

Sixty-second  
Legislative Assembly  
of North Dakota

**ENGROSSED 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; and to declare an emergency.

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 services as ~~aan~~ an individual or corporation.
- 19      4. Through the attorney general, the board may seek to enjoin a person from committing  
20      an act in violation of this chapter. The board is not required to prove irreparable injury  
21      to enjoin a violation of this chapter.

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

24       **43-03-15. When examination not necessary.**

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

31       **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.