

HOUSE BILL NO. 1469

Introduced by

Representatives Kasper, Carlson, Ruby, Sukut

Senators Nodland, Schneider

1 A BILL for an Act to amend and reenact sections 43-03-02, 43-03-09, and 43-03-15 of the North
2 Dakota Century Code, relating to regulation of architects.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 43-03-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **43-03-02. Persons exempt from regulations.**

- 7 1. The architect registration provisions of this chapter do not apply to:
- 8 a. A person supervising the erection, enlargement, or alteration of a building; or
- 9 b. A person preparing plans and specifications or designing, planning, or
- 10 administering the construction contracts for the construction, alteration,
- 11 remodeling, or repair of:
- 12 (1) A private residence;
- 13 (2) A building that under applicable building code ~~is not designed for occupancy~~
14 ~~by ten or more individuals~~, does not exceed two stories in height exclusive
15 of a one-story basement, and is:
- 16 (a) A garage;
- 17 (b) A ~~commercial or industrial~~ building not considered to have a primary
18 building code occupancy classification of assembly group A-1,
19 educational group E, high-hazard group H, or institutional group I;
- 20 (c) ~~An office~~ A building considered to have a primary building code
21 occupancy classification of assembly groups A-2, A-3, A-4, or A-5;
22 business group B; factory industrial group F; mercantile group M; or
23 residential group R;
- 24 (d) A preengineered metal building;

- 1 (e) A building for the marketing, storage, or processing of farm products;
2 or
3 (f) A warehouse; ~~or~~
4 ~~(g)(3)~~ Rental apartment units that do not exceed three stories in height exclusive
5 of a one-story basement;
6 ~~(3)(4)~~ A farm building; or
7 ~~(4)(5)~~ A nonstructural alteration of any nature to any building if the alteration does
8 not affect the safety of the occupants of the building building remodeling or
9 an addition or both, which does not change its use to a primary building
10 code occupancy classification of assembly group A-1, educational group E,
11 high-hazard group H, or institutional group I.
- 12 2. The landscape architect registration provisions of this chapter do not apply to:
13 a. An architect, a professional engineer, or a land surveyor in the course of
14 providing professional services for which otherwise licensed or registered;
15 b. A nursery worker, gardener, landscape designer, or landscape contractor in the
16 course of preparing planting plans or installing plant material, to the extent these
17 activities do not impact the public health, safety, or welfare;
18 c. An individual in the course of planning or otherwise caring for that individual's
19 property; or
20 d. An irrigation designer, contractor, or service provider in the course of preparing
21 irrigation plans or installing, repairing, or maintaining irrigation systems.
- 22 3. This chapter does not:
23 a. Apply to an officer or employee of the United States government while engaged
24 in governmental work in this state;
25 b. Curtail or extend the right of any other profession regulated in this state;
26 c. Prevent the independent employment of a registered professional engineer for
27 any professional service related solely to civil, structural, mechanical, or electrical
28 engineering in connection with any building or building project; or
29 d. Supersede, override, or amend the provisions of chapter 43-19.1 regarding
30 registration of professional engineers and land surveyors or chapter 43-07
31 regarding registration of contractors.

1 **SECTION 2. AMENDMENT.** Section 43-03-09 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **43-03-09. Prohibited acts - Injunction.**

- 4 1. A person may not practice architecture in this state unless registered as an architect
5 under this chapter or otherwise authorized by the board. A person may not practice
6 landscape architecture in this state unless registered as a landscape architect under
7 this chapter or otherwise authorized by the board.
- 8 2. A person may not fraudulently obtain or furnish a certificate of registration to practice
9 architecture or landscape architecture.
- 10 3. A person that is not ~~licensed~~registered under this chapter may not:
- 11 a. Advertise, represent, or in any manner hold that person out as an architect or
12 landscape architect;
- 13 b. In connection with the person's business or name, or otherwise, assume, use, or
14 advertise any term, title, or description or engage in any other conduct that
15 reasonably might be expected to mislead another to believe the person is an
16 architect or landscape architect; or
- 17 c. Except as a copartnership of architects, ~~engage in the practice~~solicitation of
18 ~~architecture or landscape architecture~~ holds itself out to the public services as an
19 ~~architectural~~individual or corporation.
- 20 4. Through the attorney general, the board may seek to enjoin a person from committing
21 an act in violation of this chapter. The board is not required to prove irreparable injury
22 to enjoin a violation of this chapter.

23 **SECTION 3. AMENDMENT.** Section 43-03-15 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **43-03-15. When examination not necessary.**

26 The board may admit a nonresident applicant seeking to register to practice architecture or
27 landscape architecture in North Dakota without requiring the applicant to pass an examination if
28 the applicant is licensed or registered to practice architecture or landscape architecture under
29 the laws of any other state that has requirements substantially equal to those provided for under
30 this chapter. An applicant under this section shall pay the fees provided for under section
31 43-03-18.