 'registered interior designer' in the State of Georgia and as further defined in Code
 89 Section 43-4-30. Nothing in this paragraph or in this article shall be construed as
 90 prohibiting or restricting the practice or activities of an interior decorator or individual
 91 offering interior decorating services, including, but not limited to, selection of surface
 92 materials, window treatments, wall coverings, paints, floor coverings, and lighting
 93 fixtures.

94 ~~(10)~~(15) 'Responsible control' means the amount of control over and detailed knowledge
 95 of the content of technical submissions during their preparation as is ordinarily exercised
 96 by registered architects or licensed professionals applying the required professional
 97 standard of care, as defined by rules and regulations adopted by the board respective
 98 boards governing such professionals.

99 ~~(H)(16)~~ 'Technical submissions' means designs, drawings, specifications, studies, and
 100 other technical reports prepared or reviewed in the course of ~~practicing architecture~~
 101 professional practice."

102 SECTION 2.

103 Said chapter is further amended by revising subsections (a) and (b) of Code Section 43-4-14,
 104 relating to the practice of architecture, qualifications and registration, and exempt structures
 105 and persons, as follows:

106 "(a) In order to safeguard health, safety, and welfare, no person shall be allowed to practice
 107 architecture unless he or she has the qualifications and competency required by this article.
 108 Any person who is practicing architecture as defined in paragraph ~~(6)~~(11) of Code Section
 109 43-4-1 shall be required to register under this article and to secure all renewals of such
 110 registration before beginning or continuing to practice architecture.

111 (b) ~~The~~ Construction documents for the following structures do not require the seal of a
 112 registered architect:

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

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

116 (3) Any building which is a single story building, not exceeding more than 5,000 square
 117 feet in area, except new or existing assembly occupancies, educational occupancies,
 118 health care occupancies, correctional or detention facilities, hotels, dormitories or lodging
 119 facilities, multifamily housing or apartment complexes, and care facilities;

120 (4) Preengineered buildings that are one story in height, except new or existing assembly
 121 occupancies, educational occupancies, health care occupancies, correctional or detention
 122 facilities, hotels, dormitories or lodging facilities, multifamily housing or apartment
 123 complexes, care facilities, and facilities classified as high hazard; provided, however, that
 124 the services of a duly registered architect shall be required for the design of any business
 125 or mercantile occupancies that exceed 5,000 square feet in area that are incidental to the
 126 operation in such building; and

127 (5) ~~Nonload-bearing~~ Nonstructural interior construction ~~in~~ within existing or planned
 128 ~~office~~ structures which were designed by a registered architect, where drawings and
 129 specifications are prepared by a ~~Georgia~~ registered interior designer who ~~also~~ by sealing
 130 and signing such interior construction documents submits to the responsible building
 131 official ~~a notarized and signed statement on letterhead from a person in a position of~~
 132 ~~authority within the interior design firm certifying~~ certification that the plans and
 133 specifications as submitted are in ~~full~~ compliance with the applicable current building
 134 codes and regulations in effect."

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SECTION 3.

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Said chapter is further amended by revising Code Section 43-4-30, relating to the definition of registered interior designer, as follows:

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"43-4-30.

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As used in this article, the term 'registered interior designer' means a person registered under this article as being qualified by education, experience, and examination to use the title 'registered interior designer.' In general, an interior designer performs services including preparation of documents relative to ~~nonload-bearing~~ nonstructural interior construction, furnishings, finishes, fixtures, and equipment."

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SECTION 4.

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Said chapter is further amended by revising Code Section 43-4-33, relating to the form of certificate of registration and seal, as follows:

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"43-4-33.

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(a) The board shall prescribe the form of a certificate of registration as a registered interior designer issued pursuant to the provisions of this article. ~~The certificate shall have placed thereon the seal of the State Board of Architects.~~

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(b) A registered interior designer shall ~~not~~ be authorized to have a ~~separate~~ seal and separate from the seal of ~~the State Board of Architects~~ registered architects. The seal of a registered interior designer shall ~~not~~ be applied to drawings or other documents prepared by or under the responsible control of the registered interior ~~designers~~ designer, provided that the foregoing shall not prohibit any registered architect who has reviewed or supervised the preparation of drawings or other documents prepared by a registered interior designer from applying his or her seal to such drawings or other documents."

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SECTION 5.

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Code Section 50-22-2 of the Official Code of Georgia Annotated, relating to definitions relative to managerial control over acquisition of professional services, is amended by revising subparagraph (A) of paragraph (4) as follows:

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"(A) The practice of architecture, as defined in paragraph ~~(6)~~(11) of Code Section 43-4-1;"

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SECTION 6.

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This Act shall become effective upon its approval by the Governor or by its becoming law without such approval.

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167 **SECTION 7.**
168 All laws and parts of laws in conflict with this Act are repealed.