

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Committee Substitute

for

House Bill 4313

(BY DELEGATES HOWELL, ARVON, BLAIR, R. PHILLIPS,
HILL, HARTMAN, STANSBURY, MCGEEHAN, MOFFATT,
ATKINSON AND MORGAN)

[Originating in the Committee on Government
Organization, January 29, 2016.]

1 A BILL to amend and reenact §30-12-1 and §30-12-11 of the Code of West Virginia, 1931, as
2 amended, all relating the Board of Architects; changing the qualifications for membership
3 on the board; providing for continued service of qualifying board members; providing for
4 the disqualification of certain members who become licensees; and exempting certain
5 non-practicing architects from the prohibition against using certain titles.

Be it enacted by the Legislature of West Virginia:

1 That §30-12-1 and §30-12-11 of the Code of West Virginia, 1931, as amended, be
2 amended and reenacted, all to read as follows:

ARTICLE 12. ARCHITECTS.

§30-12-1. Board of architects.

1 In order to safeguard the life, health, property and public welfare of the people of this state
2 and to protect the people against the unauthorized, unqualified and improper practice of
3 architecture, the West Virginia board of architects, heretofore created, shall continue in existence
4 and shall consist of seven members, ~~five~~ three of whom shall be architects, appointed by the
5 Governor by and with the advice and consent of the Senate, two of whom must be retired, inactive,
6 or emeritus members under the provisions of this article, or an unlicensed member from
7 academia, and may not be licensed to practice under the provisions of this article; and two of
8 whom shall be lay members, not of the same political party affiliation, appointed by the Governor
9 by and with the advice and consent of the Senate: Provided, That if, after a reasonable search,
10 a retired, inactive, or emeritus member, or unlicensed member from academia, is unavailable, the
11 Governor may instead appoint a lay member. Each member who is an architect shall have been
12 engaged in the active practice of his or her profession in the State of West Virginia for not fewer
13 than ten years previous to his or her appointment. Any member who is unlicensed or who holds
14 a retired, inactive, or emeritus license immediately and automatically forfeits his or her
15 membership on the board if he or she obtains an active license that would permit him or her to
16 practice under the provisions of this article, or obtains a similar license from another jurisdiction.

17 The members of the board in office on the date this article takes effect, in the year ~~one thousand~~
18 ~~nine hundred ninety~~ 2016, shall, unless sooner removed, continue to serve until their respective
19 terms expire and until their successors have been appointed and have qualified. Each member
20 shall be appointed for a term of five years.

21 The board shall pay each member the same compensation and expense reimbursement
22 as is paid to members of the Legislature for their interim duties as recommended by the citizens
23 legislative compensation commission and authorized by law for each day or portion thereof
24 engaged in the discharge of official duties.

25 Pursuant to the provisions of chapter twenty-nine-a of this code, the board, in addition to
26 the authority, powers and duties granted to it by this article, has the authority to promulgate rules
27 relating to the regulation of the practice of architecture and may include rules pertaining to the
28 registration of architects. Any disciplinary proceedings held by the board shall be held in
29 accordance with the provisions of the administrative procedures act for contested cases pursuant
30 to the provisions of article five of said chapter.

§30-12-11. Prohibition.

1 Except as hereinafter set forth in section twelve of this article, no person may directly or
2 indirectly engage in the practice of architecture in the state or use the title "architect," "registered
3 architect," "architectural designer," or display or use any words, letters, figures, titles, sign, card,
4 advertisement or other symbol or device indicating that such person is an architect or is practicing
5 architecture, unless he or she is registered under the provisions of this article. No person may aid
6 or abet any person, not registered under the provisions of this chapter, in the practice of
7 architecture: Provided, That any person licensed under the provisions of this article as retired,
8 inactive, or other non-practicing license status is exempt from this prohibition so long as he or she
9 prominently displays his or her status and does not engage in the practice of architecture:
10 Provided, however, That any person who does not have an active license and who has had his
11 or her license revoked or its status changed to inactive as a result of disciplinary action may not
12 benefit from the exemption.

NOTE: The purpose of this bill is to add citizen and nonpracticing members to the board; to provide for their removal upon obtaining an active license; and to exempt individuals with an inactive, retired, or emeritus license from the prohibition against using the title.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.